

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON ESTIMATES

(Reference: Appropriation Bill 2004-2005)

Members:

**MR B STEFANIAK (The Chair)
MS K MacDONALD (The Deputy Chair)
MS R DUNDAS
MRS V DUNNE
MR J HARGREAVES**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 2 JUNE 2004

**Secretary to the committee:
Ms S Leyne (Ph: 6205 0490)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

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The committee met at 9.19 am.

Appearances

Mr Bill Wood MLA, Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, Minister for Arts and Heritage

Police and emergency services portfolio

Mr John Davies, Chief Police Officer, ACT Policing, Department of Justice and Community Safety

Dr Tony Murney, Director Corporate Services, ACT Policing, Department of Justice and Community Safety

Ms Phillippa Mitton, Coordinator Financial Services, ACT Policing, Department of Justice and Community Safety

Mr Peter Dunn, Commissioner, Emergency Services Bureau

Mr David Prince, A/g Fire Commissioner, Emergency Services Bureau

Mr Ken Paulsen, Director, Emergency Services Bureau

Mr Tony Graham, Manager Bushfire and Emergency Services, Emergency Services Bureau

Mr Greg Williams, Director corporate Administration, Emergency Services Bureau

Ms Elizabeth Kelly, Acting Chief Executive, Department of Justice and Community Safety

THE CHAIR Welcome, Minister and officials. This applies to everyone here this morning: you should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth because giving false or misleading evidence will be treated by the Assembly as a serious matter. Do you all understand that? Please identify when you are taking a question on notice because it is then your responsibility to check the transcript and respond to the question. Responses to questions taken on notice are required within three full working days. A transcript will be emailed to the minister and the departmental contact officer for distribution to witnesses as soon as it is available. For our members: if you want a question taken on notice, give the page reference.

Our proceedings are broadcast to specified government offices and the media may be recording proceedings and taking visual footage. Are there any areas—areas being the Emergency Services Authority, Emergency Management and the Australian Federal Police—where members do not need officials? That not being the case, everyone stays. Once we finish Emergency Services, I propose to excuse the officials. Do you wish to make an opening statement, Minister?

Mr Wood: I do, Mr Chair. Thank you. I indicate, I hope with your approval, that I have advised the AFP that probably 10 o'clock would be a reasonable time to be here.

THE CHAIR: I think that is fair enough.

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Mr Wood: I have just a very short comment to make. As you would all know, it has been an extraordinarily busy time for the Emergency Services Bureau—soon to be the Emergency Services Authority, I trust. There has been a vast amount of activity. Commissioner Dunn has been extremely active in working with all sections of ESB—I will still use that term, I think—as we build a new structure. The new bill is before the house. I will still be looking to meet a timetable of completing that this month. If there are any questions about the bill—perhaps not today—we would certainly be interested in taking them on board as soon as possible. There is a very significant restructure to bring into the authority. That has been backed up very substantially by a much increased budget—a budget now 26 per cent over and above previous funding—and, on top of that, we can add on significant funding in appropriation bills Nos 2 and 3 that have come through the Assembly in more recent times.

You may be aware that advertisements have been placed in the media for all the senior positions. Commissioner Dunn will take those through in the normal process. As I say, the funding in this budget will allow a much greater ability to respond to emergencies. I am sure you will be interested in all that.

Commissioner Dunn might have something to say—I will ask him to do two things in a moment—about the changed arrangements in the budget process. This committee traditionally looks at performance criteria and at funding from one year to the next. There has been a very complete review of how that is done. Commissioner Dunn might say something about that—at the beginning, if you would agree, Mr Chair. I think it will put into context the answers to the questions we will give today. There is also a significant statement to make about radio communications. There are some very big steps to be taken in that regard. We are moving ahead now fairly well. I will ask Commissioner Dunn if he will agree to respond to both those points.

Mr Dunn: Thanks, Minister. Mr Chairman and committee members: with regard to the budget, you would appreciate that the Emergency Services Authority that we are creating is, in very many respects, entirely different from the ESB. To that end, the approach we took to the formulation of our budget and our budget bids was to zero base the entire organisation. In doing so, that does, I recognise, create a problem for this committee in that it is very difficult to reference back. You will see from the budget papers that there are a series of zeros in a number of tables where we have come out of the JACS budget and into our own right. It was necessary to do that in order to get a very clear picture of exactly where the money should be spent on the organisation in order to achieve the aim of increasing the operational effectiveness of the organisation. So there has been a significant redirection, but I hope that that redirection is indeed evident in the papers as they stand now. What is not evident are the changes, if you like, from year to year because of the fundamentally different basis that we have used to formulate this budget.

In addition to that, we have commenced a process of introducing a capability based budget. This is a process that I am sure some members will be familiar with, but, in case they are not, it is a budgeting process whereby we start with the operational capabilities that we are required to deliver, and work backwards to determine just what resources are needed to deliver those capabilities. That process is almost complete; in fact, I would be prepared to say that it is complete rather than some of the little tweaks, if that is all that is needed, in the case of the fire brigade. That information has formed the basis upon which

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we have been able to input to the zero based budget. We are about to do the same with the ambulance service and then we will progressively move through the organisation, so that the entire budget this time next year will be on a capability based basis. That process is well documented. Should any members wish to be taken through that, I will certainly offer to do so.

The second point that the minister asked me to advise on is in relation to the radio project. Back in August 2003—in fact, on 19 August 2003—the Chief Minister tabled a government response to the McLeod report. He stated that the 2003-04 budget also included funding for a feasibility study for a major upgrade of radio communications infrastructure. It is estimated that the cost of this project will run into tens of millions of dollars. I know that there has been great interest by members of this committee in this particular project. I am pleased to say that the feasibility study has been completed. The conclusion of that study was that a trunked digital system is required and that the system should be secure. A project team was established on 1 March this year and set to work to deliver the network before the next fire season. We expect that to start on 1 September 2004 and not in 2006 as was originally planned. It struck us as being far too slow to suffer the well documented problems and questions that have been asked on notice in this committee before and far too long to wait to 2006 for that system. We saw no reason why we should not investigate options to introduce that system earlier.

A source evaluation process has been conducted and two suppliers to existing networks, with a track record of major telecommunication network development, have been identified. The suppliers are Telstra and Motorola. In that consideration, one of the prime issues was interoperability with our colleagues in New South Wales and other states and territories should they, as they were during 2003, be requested to provide assistance into the ACT. A secondary consideration was the ability for ACT emergency service organisations to operate interoperably with New South Wales, Victoria and other states should we move out of our area of operations and into their state jurisdictions, which does happen quite routinely. However, the prime consideration was to have interoperability inside the ACT if other elements enter. The option that was selected was to leverage the New South Wales government radio network in an enhanced way to deliver an operational network that is completely interoperable with all New South Wales emergency services. If this option is selected, as we are in the process of negotiating at the moment, it will allow us to introduce the system by the next fire season.

A \$70,000 site survey contract to perform the initial survey work will be signed shortly. This will allow Telstra to gather enough engineering data to then commence negotiations on a prime contract with us to supply the core infrastructure for this new system by 1 September 2004. Obviously this can be done quickly because we are talking about an infrastructure that already surrounds us and we are adding to an existing infrastructure. The capability will deliver saturated coverage—that is, 100 per cent radio coverage—over the urban region of the ACT and mobile transmitter coverage over 60 to 70 per cent of most of the rural regions in the ACT. This coverage will include the entire urban rural interface region and will also push out into New South Wales in some areas.

Motorola have been selected to supply the terminal equipment, training and technical support for this project. The details of that agreement are under negotiation at the moment. As a result, Motorola have indicated that they would increase the permanent

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staffing that they have here in the ACT in order to support this contract should we have a successful negotiation. Thank you.

THE CHAIR: Thanks. Minister, you refer on page 323—

MRS DUNNE: Sorry. Can I just ask—

THE CHAIR: No. I will ask the first question.

MRS DUNNE: I just want to follow up on the radio system. Mr Dunn has talked about the radio system. Can I follow up on the radio system?

THE CHAIR: Just the radio?

MRS DUNNE: Yes.

THE CHAIR: We are dealing with pages 323 through to 329. Just the radio?

MRS DUNNE: Yes. Thanks, Mr Chairman. Mr Dunn, as a non-technical person, could you give me a bit of an elaboration on what sort of technology it is—is it radio based or copper wire based, et cetera?

MR HARGREAVES: Two jam tins and a piece of string!

MRS DUNNE: No. That is what we had before.

Mr Dunn: Mr Chairman, the system is based on a series of towers that will be established within the ACT and also probably within New South Wales. It is the currently operating system using VHF and UHF communications and operates with a network operation centre in Sydney. Initially, we will use that network operation centre in Sydney in the first year. We will have the ability to designate and program our radios to suit our own requirements in relation to talk groups. If we have a particular operation, as we had recently down in Namadgi, we can assign appropriate frequencies to that group. We can manage that entirely ourselves. In the second year of the project we will establish a network operation centre here in Canberra, so we will be entirely standalone with that particular project and our communications. The second network operation centre will also provide redundancy for New South Wales. They ran out of money in their project and were not able to build a redundant network operation centre. We will provide that redundancy and, therefore, we are able to leverage quite strongly in our negotiations with New South Wales.

The system in use in New South Wales is being moved towards what is known as APCO 25. That is a standard used worldwide now for emergency service communications. The New South Wales system is not there yet, but it has a program in place to move forward to APCO 25. That is documented and is happening. We have verified that. The radios we buy will be APCO 25 compliant. We will actually, shall I say, de-tune them and code the software to allow them to be fully interoperable. So, as New South Wales advances its technology over the next expected two to three years, we will not have to change anything. Our infrastructure will be in place to allow that to operate. We will simply work the software as they progressively move up to APCO 25

compliance.

It will be a very sophisticated network. We are bringing in very large trunking systems. Issues that have been exposed in the past with the New South Wales GRN have particularly related to capacity. We will be addressing that right from the outset. The capacity here in the ACT region will be very high. I cannot give you the technical number at the moment, but the basis from which we are operating is that we can conduct multiagency operations in a number of areas concurrently and not saturate the network. Any network has a saturation level and you have to manage that, but we will have that capacity.

MRS DUNNE: What is GRN?

Mr Dunn: Government radio network. Telstra is the provider of the New South Wales government radio network; therefore, that is whom we are negotiating with to make sure that we get a sensible deal for us.

MRS DUNNE: You have this symbiotic relationship with New South Wales, so that when we have a controller in here, if theirs goes down they can use ours and vice versa?

Mr Dunn: That is correct.

MRS DUNNE: What happens if we have another situation like in 2003 if the towers go down?

Mr Dunn: The redundancy built into this system caters for that in the first instance. Secondly, we will have a capacity to airlift, by helicopter, repeater boxes into any one of a number of sites that we will predetermine. I have not brought them with me, but we already have the network coverage diagrams to indicate where we do need to get coverage from the towers and where we would put repeater boxes should a fire or an event occur in an area that is not actually covered. We believe that it will be quite easy to achieve in excess of 90 per cent coverage of the ACT with that process. So you have got your fixed towers and then you actually insert repeater boxes, which are unattended, switch them on and run the system from there.

MS DUNDAS: Can we get a map of where the towers are planned to go? Is that information in any way public?

Mr Dunn: It is not available at the moment. That is what the contract being signed very shortly with Telstra is about: to actually do the site survey to determine where they should go. Then, of course, there will be due process that we will need to go through to obtain the necessary approvals if we have to establish new towers there. We have already started consultation with groups that may be asked to allow us to establish towers. I think the key point here is that, if there is an issue with establishing a tower because of a particularly sensitive site where we would like to put a tower, but it has been decided that it should go there, we have the option of putting these small repeater boxes, which are about a tea-chest in size, a packing carton size, in situ to operate for the duration of the emergency and then withdraw them. That is the way we would overcome any particular issue in relation to a permanent tower.

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THE CHAIR: Thanks. Is there anything more on the radios?

MS DUNDAS: I think we might come back to that.

THE CHAIR: Okay. There is a fair bit probably on that and related issues.

MR PRATT: We will come back to it, Chair?

THE CHAIR: Yes, Mr Pratt. Minister, I note the reference on page 323 to the Emergencies Act 2004:

The Emergency Services Authority will be established on 1 July 2004 by the Emergencies Act 2004.

You, quite correctly, today referred to it as a bill. I take it that what you referred to is that particular act described on that page?

Mr Wood: Indeed it is. An optimistic statement, Mr Chair.

THE CHAIR: Yes. The legislation has not been passed, has it?

Mr Wood: No.

THE CHAIR: Why is it referred to as an act there? It just seems a bit presumptuous and somewhat inappropriate.

Mr Wood: I think it is a small point, Mr Chair. Do you want me to put in an amendment: "the Emergency Services Authority is expected to be established"? Would you like that in there?

THE CHAIR: You referred to it as a bill. I just wanted to make sure that we were not missing something there.

Mr Wood: I would never dare anticipate the Legislative Assembly, Mr Chair.

THE CHAIR: Very sensible, Mr Wood. Thank you for that. Any further questions, members?

Mr Wood: Mr Dunn has a point on that, too.

Mr Dunn: If I may add: depending on the outcome of the debate in the Assembly, it may or may not be an act, but on 1 July the authority will be established by notice and the draft provides for that. So the authority will be established and we will possibly have to work with its antiquated legislation, dating back to 1936, which would be a very disappointing outcome, given that it is impossible to translate the 1936, albeit amended, Bushfire Act particularly, and aspects of the Fire Brigade Act, into modern practice.

MS DUNDAS: The new Emergency Services Authority will underpin emergency services in the territory into the future. It is in stark contrast to what McLeod recommended should happen to the emergency services in the territory. Minister, do you

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now regret that the government accepted all of McLeod's recommendations point blank, without taking the time to consider them?

Mr Wood: No.

MS DUNDAS: Even though you are now not implementing all of the recommendations that McLeod put in?

Mr Wood: This is one point.

MS DUNDAS: It is quite a major point.

Mr Wood: At the time Mr Stanhope said that we were accepting those, if my memory is correct, he indicated that we were moving rapidly there to keep the process going. He made that comment in the expectation that, while we are moving ahead, there is some further discussion down the track.

MS DUNDAS: Are there any other recommendations of McLeod that were initially accepted by the government that are no longer being followed through or are being amended?

Mr Wood: Not that immediately come to mind. There might be something there, but I am not instantly aware of it.

MS DUNDAS: Moving away specifically from that recommendation, as the government has done, seems to undermine what the government initially said in response to McLeod and where the government was going with McLeod.

Mr Wood: Undermine? I might say enhance. You picked a verb there, but I would use a different one.

Mr Dunn: The area I assume you are referring to is the retention of the four services as opposed to creating the operational management group, which was suggested by Mr McLeod. In our examination of the report, two things emerged in particular. The first one was that Mr McLeod expressed a desire but did not think that we would be able to create a single piece of legislation. The text of the report covers that on, I think, page 224 of the report.

With a lot of cooperation of all involved, we have created that single act. In that respect, the Emergency Services Authority has moved well in advance, well further past the area that Mr McLeod thought we would be able to do. So we are ahead of McLeod there, if I can use that expression. In relation to the four services, the issue that Mr McLeod was addressing was the seeming unpreparedness of the four services, or then three services, to work together in an operational scenario. He sought to create the operational management group in order to address that particular problem. You will recall that that group contained the bushfire service and the emergency service, both urban and rural, but did not include ambulance.

In the discussions that I had with Mr McLeod, one thing I pointed out was that it was not possible for me to imagine a scenario in an emergency situation that had the ambulance

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set aside and not part of the operational response. In fact, it is worth noting that, at this point, some nine bravery awards have been awarded to ambulance officers for the incredibly brave actions that they undertook during the fire. They performed brilliantly. The challenge for me was to make sure that not two groups but all of the services worked together.

The way in which we have chosen to now bring ambulance in as well is to strengthen the traditions and cultures of each of the services. Fundamental to people performing to their very best in an emergency situation is that they must fall back on traditions of culture and ethos—“This is the way we do things here”; that nature of thing—to fall back on that and to strengthen that, but then in the bill to legislate for all four services to operate together. That is very clear. The bill establishes joint operations. It establishes a new method of joint planning for protection of the built up area from attack by bushfire and, indeed, goes further to establish joint planning for all operations. In other words, the outcome that Mr McLeod was seeking is obtained but it is done in a different way—bringing in the ambulance but also getting the added benefit of strengthening the traditions and cultures of the independent services.

MS DUNDAS: Thank you. I would like to make it clear that I think the work that you have done is to be commended. My problem is how the government initially responded to McLeod and picked it up without necessarily working through the recommendations.

Mr Wood: If we had not moved rapidly we would have been criticised for not moving rapidly.

MS DUNDAS: There is a difference between accepting recommendations before you have seen them and moving rapidly.

Mr Wood: We focus on a good outcome.

Mr Dunn: When we started this process we assumed that we were going to integrate the services. That was the starting position. In the consultation process that flowed, given that Mr McLeod did his report very quickly as well—and I have already mentioned that I spoke to Mr McLeod about this issue—we drilled down to what was the outcome that was trying to be achieved. There is not a recommendation in McLeod that says we should go forth and integrate all of the services. It says they should operate closer together.

There is a diagram that did create a lot of angst, but it is not further articulated in the recommendations in detail. So we had to drill down to see what the outcome was that Mr McLeod was trying to achieve. From my perspective, and certainly I have been very clear on this, the outcome is what we are achieving. How we get there can be varied; indeed, in consultation it was very clear to me that we did need to vary that diagram, so to speak. The outcome has not changed.

MS DUNDAS: Because time was taken to consider the McLeod report, it was seen that different things were wanted by people on the ground.

Mr Dunn: The outcome that was put was the same; everyone wanted to achieve the same outcome. It is the path that we have taken to actually get there. I use the term “gone

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past McLeod” in this. We have advanced past it because we are developing, I think, a much more robust organisation, because in an emergency you do fall back on traditions, culture and ethos. That is fundamental to the way we ask people to step that extra mile. That is what we have been able to achieve. I take your point that it is not the same diagram that is in the document, but the outcome is, you could say, the same; I am saying it is even better.

MR HARGREAVES: You talked earlier on about a capability based budgeting system. I assume that is because you are going to be outcome focused instead of output focused. Am I correct in saying that the change to capability based budgeting has not yet been completed; you still have elements of the agency to develop that for? I would be interested if you could give the committee some examples of how you see capability based budgeting working. Perhaps you could provide us with a list of the capabilities you see as being budget headings, if you like?

Mr Dunn: Certainly, by way of example, if we take the recently approved increase in the chemical, biological and radiological response capacity of the fire brigade, when the fire brigade was doing its initial work to understand exactly what was required within the ACT, the data that was produced there clearly showed that there were an inadequate number of trained CBR firefighters within the ACT. So we had a deficiency; we had a capability that was required. Also, bear in mind that the Commonwealth had started to provide equipment through what is known as the CBR cache into the ACT. So it was possible to look at that equipment, to look at what the requirements were. Judgments are made in this process. It is not so clinical that you only work in a judgment free environment. Judgments were then made as to what would be required to produce a reasonable capability within the ACT; that is, in the number of shifts—whether we needed to provide three shifts of CBR trained personnel, whether we had enough people to train, for example, the AFP and department of health personnel, because we have a responsibility to conduct CBR training. So you start to build up a series of requirements that require resources. It is stepping back from that.

That is a very clear example of where we can step back from being able to provide a 24-hour CBR capability, plus the training requirements for other departments, and determine exactly what resource is needed. And we can do that in every case. That is an example of the process at work. I am very happy to show you the work that has been undertaken. It is not complete yet, as I have said. The headings that you seek will not appear until such time as we have applied this process to all of the agencies within the Emergency Services Authority.

MR HARGREAVES: Thanks very much for that. I guess I am struggling to visualise the sort of budgetary framework, the template, that one would apply to build it up from the bottom. What I am missing, I suppose, are the types of capabilities that you would be applying it to. I would have thought—and maybe this has not happened in the past—that that would have been done anyway and then that information translated into whatever budget template Treasury lay down, which usually is as useful as an ashtray on a motorcycle. Can I just explore with you a few more examples. What I am trying to do is say, “If I were to sit down and do your budget for you, what would be the list of capabilities that I would have to address?” I do not seek a comprehensive list from you because I understand that you have a number of elements of the agency that have not done it yet. As part of the process of giving the kiss of life to the agency, they are going

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to have to go right back down to the very base anyway. I appreciate that.

Estimates committees have over the past few years been particularly critical of the way in which the things have been built up and then presented. I suspect there are two reasons for that. The first reason is that we have professional bureaucrats—and I used to be one myself—who dedicate their lives to putting things in such a form as to confuse the average citizen and, in doing so, confused the average politician—very successfully, I might say. In fact, you have working in your office Mr Greg Williams, who I notice is in the gallery, who contributed to my training in that area.

MRS DUNNE: Is there a question?

THE CHAIR: That is very nice, but what is the question, mate?

MR HARGREAVES: The second reason is that we have, as estimates committees, criticised the way in which budgets are made. If this is a fresh approach in terms of going from the bottom up, I would like to see some sort of an example, if you will. Pick a service and say, “These are a range of capabilities that we will construct our budget on and aggregate it to something at the top” so that we can see how it would apply. I think the thing that we are missing in the uniqueness of emergency services is: what are the capabilities that we are trying to get a handle on? So when you come looking for a bucket of money, we would like to know what those capabilities are.

MRS DUNNE: And the question is?

MR HARGREAVES: You were out of the room, Mrs Dunne. I am sorry about that. That will teach you to leave the room.

THE CHAIR: Commissioner, you seem keen to answer anyway.

Mr Dunn: The question is straightforward: what are the capabilities that we are going to budget against? Examples are, and I have already given one on CBR, vertical rescue, structural fires—and so it goes—and training, of course, within the organisation. I am very happy to provide a list of those, as I have already agreed to do so. The point that I would make is that this does differ from the traditional bottom up approach. It is not just a bottom up approach. It is an approach that says: what are the outcomes we are trying to achieve? You then keep peeling that back to determine what resources you need in order to achieve that outcome.

Traditionally, a lot of organisations—I am sure it does not happen in the ACT very often; I am sure it has never happened in ESB before—look at what they have already got and try to increase it, without necessarily a view to deciding what operational capabilities are more important than the other. That is what capability budgeting drives us to do. As I said, I will provide that list of indicative headings. It will eventually become a list right across the organisation.

MR HARGREAVES: Terrific.

MR PRATT: Minister, isn't it true that the ideas put forward by your officers in this room on the briefings that I have seen and the draft legislation that is soon to come

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down, we hope, are significantly different from a lot of the recommendations and findings coming out of McLeod?

Mr Wood: We have had that debate. Are they significantly different? Mr Dunn has explained that the outcomes are comparable to what is desired. We can retrace that ground, if you wish.

MR PRATT: Isn't it a fact that we have now got to the point where we have a pretty workable piece of legislation—17 months after January 2003? Would you not agree that the McLeod report really was an impediment in the sense that it did not bring out all the recommendations and make the findings that other investigations are making in getting to grips with rectifying the weaknesses in the system coming out of January 2003?

Mr Wood: Absolutely not. I think McLeod was a necessary response. I think the results of all his recommendations and what has happened in that period are very necessary and a very effective response.

MS DUNDAS: The Chief Minister initially tabled an interim report on how the implementation of McLeod was progressing.

Mr Wood: Yes.

MS DUNDAS: Is there an updated version of that report that we could see?

Ms Dunn: Yes, there is. We can certainly provide that.

MS DUNDAS: Obviously on notice. I do not want you to read it out today.

Mr Dunn: Yes. It is a number of pages. We have a very recently updated one.

MS DUNDAS: Much appreciated. I have other questions.

MRS DUNNE: I have some general questions that go back to the radio system. Do we want to talk about the radio system?

THE CHAIR: Do you have anything more specific, Mr Pratt?

MR PRATT: On page 323?

THE CHAIR: Yes, Mr Pratt.

MR PRATT: Yes, please.

MS DUNDAS: I think Mrs Dunne and I both want to have a conversation about radios.

THE CHAIR: Okay. Mr Pratt, you can ask your question and then Mrs Dunne and Ms Dundas will talk about radios some more. I think that is obviously crucially important. Other members might like to come in on that. Mr Pratt, if you would ask your question and then we will go back to radios. No doubt you would have questions on that too?

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MR PRATT: Yes, I do. I thought we might be dealing with that on 1.1. Anyway, it doesn't matter.

MS DUNDAS: What about my question?

THE CHAIR: Sorry, Ms Dundas—

MR PRATT: Anyway, shall I?

THE CHAIR: Ask your question. Then we will go on to radios.

MS DUNDAS: Ask your question and then we will move forward.

MR PRATT: Thanks, Ms Dundas. You are a humanitarian. Minister, in terms of the strategic management of emergency situations in the future, will the existing system, whereby the chief police officer is the emergency territory controller by default, continue to be policy? I ask the question because I understand you are considering changing the status of that position.

Mr Wood: The new bill spells that out. The emergency manager will be a person nominated who is best suited for that task. It could be a health person if it is a real health crisis.

MR PRATT: Yes, but in the first instance, who will be, by default, the territory controller until you Minister, or your departments determine exactly where that hat should be transferred to, given whatever that emergency may be?

Mr Wood: It would be managed under existing arrangements; whichever agency—health, ESA or police—is managing an incident.

Mr Dunn: There is no default position. If a state of emergency has to be declared, coupled with that—indeed, it will on the same piece of paper—there is the appointment of the territory controller. The implication of the bill before the Assembly at the moment is that a number of people, me included, will have to familiarise themselves with what those responsibilities are. This will have to be rehearsed, which I think is a very good thing.

MR PRATT: Thanks.

THE CHAIR: We will now move to radios.

MS DUNDAS: Minister, in your opening statement you said that it is a bit difficult to look over how things are going from what was there before to where they are going now with the old emergency management unit that sat in JACS. In the last few budgets there was money allocated for computer aided despatch and the upgraded ESB communication systems. What happened to that money? The budget had \$312,000 for the upgrade of the ESB communication system for 2003-04, \$8 million for 2004-05 and \$11 million for 2005-06. Computer aided despatch was \$2.1 million for 2003-04.

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Mr Dunn: The large figures there that you read out are for the radio project—that is, the project to which I referred to in my opening statement. That is the project now that we—

MS DUNDAS: It has actually been stepped up, so the \$11 million will be spent?

Mr Dunn: Yes. The one that racks up \$8 million and then \$11 million. It is spread over the three years. It starts off at \$300,000 in this financial year. That is the radio project to which I referred.

MRS DUNNE: Sorry, in this current financial year?

Mr Dunn: In the current financial year for radio project, if my memory serves me correctly, there is some \$300,000. That is what you just read out. That is the money that we have used to undertake the feasibility study. We are commencing on the \$70,000 site survey with Telstra. That is the project that is going to bring forward an enhanced New South Wales government radio network system into the ACT. In regard to the computer aided despatch system, it is \$2.1 million in 2003-04 for that project. That system goes live on the 28th of this month. It is a world leading system. I say “world leading” because the software that drives it is, of course, always improving. We happen to have the latest version. We are the first emergency services organisation to introduce that new version. Only yesterday, we, in the steering group, received what will be our second last report before we go live and the project is proceeding for a go live on 28 June.

MS DUNDAS: Because we are using the most up-to-date software, the latest version, are we able to communicate with older versions of the system?

Mr Dunn: If you are using the same system, yes, you can communicate. The issue for us, though, is organisations using different systems. All of our agencies, of course, within the ESA will operate our system. We have commenced but certainly will not have, operating by 28 June, linkage with the AFP. We will go through a process of determining just whom we can or cannot operate with, and I am talking about external or other jurisdictions now. Nearly all jurisdictions are developing some form of computer aided despatch system. Standards do exist now. Our system complies with all those standards, but there are some systems—for example, the Tasmanian fire service system—which do not comply with the same sort of standard, in that they built their own system in Tasmania. Worldwide standards are the things that will drive us and we comply. There will be some agencies that will not, but over time they will move to that.

MS DUNDAS: Can you communicate with the region?

Mr Dunn: We will not be attempting to communicate with the region as such. Initially the deployment will be in the urban area, then we will push it out to cover our rural fire service and emergency service and ambulance operations further out. We will not be despatching other jurisdictions’ equipment unless it is actually in working with us.

MS DUNDAS: That is my point. If we do get support coming across the border from New South Wales and the surrounding regions that we are then taking operational control of and despatching ourselves, would we be able to do that with the new system?

Mr Dunn: We would not be able to do it immediately, but, as I said, as people move

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towards common standards, then we eventually will. But that is not going to be an obstacle to us employing those particular systems.

MS DUNDAS: You would use normal radio communications for that?

Mr Dunn: Absolutely. We can use voice. My point is that we are going to have to look at it on a case-by-case basis. We are certainly aware of what other agencies around us use. We will be progressing down through that process over the next several years, I imagine, now that we have a worldwide standard and actually see that standard applied. But it will not stop us utilising those assets, because we will have 100 per cent interoperable radio communications, certainly with New South Wales and other agencies.

MS DUNDAS: I have one other quick question, if I may: the 2002-03 budget—I am sorry I did not mention this earlier—also included \$750,000 for the upgrade of the emergency service communication system. Do you remember, Minister, how that money was expended? Is there somebody who could—

Mr Wood: No. It is before my time in this job.

MS DUNDAS: I am just trying to get a clear snapshot of what we have done to our communication systems over the last three years.

Mr Dunn: I have just been advised that that particular amount of money relates to the mobile data terminals for the computer aided despatch system. They are a separate part of the system. They are the terminals that are being fitted into the vehicles now and allow us to not only despatch the vehicles and put the incident information on them but also track the vehicles using GPS.

MS DUNDAS: There seems to have been a long delay between when the initial idea was had for upgrading the computer aided despatch system to when it is going live. The 2002-03 budget talks about getting the fleet upgraded to be able to work with the CRD system. What has taken so long?

Mr Dunn: I do not think it has taken very long at all. The bulk of the money is for this financial year, and that is exactly what we are running. It would always be nice if we went live at the start of the year, but this is a very complex system to put into place. It requires a lot of testing so that we are assured that it works. Whilst I would agree that we would all like it there earlier, these things do take time.

MS DUNDAS: So there were not any problems with the tender process in finding people who are capable of delivering the CRD?

Mr Dunn: No. We are working with Fujitsu and the manufacturers of the software. We have project managers engaged to do that job. It just reflects the complexity of the system, in the first instance, and, secondly, the need to make sure that it is implemented correctly in the emergency services environment. We do not want to go to a new system and find that there are bugs in the system that do not allow it to operate properly. The testing has been conducted to date and we are confident that everything is on track for a 28 June go live. I have my fingers crossed.

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MRS DUNNE: A 28 June go live, Mr Dunn, is music to my ears. Having worked in this place, I have had a bit of an interest in emergency services for a long time. Computer aided despatch has been on the agenda since 1999, I think. Would it be possible for the committee to have a general exposition of what happened between 1999 and now? On notice, what money has been spent? I have a feeling that a lot of money has been spent and ground that has been gone over several times. I am glad that we are now just about to have a computer aided despatch system, but I think it is a sorry indictment of a range of governments that it has taken us six years to get it.

Mr Dunn: Mr Chairman, I will take that on notice and provide the detail.

MRS DUNNE: Also, the radio system that you described first thing this morning, will that come in on that budget? Roughly \$19 million was allocated in the capital works. It is \$19 million, isn't it?

Mr Dunn: Yes.

MS DUNDAS: It is closer to \$20 million.

MRS DUNNE: Will it come in on that budget or do you need more?

Mr Dunn: Yes. The reason I say that confidently is that one of the other requirements that I have placed on this is to use proven technology. I did not see that the ACT presented itself as an opportunity for testing leading edge technology; rather we wanted leading technology that was tested and proven. It was just too important and I needed it too urgently to go down that path. The money that has been provided does allow us to do that. The schedule risk is reduced. The budget risk is definitely reduced, as you would appreciate, if I am using proven modern technology.

MR PRATT: Minister, the radio system that Mr Dunn briefed us on earlier, where does that outstanding program date back to? How much time has elapsed since the first concerns were raised about the inadequacies of that system?

Mr Wood: I can only go on my time in this job and that dates to just about when the 2003 fires occurred.

MRS DUNNE: Not the 2001 fires?

Mr Wood: It may go back beyond that. In my timeframe, it was an absolute requirement to bring it up to scratch after the 2003 fires.

MR PRATT: In fact, my understanding is that the concerns date back to the 2001 fires?

Mr Wood: Very likely it does.

MR PRATT: As to the introduction of the service of the system, we are not simply talking about operational systems, networks and infrastructures; we are also talking about individual radio kit, aren't we, Mr Dunn?

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Mr Dunn: We certainly are. We are also talking about processes, because, no matter what technology you put in, people have to use it.

MR PRATT: Yes. We can recall the urban fire units back in early 2002 absolutely screaming for changes to be made to the state of that equipment. That is what we saw.

Mr Wood: I understand that they have had an issue over it for quite some time. Certainly when I became minister at the end of December 2002, I think it was, it was drawn to my attention.

MR PRATT: I think it is quite pleasing that the briefing is quite positive about where this is going. I am glad to see that the milestones for introduction services have been bought well forward. Minister, why could we not have expedited this outstanding issue in 2002 to the point where we are now seeing it being trialled, tested and the tendering system commenced.

Mr Wood: I wasn't the minister at that time, Mr Pratt.

MR PRATT: Could you explain, therefore, why your predecessor perhaps could not have exercised the same imagination?

Mr Wood: No. You would have to ask my predecessors.

MRS DUNNE: To which he will say, "I am no longer the Minister. I don't have to answer the question."

MR PRATT: Thanks, Minister.

THE CHAIR: Is there anything further on communications? Members, are there other issues in general?

MR PRATT: Again, on page 323, the ESA overview, did I hear you, Minister and Mr Dunn, say that you are considering declaring the commencement of this coming bushfire season on 1 September?

Mr Wood: 1 September was the—

Mr Dunn: Mr Chairman, 1 October is the normal date. I want the radio system in and running for some time before the season commences, prior to the next bushfire season. The implementation and running of the system will be on 1 September. The expectation is that the season will be declared on 1 October.

MRS DUNNE: I thought 1 November was usually the—

Mr Dunn: However, I would add that, as was shown very recently down in Namadgi, we have extremely dry conditions out in areas that still have fuel loads. Nothing would surprise me at the moment.

MR PRATT: Do we anticipate that as this year warms up the fire index factors will be more dangerous than 2002 and 2003?

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Mr Dunn: I am not going to anticipate that. I will wait and see what happens. As you know, there are a number of factors that impact on the fire danger index, so I will not speculate.

MR PRATT: Minister, will you therefore guarantee that 1 September is now locked in? Is that now policy?

Mr Wood: It is 1 October. I think you have heard Mr Dunn explain the circumstances. I am not sure that you would lock something in. I think you would look at the circumstances at the time.

THE CHAIR: I might ask a couple of questions on fuel loads, but Ms Dundas has some questions.

MS DUNDAS: I wanted to ask about the initiative of the community fire units. They are being expanded in this budget to continue. How many community fire units are operating?

Mr Dunn: We have eight operating at the moment.

THE CHAIR: Where are they?

Mr Dunn: Kambah and somewhere else.

Mr Wood: There have been lists put out at various times, but they are not quite in my mind. I know I have been to Aranda and Uriarra.

Mr Dunn: I have them here. The eight are Hawker, Cook, Aranda, O'Connor, Duffy, Chapman, Kambah and Curtin. The other eight high risk suburbs that we have identified to look at the increase of the CFUs with the additional 20 that have provided for in this budget are Fadden, Calwell—

THE CHAIR: It took a while for that one, but at least you got there.

Mr Dunn: Farrer, Campbell, Deakin, Bruce, Macarthur, Fraser and Hall. That is nine suburbs not eight.

THE CHAIR: So there would be two more to come if you have 20 units?

Mr Dunn: No. They are the areas.

THE CHAIR: Right, and you have 20 units?

Mr Dunn: The number of CFUs depends on our risk assessment of that interface.

MS DUNDAS: Sorry, I missed one. Fadden, Calwell—

Mr Dunn: Fadden, Calwell, Farrer, Campbell, Deakin, Bruce, Macarthur, Fraser and Hall.

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MS DUNDAS: So we currently have eight operating. There are plans over the next financial year to get nine more operating. What is the relationship of the community fire units with both the urban and royal fire services?

Mr Dunn: We are actually producing an additional 20 units. They are the nine suburbs that we would expect to see those additional 20 units appearing. There is more than one in some suburbs. The relationship is that these community fire units are part of the ACT Fire Brigade. Mr Prince is responsible for ensuring that they are trained, equipped and then kept up to speed and prepared for the risks that they might face.

MS DUNDAS: Hall has a rural fire unit. How will that rural fire unit and the community fire unit, which is part of the Urban Fire Brigade, integrate?

Mr Dunn: Thank you for the question. This is exactly why we needed to create this concept of joint operations in the bill that we began discussing earlier. The interaction between those two elements is exactly the thing for which Mr Prince, the Acting Chief Officer of the Urban Fire Brigade, is responsible for developing the detailed plans. So we have a single person responsible for that. That planning activity expands out from the built up area into a buffer zone which will be known as the bushfire abatement zone.

MS DUNDAS: So Mr Prince is responsible for developing those protocols of the relationship between the two units and the community fire unit will have responsibility to the bushfire abatement zone?

Mr Dunn: No. They are only responsible for protecting structures in their neighbourhood. They are not able and would not be allowed to pick up and move from their neighbourhood to another area, for example, unless that was specifically instructed by the chief officer in the brigade, but they are trained specifically for their neighbourhood.

MS DUNDAS: The rural take control of everything coming out into the bushfire abatement zone?

Mr Dunn: Yes. They are certainly responsible for response in rural areas. I do not know if the bill is before the Assembly. So there is no change from what exists now. The fundamental change is in how those interactions are planned. They were not adequately planned in the past. They are now planned and those planning activities are under way at the moment, even before the bill is debated.

MS DUNDAS: Where is the equipment stored for these community fire units?

Mr Dunn: It is either in a lockable cabinet, say at the end of a cul-de-sac, for example, or on a mobile trailer, a normal six-by-four style trailer, that would be held at the house of one of the members of the unit.

MR HARGREAVES: I have a couple of questions about the list of where the units are going to be. I note that Fadden and Macarthur are on the list, but I did not notice anything south of Calwell, for example. I would be interested in the rationale, the choice, for this. You have a choice at some point. The suburb of Gordon is on the western most

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side of the Lanyon Valley. I can tell you from my experience that the people in Gordon were as terrified as the people in Wanniasa. I would like to know how you arrived at the decision to put two CFUs so close together at Fadden and Macarthur and not put one in at Gordon?

THE CHAIR: You can add Macgregor to that list too.

MS DUNDAS: Or Dunlop or Ngunnawal.

MR Wood: Yes, there are a lot more to come.

Mr Dunn: The first thing I will say is that there is a limit to the number of CFUs that we can train and maintain. It is quite possible that in the coming years we might see additional bids. However, the suburbs that you have heard us describe have been selected on the basis of a risk assessment. In a moment I will ask Mr Prince to comment on that, but suffice it to say that there is a huge amount of interest in the creation of CFUs. They only cover a limited area. So when you say that there are two in a particular area, I stress that these units are designed to protect houses in their neighbourhood—and it is their neighbourhood. You could, in an extreme, if I were to take it to a silly level, have every neighbourhood in the rural interface area with a CFU and that might be a perfect solution. That would be incredibly costly and simply unsustainable. However, we do apply a risk assessment, a risk analysis basis, to this. Mr Prince might like to comment on that.

MR HARGREAVES: Just before you do, I would be interested in the perspective. I have seen the CFU in action. It is a fantastic thing. Essentially CFUs are just to protect an edge, a couple of streets, a few houses. One of the big advantages, as I understand it, is the awareness or preparedness of the community around which the CFU is placed. It concerns me that some of the areas such as Macgregor, Dunlop and Gordon, which are on the western edge of the town, are not, I suppose, recipients of an awareness activity like the CFU. I would be interested in the risk analysis and how you arrived at the decision that the suburb of Macarthur was in far more danger than Dunlop.

Mr Wood: But I stress that it is also the case that there is a continuing program. It is building up and, I think, necessarily it has to build up in this way.

MR HARGREAVES: Sure. I am sure my colleagues will be interested in the development of that in those suburbs. Over to Mr Prince.

Mr Prince: Good morning. I am the Acting Fire Commissioner. The risk assessment is based on topography and fuel load. We have a number of people who go to the different sites to have a look at that. We also look at the topography relative to weather conditions and possible weather conditions and, therefore, we go the highest risk suburbs first. We will be going back to additional units proposed for high risk areas in Araba Street, Wybalena Grove, Allchin Circuit, Dryandra Street and Marrakai Street, and that is based on that. Dunlop will be receiving a unit later in the year. They will be unit 24. We have commenced or just completed training again in Aranda, Chapman, Campbell, Bruce and O'Connor. That is up to unit 13 at the moment. Unit 14 will be Hall. It is important to understand that we have to go through that process of assessing that risk. Obviously at the moment the team has determined that Macarthur is a lower risk factor.

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MR HARGREAVES: I would like you to explain to me why it is that the suburb of Gordon is a lower risk factor than Macarthur.

Mr Prince: I would have to take that on notice. I could not do that now.

MR HARGREAVES: Okay. I understand the Macarthur area—the proximity of the pines, the hills around it and all that sort of stuff. But I also know that, in my representations of the place, people have said the fuel load on those hills is not so bad. Given that the last couple of fires have come from the west, I would have thought that the western edge would have been a little more urgent. I would like to get an appreciation as to why that is not so. I have absolute faith in the service in determining that, but I think, like many members of the community, I do not have an understanding of how you arrived at that decision, other than bureau-speak, which says risk—

MRS DUNNE: He said that he would take it on notice, Mr Hargreaves.

MR HARGREAVES: Now, Mrs Dunne, when you become the chair, you can tell me what to do. Until such time, butt out.

MRS DUNNE: Mr Chairman, he said that he would take it on notice.

MR PRATT: We need time, though.

MR HARGREAVES: Well, that is hard luck, Mr Pratt. You prattle on for ages.

THE CHAIR: Just keep going. What is your question?

MR HARGREAVES: I wanted the information in a form that can be communicated to people who talk to me in the pubs and streets.

THE CHAIR: I am sure it will be given in English.

Mr Wood: We will provide that.

MR HARGREAVES: Thank you.

MRS DUNNE: I would like to talk about the issue raised by Ms Dundas. Hall, for instance, has its own rural brigade and now has a community fire unit. Mr Dunn, you said that the community fire units are for people to principally protect structures inside the urban area. This is somewhat of a departure. There has been some evidence before the coroner at the coroner's inquest that once upon a time rural firefighters received training in structural firefighting, but that was discontinued because of, amongst other things, discontent amongst the urban fire brigade unions that there would an impact on the work that they did by creating volunteer brigades within the urban area. Have you encountered any problems with the urban fire unions about the establishment of the urban volunteer brigade, the volunteer units?

Mr Dunn: If you are referring to the community fire units, absolutely not.

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MRS DUNNE: Absolutely not?

Mr Dunn: No. It is an outstanding program that has been done very professionally.

MRS DUNNE: There has been evidence, as well as sort of anecdotal material over a long period, that the rural firefighters lost skills because of demarcation disputes between the urban and rural firefighters. Have we got beyond that?

Mr Dunn: The consultation that has been undertaken in relation to the bill has certainly demonstrated to me in the six months that I been in the position that there has been an exceptionally healthy and very professional relationship established. The parties are very keen to debate the issues. They also realise that, in debating the issue, there is only one outcome to be achieved, and that is protection and preservation of life and property in the environment in the ACT—particularly life. That has come home to me in all of the discussions, that the community has come first. I have not seen the sort of demarcation that you are talking about. I have certainly heard about it. We have certainly discussed the issue of safety in relation to the bushfire service undertaking structural fire work. Indeed, in the new act the title of the bushfire service has changed to rural fire service once again, because, in the lexicon, rural fire service personnel can provide defensive assistance or defensive structural firefighting capabilities.

We do not anticipate and have no intention of, for example, training rural fire service personnel in the use of breathing apparatus to enter buildings that are on fire. They would have to become fully-fledged firefighters to do that. It is not going to happen. But they will be given training in defensive structural fire techniques. In the legislation, responsibility for fighting that is given to the chief officer of the fire brigade. That would occur.

I cannot speak about some of the issues that may have arisen in the past. What I can say, however, is that the concern that was put to me to overcome—and we believe we have overcome it to a large measure, but it will re-occur in the future as the city gets larger—was in having the resources to conduct that training. The welcome news to us in the very welcome 26 per cent increase in our budget is that we are able to conduct that training now as we are able to increase the number of CFUs.

MR PRATT: Minister or commissioner: the number of CFUs which will be up and running and trained, the eight plus what you have now budgeted for—to quote an old phrase, when you throw those goose bumps down the western fringe, Mr Dunn—

Mr Dunn: It is goose eggs actually, Mr Pratt.

MR PRATT: Goose eggs or goose bumps?

Mr Dunn: If you are referring to what I think you are referring to.

MR PRATT: Indeed. Shall we insert goose eggs?

MRS DUNNE: It is boy talk, isn't it?

MR PRATT: In terms of where the CFUs can be deployed now, when you apply the

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scenarios to suburbs with risky western approaches—you will probably need to take this on notice—can you advise, please, what you now assess to be the shortfall of those neighbourhoods within fringe suburbs which are going to need to get a CFU sooner or later?

Mr Dunn: Two things: firstly, for a moment there I thought you had me in Senate estimates, and I would not want to be there today in Defence—it gives me goose bumps.

MR PRATT: Don't get goose bumps.

Mr Dunn: Secondly, we will take that on notice. However, I would have to say that in my previous answer I said you could take this to the extreme of having every neighbourhood with a CFU. There will be a judgment, that of course can be contested, as to how much is enough. But we will certainly provide you, I think in the same answer, with our risk assessment of the western edge.

Mr Wood: It is, after all, the bush capital.

MR PRATT: Of course, there cannot be seven per suburb, but, with the 20-odd that we have, there may be a couple of other areas which you may need to plug.

Mr Wood: Bear in mind, too—just speaking from my memory, which is always a danger—that Black Mountain has tended to be the most regular of fire occurrences within the city. The existence of Canberra Nature Park, in all its various places, has the bush right in the middle of town, as we so proudly boast.

MRS DUNNE: On the CFUs—perhaps Mr Prince could take this on notice—you said that you foreshadowed other CFUs for Wybalena Grove, which I applaud because it is an area of particular concern to me. Can you give us an indication, on notice, when this will come into operation and when they will receive their initial training?

Mr Prince: Certainly.

THE CHAIR: We will come back at quarter to 11. I would like you to finish this by about 11, because we have police after that. We will move on to the output classes.

Meeting adjourned from 10.31 to 10.47 am.

THE CHAIR: Turning now to 1.1, “Activities conducted to reduce hazards”, you have a target of 8,200 there. Does that mean activities, Minister? My first question is: what does that 8,200 refer to? As for my second question, in discussions before the morning tea adjournment mention was made that a lot of fuel reduction is still needed in parts of the ACT that didn't burn in January 2003. My question is in relation to activities conducted to reduce hazards. I would hope that some of that 8,200, whatever it is—which you're going to explain, Commissioner—will be geared towards reducing fuel hazards that exist in the ACT.

Mr Wood: When we were doing the hazard reduction last season, I discovered just how much hazard there is out there. We did an enormous amount. I was very impressed with what happened just before the big fire. I did a tour around the fringe of the city and

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looked at all the burning that had been done. I thought, "This is brilliant!" But it didn't work. We didn't anticipate the ferocity of the fire.

THE CHAIR: What does the 8,200 refer to—the number of jobs, or what?

Mr Dunn: I can't give you the dollar by dollar breakdown, but the \$8,200 is directed towards mitigation of risk, fuel reduction and other sorts of hazards as well. If you like, I'll take it on notice and give you the breakdown of it.

THE CHAIR: If you could. I will be interested to see what program you've got worked out. You mentioned earlier that there is still a lot of pent up fuel in parts of the ACT and that, if we don't get rain, there is going to be a real problem. Where are the main areas? Where are the danger areas?

Mr Graham: Tony Graham, Acting Deputy Director, ACT Bushfire Service. Parks and conservation have some prescriptive plans before me at the moment for undertaking hazard reduction work—primarily around the Aranda area, Little Black Mountain, which is to the north east of Black Mountain, and on Macarthur Hill. ACT Forests are planning to continue in the Pierces Creek/Uriarra area. They also have a plan before me to burn the escarpment area along Sutton Road, to protect the Kowen pine forest. Those plans are currently before me.

MR PRATT: Minister, can you please explain what developments are being undertaken—I don't see where it might be detailed in the budget—in terms of developing capability in the ESA in its supporting counter-terrorism role?

Mr Wood: That is an interesting question. That is a matter also of course very much involving ACT Policing, not to mention ACT Health and various other agencies. We avail ourselves of various briefings at times. You'd be aware of the exercise about a fortnight ago and an earlier exercise last year, involving the police and with armed services. I'll ask Ms Kelly to elaborate. Were you asking specifically about ESB/ESA, or were you looking more generally?

MR PRATT: This question is about ESA capabilities now which have been budgeted for and brought on line. I've got one more question, which is a general question as well.

Mr Wood: The chemical stuff is the biggest jump at this stage.

Mr Dunn: The budget for next financial year includes at least 24 positions for chemical, biological and radiological response. That is a consequence of the increasing capability we require to handle a terrorist-initiated incident. I mentioned before the Commonwealth cache of equipment that is being provided. That allows us to operate that and also to undertake the training necessary for the AFP and the department of health.

The other area that occupies our attention is urban search and rescue. If there were to be a building collapse in the terrorist case—initiated by a bombing, for example—we have a limited capability in the ACT Fire Brigade. We're looking at that very closely now, given incidents that have occurred elsewhere in the world. Of course, in each of those two areas we would expect a major commitment from ACT Ambulance Service. They are trained to respond in a CBR environment, and that training will continue. The other

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area where we will have people involved in either of those two incidences will be the ACT State Emergency Service.

MR PRATT: In respect of training and equipment that you may be budgeting for, can you tell us something more, please, about the building collapse recovery capability? Are you confident that ESA and all of its agencies are up to speed and able to take on the challenge of a major building collapse in the ACT—as a result of your average garden size scenario detailed bomb?

Mr Dunn: I wouldn't like to speculate on a particular incident. However, what I can say is that we have the capacity to operate urban search and rescue teams for eight to 12 hours. Typically urban search and rescue operations go for longer than that. However, it is very important that those first few hours are attended to with really dedicated and rapid response, to achieve as many survivors as possible.

We would look interstate for support but the difficulty with urban search and rescue support from interstate is that it will take quite some time to arrive. The earliest we could expect people here would be in the order of six to eight hours. We can handle the normal city operations. If a building site were to experience a wall collapse or whatever, that is what we're structured for. We are certainly able to apply the personnel and the limited equipment we have to a terrorist-initiated incident, but it would be my expectation that we would need to bring in outside support. We do not have a large capability in the city at the moment.

MR PRATT: So there is a need to develop this capability further, in respect of the government buildings and embassies in the ACT and what you assess to be the recovery tasks that might need to be undertaken in respect of the risks that we know are being looked at. Do you feel that we badly need to develop that capability somewhat further?

Ms Kelly: Elizabeth Kelly, Acting Chief Executive of the Department of Justice and Community Safety. I represent the ACT government on the National Counter-Terrorism Committee. Urban search and rescue is a capability identified as requiring enhancement nationally by that committee. I have yet to catch up with Commissioner Dunn after my meeting last week.

In the Commonwealth budget an amount of money was allocated to enable the smaller jurisdictions in particular to apply for enhancement of that capability. I look forward to working with Peter to do that over the next year. There is an extremely good capability in the large jurisdictions—especially New South Wales—but it has been identified as a national capability that requires enhancement. The Commonwealth have put a significant amount of money there to assist us. We will be working with Peter to develop a proposal around that this year.

Mr Dunn: We're aware of that.

MR PRATT: Perhaps I could put a question on notice—not a three-day requirement but perhaps a longer requirement, Minister—to get more details on how that is progressing.

Mr Wood: Okay. To come back to this committee or to go to the legal affairs committee?

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MR PRATT: No, not to this committee, unless the committee wants it. It is up to you, Chair.

THE CHAIR: We do ours on three days notice.

MS DUNDAS: You've asked a question on notice as part of these committee proceedings. We don't have a choice.

Mr Wood: We'll provide as much information as we can at this time.

THE CHAIR: Within three days—otherwise it is difficult.

MS DUNDAS: I wanted to ask about the community awareness and education activities. One of the major ongoing criticisms about the 2003 bushfires was the lack of communication through the media in getting awareness and updated information out to people in the territory. How is that going to be improved in the ESA?

Mr Dunn: There are a number of steps already underway in that field. I think all committee members would be aware of the bushfire advice campaign that we've been conducting regularly around the suburbs of the ACT. Several thousand ACT residents have taken advantage of that program, and that will continue. Additional to that, we are in the process of, and about to sign, a series of memorandums of understanding with the major media networks that service Canberra. That will ensure that we have the ability to have not only 666 ABC broadcasting emergency information but also TV channels and the commercial radio stations. You would be aware, Mr Chairman and committee members, that one of the difficulties is that a large number of those stations stream their programs in from either Melbourne or New South Wales. That occurred during the fires of 18 January 2003.

MS DUNDAS: And in the December 2001 fires.

Mr Dunn: Yes. They were not in a position to reopen their stations with local staff in order to provide the follow up coverage. The MOUs cover that and also cover the provision of crawlers on television screens from local sources. That will improve our circumstances. Further, in the legislation before the Assembly, there is a clear requirement for all of the chief officers and me, as the commissioner of the authority, to ensure that community awareness is a major activity undertaken. We will be required by legislation to undertake that. So there is added strengthening there.

Additionally, the legislation provides that the minister may issue a state of alert, should a situation be developing that could threaten the community. Once that state of alert is declared nothing changes in terms of government within the ACT. What changes is that there is then a legal requirement to ensure that the community is kept informed of the developments surrounding the incident by television, radio and on the web.

We are also continuing with the development of our programs. We've been looking very closely at what has been undertaken in other jurisdictions to see what types of programs need to be introduced to ensure that, as the fires of 2003 become more distant in people's memories, we are able to maintain the level of awareness necessary for people to be able

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to join in what is called shared responsibility with us in the operational services, in looking after their own properties, their own lives, livestock, pets, et cetera.

MS DUNDAS: How will you, as an authority, maintain contact with the media outlets? That was one of the breakdowns that occurred.

Mr Dunn: We've established an emergency information coordination centre that is staffed with personnel trained in working with the media. An example of how those people will function in a major emergency was shown just the other week during the fires at Namadgi. We established very close relationships with the media immediately that fire began. There was, I think, a very good flow of information out to all the media outlets about that fire.

MS DUNDAS: How many staff are there in the unit?

Ms Dunn: Four.

MS DUNDAS: They're full-time?

Ms Dunn: Yes.

MS DUNDAS: I'm not sure if it is under 1.1 or 1.2, but I wanted to ask about the forward design project in respect of the new ESB of the new ESA headquarters.

Mr Dunn: That project is underway at the moment. The feasibility study and the business case will be presented at the end of this month. We have already received interim advice as to the direction in which that is going and what the options are. We are combining elements of the training centre with the headquarters. That gives us economies of scale; it allows us to multi-use some of the facilities that come into the organisation; it allows the operational headquarters to be involved with training; and it means that the headquarters staff will conduct some of the training for our personnel. So those two things are combined. We expect that the report will be with us on 30 June.

MS DUNDAS: Have you selected a site yet?

Mr Dunn: No. There are two prime sites and a third site is being examined. They're my definitions. The prime sites are the Totalcare site at Fyshwick and a site next to the prison site at Hume. The third is a site in the vicinity of the therapeutic goods facility at Symonston. That site and the Hume site give us greenfield opportunities, so they are being examined. Of course, the Fyshwick site is not greenfield, although there will be scope to build key elements from scratch, such as the communications centre and emergency coordination centre.

MS DUNDAS: Where will the funding for the building or the refurbishment come from?

Mr Dunn: Provision has been made in the budget for 2004-05 for the conduct of a feasibility study and the development of the—

MS DUNDAS: Yes, \$90,000 for a feasibility study, but not for construction or refurbishment.

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Mr Dunn: That is correct. The costings will come out of the business case I described. We have a commitment from the Treasury to lodge those costings as soon as we have them and there will then be an exercise of the commitment to develop the headquarters. It was a choice between punting a figure or waiting until the accurate figure was presented and the latter was taken.

MS DUNDAS: That will be a supplementary appropriation bill?

Mr Wood: Very likely.

MR HARGREAVES: That Symonston site next to the therapeutic goods administration is not the same site that was proposed for a prison a couple of years ago, is it?

Mr Dunn: It is in the vicinity. I can't draw it on the ground, but the team doing the feasibility study have the exact location.

MR HARGREAVES: Look out for those earless dragons, Mr Dunn!

MRS DUNNE: And mouthless moths!

MR PRATT: I refer to output 1.2. I am glad that there are, I think, 19 new ambulance officer positions in this budget. In respect of HR and the training procedures for ambulance officers, we were pretty alarmed to see a breakdown recently in the admin and HR procedures that saw an under-qualified ambulance officer with a drug offence record recruited from New South Wales. What steps have you taken to ensure that the personnel vetting procedures are as airtight as they can possibly be?

Mr Wood: Well, we won't just rely on what someone says—obviously a bit more checking is necessary. You do rely on referees giving you honest reports, and we now have to go into considerably more detail. I don't think it is related only to ambulance officers. It'd probably be a little more widespread.

Mr Dunn: Of course it is widespread. I agree; it is something that all agencies are very alert to. The point I would make is that this person was discovered very quickly and that very swift action was taken. People will lie; we know about that; and we are now far more attuned to making sure we actually get what we think we're getting.

MR PRATT: Can you guarantee, Minister, that the admin and recruiting selection promotion procedures in the ambulance service are now 100 per cent professional and 100 per cent fair?

Mr Wood: I think they were always professional and fair. Okay, someone exploited the good intentions. It is now even fairer and more careful.

MS DUNDAS: The ownership agreement notes that there is going to be an increase in full-time staff who will monitor the rural fire service. There will be an increase from 4½ full-time staff to 11½ full-time staff. What will those staff be doing?

Mr Dunn: They will be operations, planning and logistics officers to provide the

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horsepower necessary for not only the conduct of operations but also the management of a new document that is in legislation called the *Strategic Bushfire Management Plan*.

MS DUNDAS: Will they have any direct oversight into how the volunteers are operating?

Mr Dunn: Yes, they will. They'll be very closely involved with the volunteers, given that volunteers are what comprise the RFS. This is the paid core of the organisation. They make sure that volunteers are properly trained and properly accredited, and that equipment is maintained and properly supplied, et cetera.

MS DUNDAS: There are also increases in the SES operational support area in corporate. In those three different areas, what will those staff be doing?

Mr Dunn: This establishes, for the first time, a separate headquarters of the SES to undertake exactly the same sorts of functions that I've just described for the rural fire service, but for the SES. Both those areas—rural fire service and SES—will also contribute full-time personnel to our joint operations planning area, and also to our joint emergency services training academy.

MS DUNDAS: And the operational support staff?

Mr Dunn: Operational support staff will be in areas that run the emergency coordination centre, risk management and operational planning.

MS DUNDAS: You're not getting a doubling up of functions anywhere?

Mr Dunn: No—absolutely not; that is a clear pitfall to avoid. In fact, there was specific mention of that in McLeod, as you will recall. That is why I say that, in those two areas you've just asked about, there'll be planners who will go and work in the joint planning area. There is a lot of other planning that needs to be undertaken. Mr Pratt referred earlier to issues to do with counter-terrorism and the like. There need to be other planners skilled in those areas to conduct that planning work.

MS DUNDAS: There'll be an aggressive recruitment process undertaken from 1 July?

Mr Dunn: There certainly will be.

MRS DUNNE: You said before that the new staff going into the rural fire service will be tasked with ensuring implementation of a certain plan.

Mr Dunn: The strategic bushfire management plan.

MRS DUNNE: What is the relationship between that and the bushfire fuel management plan?

Mr Dunn: The new plan incorporates the fuel management plan but also has, for example, the plans for trails and tracks and all other things that relate to bushfires. We've put between two covers all of the things that should be done to ensure that we are approaching the threat of bushfire in the ACT in a planned and considered way.

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MRS DUNNE: Who has final responsibility—I haven't read the emergency legislation—for the implementation of the bushfire fuel management plan?

Mr Dunn: The minister for emergency services, Mr Wood, will sign off on the plan, and I am charged with the implementation and audit of it.

MRS DUNNE: You will have the necessary wherewithal to hold a land manager to book for not carrying out what is in the plan?

Mr Dunn: Mr Chairman, provided your good offices facilitate the passage of the legislation, yes.

THE CHAIR: Good. Thank you very much.

MRS DUNNE: I hear you loud and clear, Mr Dunn!

THE CHAIR: Any further questions should be placed on notice, and members can do that today. I thank the emergency services people.

For those witnesses who haven't appeared here before, these are legal proceedings of the Assembly. You have certain obligations and certain protections. You're protected from certain legal action, such as defamation, for what you say. You've also got certain responsibilities. You must tell the committee the truth, because giving false or misleading evidence will be treated by the Assembly as a serious matter.

When you come up, please identify yourselves and indicate to the committee the capacity in which you appear. If you are going to take a question on notice, please tell us and do so. It is your responsibility to check the transcript. The transcript will be sent to the minister and the departmental contact officer, who will get in contact with witnesses. Questions on notice have to be answered within three working days. Thank you, Minister. I'll start the questioning.

MS DUNDAS: Does the minister have a statement?

THE CHAIR: No, he doesn't. He has waived that option.

MR HARGREAVES: Can you welcome Mr Davies, Mr Chairman?

THE CHAIR: I will welcome the new commissioner. Chief Police Officer of the ACT, John Davies, welcome—and of course we have Elizabeth Kelly there.

Minister, there have been quite a lot of complaints, probably over the last 18 months, of people trying to get in contact with police stations and phones ringing out. I personally tried to get in contact with Belconnen about three weeks ago and ultimately had to ring another number. A lot has been said by the police association: they have said that we are very much under the national average and that we need something like another 124 police officers in the territory. Are we experiencing those types of problems—such as phones ringing out—because we are understaffed? What exactly, if anything, are you doing about it?

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Mr Wood: I would claim we're not understaffed—we could always do with more police, of course. I would be surprised—and I ask you to check your memory about that call to the Belconnen Police Station. Quite some months ago a new call-in arrangement was set in place and I would have hoped that would have accommodated that problem.

THE CHAIR: It has certainly improved it, I must say.

Mr Wood: We've increased the police numbers, and I think we've done reasonably well in that regard. In fact, I don't recall significant increases in police numbers of that order in earlier years. We remain conscious about police numbers. That is one of the reasons—and it is only one of the reasons—that, with Mr Davies and Mr Keelty, we've established a study which, among other things, will look at police resourcing so that when we make decisions about police numbers in the future we will be better informed than we are now.

MR PRATT: Are the 20 new police officers announced by the government over the next two financial years additional to the aforementioned recruitments, or are they incorporated into that number of 20?

Mr Wood: They're additional.

MR PRATT: Isn't it true that the balance of experience in the ACT's police station teams is significantly less than what it was five and 10 years ago, partly because of wastage and the fact that the peer group that is now reaching the magic age? Isn't it true that there are significantly fewer experienced constables in those police station teams?

Mr Wood: I can't answer that; Mr Davies might have something to say about it. I can't go back that far in time. Certainly there has been a lot of activity. At the time officers went over to the Solomons I was assured that they were going from a range of experiences and backgrounds so we maintained the level of experience we had. It is also the case that, while we get recruits into the service, they're not always—and perhaps predominantly not—the young people fairly fresh out of college and school. We're getting very experienced people from a wide range of other fields, and that enhances our capacity. Mr Davies might have a longer memory of things. Although four or five years ago Mr Davies was not in the ACT.

Mr Davies: John Davies, Chief Police Officer, ACT Policing. Mr Pratt, I think your question is correct. The reality would be, in the current make-up of police in ACT Policing, that the number of people with low numbers of years of experience has probably exponentially increased. I don't think that issue is peculiar to ACT Policing; it is a reflection of the wide array of P make-up. Perhaps I could say one thing up front.

There could be a perception that the AFP has this vast store of experience, kept on the national side at the cost of ACT. If you look across the border I think you'll find that we have pretty much the same issues. I think it would also be true to say that it is more a function of demographics in society. That would probably be reflected in any other police force in this country.

I think we need to bear a couple of things in mind, as the minister has indicated, in our recruiting. For argument's sake, this coming financial year we intend to recruit 40. That

is to take account of the new positions the government has provided and also to take account of attrition. Of those, 20 will be coming from lateral entrance from other police forces—other police backgrounds—and 20 will be new police recruits. We endeavour, in the recruiting process, to ensure that we don't have everybody starting with a zero police background.

I hear often about the issue of people with less than two years experience, or less than five years experience. I think it is fair to say that a police officer has to be on the job for a period of time, to be fully competent in the sense of being able to confidently handle any situation that might arise, without the need for assistance or backup. All police coming into ACT Policing receive a very high level of training and pre-training. We ensure that we have mentoring processes in place.

I've offered to give you some figures on notice as to the makeup of the organisation as it stands today. Off the top of my head, I think you'll find that around 62 per cent of people have less than five years experience. That means that the other one-third have higher experience. We bank on those people to be mentoring and bringing along the newer members as they come into the organisation.

MR PRATT: What retention strategies do you have in place in trying to retain sergeants and experienced constables?

Mr Davies: Hopefully job satisfaction is the largest one. Our attrition rate is currently quite low. If you bear with me, I might be able to supply that to you. I could be right in saying it is probably at one of the lowest levels that it is ever been, so it is not as though we're losing people out the door. We do, of course, lose people who reach retirement age. When I talk about the product of demographics, you'll find that across the AFP over the last 10 years, we've had quite a significant movement of people who have reached 55 years or beyond who have decided to take the option to retire. Therefore we have fewer people in that 50-plus age bracket. I have year to date figures as at December. I'll see if we've got a more up-to-date one.

Mr Wood: I think we'll have that before we close today. It is just a matter of turning it up somewhere.

Mr Davies: I can provide that now. For the staff numbers at 31 March 2004, as far as attrition is concerned, resignations or retirements from the sworn staff are .27 per cent and overall there is a total of 2.66 per cent, which is a very low figure.

MR PRATT: That is an improvement, isn't it? Thanks for that. I extend my personal welcome to you, Mr Davies, in coming on board. Minister, perhaps I could ask you the next question. In 1997-98, ACT Policing enjoyed the highest number of sworn policemen per 100,000 head of population in Australia. Isn't it true that, under this government, ACT Policing now has the lowest number of police officers per capita in Australia?

Mr Wood: If you say so, Mr Pratt. That goes back over a couple of governments, by the dates you gave me. As minister, I don't have a concern about the number of unsworn staff. I've got confidence that the police know the number of uniformed people they need. For the necessary jobs in the police force that don't require someone on the front

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line it is appropriate to have unsworn staff.

MR PRATT: In 1979-80, ACT Policing had 655 Australian Federal Police officers.

Mr Wood: Was that 1979-80?

MR PRATT: Yes. This is a very important figure, Mr Hargreaves.

MR HARGREAVES: Indeed! I was 16 at the time!

MR PRATT: In 1979-80, ACT Policing had 655 Australian Federal Police officers. Isn't it true that, 25 years later, with a population increase of 100,000 in the ACT, your government has reduced ACT Policing numbers to only 633 police officers? So over 22 years we've had a decrease in number per head.

Mr Wood: I would want you to table those figures, to see where they came from and what's what.

MR PRATT: If that is what you require, I will.

Mr Wood: I would have thought that, at that time, it would have been the ACT Police; it wouldn't have been the Australian Federal Police.

THE CHAIR: It was the AFP, which started on 21 February 1979.

MR PRATT: We're talking about sworn police officers. Chair, may I table those figures and then ask the minister to take that on notice, to come back and explain how he reconciles those two figures?

THE CHAIR: Yes.

Mr Wood: I'll do that, and you'll cite where those figures come from. You're talking about 25 years ago, much of which was not self-government—it was a mixture of governments under self-government. In my history—I can go back 15 years in this place—the biggest increases in police numbers have been in the last three years. I don't know what state you left it in!

MRS DUNNE: I don't know what alternative universe Mr Wood lives in!

Mr Wood: We need to know where that figure of 633 comes from, Mr Pratt.

MR HARGREAVES: My first question is in respect of those police numbers. It might be interesting to see the actual number of police officers over the last five years. My memory has it that, in 1999 or 2000—somewhere about that order—there were only 594. It was before this government. I would like to be a bit equal about this.

Mr Wood: I would be cautious about it, I have to say, because police numbers vary. There hasn't been a process that I've been aware of where we have a set number of police—and I've tried to get that into place. We always get asked about police numbers, and I've tried to be more definitive about the police numbers we have in the annual

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report. I can give you figures. I remember a great discrepancy between annual reports and another date, as police numbers go up and down. I've also tried to get a bit more stability with police numbers, so they don't vary too much.

Mr Hargreaves, we'll come back to you on that. I'm just not sure what the basis of it is. We can go to productivity commission reporting and the annual report, which is a statement of the number of police on 30 June, I expect. There are lots of issues around when and how you count police numbers and what is in those police numbers.

Mr Davies: If I may—this might inform. If I could provide staff numbers as of 31 March, it might be usable. As at 31 March 2004, ACT Police business unit numbers were sitting at 838. I'm rounding off because there are points here—percentage figures in FTEs. The total sworn were 615.84 and there were 222.52 unsworn, making a total of 838.36. Operational members as categorised under the definition stand at 568.88.

MR PRATT: There are 568 operational members?

Mr Wood: That is the number on a certain date.

Mr Davies: The minister has undertaken to come across other figures. Going back in time, all I can say—to try and keep some semblance in this—is that we'd have to be careful of what was being counted at different times, whether they were sworn, unsworn or combinations thereof, so that we are comparing like with like.

MR HARGREAVES: The other question I have—this is one for Mr Davies, I suspect—has to do with retirement age. Like most of the other services, there is a retiring age of 55. I can remember the AFP losing the services of Alan Castle because of anno Domini. In my view that was a great loss to the community here and to the AFP more widely. What is the rationale behind having it at 55 for commissioned officers? Does it also apply to non-commissioned officers? Why can't we have people go on to 65, for example?

Mr Davies: I will answer that in several parts. The age that applies essentially applies across the board. There is no discrimination between non-officers and officers. There is a differential in that, if you were born pre-1960, you can retire at 55. Then, commencing from 1960—and someone will correct me if I'm wrong on this—there is a sliding scale. You move forward to a point where 60 is the minimum retiring age. So for all those entering the force these days, retirement age is 60—and that is the earliest. So the age of 55, or the graduated move to 60, is not mandatory retirement by any stretch. We have a number of people working in the organisation who are well into their 50s and 60s.

MR HARGREAVES: So it is in fact an officer's option rather than a management option?

Mr Davies: It is the option of the individual. For those who pre-date the 1960s, with the Commonwealth superannuation fund—I mean for some, not all—it is fairly attractive to take the 54 years 11 months and two weeks option. Equally I am well aware that there are people in the organisation who, by taking that option, would have benefited quite significantly, financially, but elected to stay on because they enjoy their role. That alone doesn't mean that people will necessarily leave the organisation.

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The simple answer to the question is that it is an officer's prerogative. As I said, the earliest they can leave is at age 55. I might add that I think the Police Federation of Australia are making strong moves to suggest that police are able to get superannuated out of the organisations earlier. That is not my argument; I just put that on the table. So there are arguments out there in the arena.

MR HARGREAVES: That is not the only industrial arena that occurs in, I should imagine.

Mr Davies: No.

MR HARGREAVES: Thank you very much for that, Mr Davies.

THE CHAIR: Ms Dundas, you have some questions?

MS DUNDAS: Yes. Minister, quite recently the Auditor-General released a report that was quite scathing of the relationship between the ACT government and the AFP in terms of how the contract services were managed. Do you have a response to the Auditor-General?

Mr Wood: The response is in the report.

MS DUNDAS: In terms of—

Mr Wood: There were a dozen or so recommendations, and the government in that report comes back, I think, with all but two of them agreeing and two noting or agreeing with qualification.

MS DUNDAS: So you do accept that the way things have been operating so far were less than—

Mr Wood: Sorry?

MS DUNDAS: You do accept that the way things were operating in terms of the relationship with the AFP was less than satisfactory?

Mr Wood: No, I don't. We agree on, I think, a number of all those procedural changes. In my 18 months as police minister, I have been very satisfied with my relations with them and the way they operate. At the same time, about October last year I began discussions with the AFP about looking at the relationship between us and how we report. A little while ago I put out the terms of reference for a study. It is looking at staffing and the needs of staffing, on the one hand. It is also looking at my relationships with the police and how we report.

The document that we work off was signed in the year 2000. I am going on comment here—I can't support it anywhere in the documents—that the police wanted a direct relationship with the minister. The agreement we work from—in fact, called an arrangement, which I think says a lot—doesn't write JACS in at all. JACS get involved but I think it was pointed out to the auditor that it's a bit hard to comment about JACS,

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the way that JACS do things, when they are not written into the arrangement. Now, I want to look at that. Ahead of an agreement with the police, which we need to sign in the first part of next year, I just want to look and see if we want to continue the arrangement, how we might want to change it, and how things might work.

MS DUNDAS: So when will you begin negotiating the new purchase agreement?

Mr Wood: I suppose the first step in that process is to look at the study. That's the first step. I will see what the outcome of that is, and we'll move from there.

MS DUNDAS: So Minister, when did you say that that study would be completed?

Mr Wood: Due in December.

MS DUNDAS: December. So we won't be negotiating a new agreement with the AFP until January or February, 2005?

Mr Wood: No, that would be about the timetable. The current agreement runs to 30 June.

MS DUNDAS: 2004?

Mr Wood: 2005.

MS DUNDAS: January 2005. So in terms of this study that you are completing and the work that you are doing there, whom are you actually bringing into that study, who are you talking to?

Mr Wood: Anybody we need to. Ms Kelly will give you the detail.

Ms Kelly: We are currently in procurement in relation to the experts that will be used to conduct the study, but at this stage—and I must say the procurement is being conducted by AFP, and we are very much involved with that—we anticipate a policing expert. We have identified a particular person and we are going through the procurement processes to see whether or not a single select tender is possible. That person is a former very senior police officer from another jurisdiction. We also need specialist economists involved, because we very much want to have a pricing formula and governance arrangements that take account of the things raised in the Auditor-General's report.

From the department's perspective, the arrangement is very much an evolving relationship and a partnership, and the matters raised in the Auditor-General's report represent a step in that evolution. We are very positive about the material contained in the report and think that the direction is one, as the minister has said, that the department has been exploring for some time.

So as soon as the procurement of the expert former police officer and the economist is completed—and we anticipate that in the next three weeks—the study will commence some time in June. We think it is a five to six-month project, so there should be a report. There may well be a need to have other experts involved in the study—someone like a criminologist, because very much a part of it is assessing our crime profile and what that

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means for our policing needs. So if they do need further assistance then that core team will provide further assistance.

There will also be high level secretariat support both from AFP and ACT government, who will be supporting it because there will be a great deal of information that has to be gathered to feed the study and feed the analysis that we are looking for.

MS DUNDAS: So you envisage that you will be talking to not only police and JACS people but going out to the community and getting their views in terms of the policing support?

Ms Kelly: I would envisage that the expert policing officer would be looking at those issues and he would be speaking to all of the stakeholders for policing services.

Mr Wood: Look, we are not precluding anything here. But it is the study of data, of figures. I don't see this as a major exercise out in the community. Obviously, we put out a public statement, we spread out the terms of reference, but I don't anticipate at this stage—the people doing it might take it a certain way—that it is a really extensive community exercise. I am looking more for data within the system—just exactly what we need in the future.

MS DUNDAS: As part of that, this work will build into the 2000 to 2005 policing agreement that will run out. I understand that every financial year there is actually a purchase agreement that is negotiated between the minister and the police. How is work going in terms of developing the purchase agreement for 2003-04?

Ms Kelly: That is almost concluded. It just required the budget material to be obtained and fed into those negotiations. But I understand that is extremely close to coming to the minister for signature.

MS DUNDAS: And so that is the 2004-05 one?

Ms Kelly: Yes, that's correct.

MS DUNDAS: And was there one done for 2003-04?

Ms Kelly: Yes.

MS DUNDAS: When was that signed?

Ms Kelly: I don't have that information, but I can obtain that for you.

MS DUNDAS: And can we get a copy? I have only been able to find the 2003-04?

Ms Kelly: Yes, of course.

MS DUNDAS: The 2002-03 one wasn't signed until March 2003, which is quite a long way through the financial year in terms of that agreement. Why is there such a delay in terms of getting those purchase agreements signed? Was that a one-off or—

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Ms Kelly: I am informed that there was an interim agreement in place before the final agreement was signed that did cover the period and that was what was the basis of the relationship during that time. The dates on when the agreements were signed, I believe, are in the Auditor-General's report, and obviously it was something that the Auditor-General commented upon. If I can just turn that page up, I can provide that to you quite quickly.

MS DUNDAS: Can you also, while you are looking for that, provide an answer for why there was a need for an interim policing purchase agreement?

Ms Kelly: I understand that—

MS DUNDAS: I think it is page 22 that you are looking for, Ms Kelly.

Ms Kelly: Ms Dundas, that was when we were examining and reviewing the performance indicators that resulted in a reduction in the number of the performance indicators, and so those negotiations had not concluded and that led to the delay in the agreement.

MS DUNDAS: All right. The auditor does make comment on page 22 in relation to the dates—I have found that page—and how long it has taken to sign these agreements. The government has agreed in principle to the recommendation that there needs to be a firm timetable for negotiations. Why is 31 March too early to have a signed agreement in place?

Ms Kelly: Because the budget details aren't known at that time.

MS DUNDAS: So you don't know how much money you will have to talk about. Okay. There has also been some concerns raised by the Auditor-General in relation to performance measures under those police agreements—(a) how we are aware of what it is we are paying for; and (b) if there have been under-performances, what we will do about that. Is JACS going to step up its work in terms of monitoring under-performance?

Ms Kelly: Yes. In terms of performance measures, though, one of the things that concerns us is the compliance costs in relation to the agreement, and the Auditor-General did make a comment that she thought that some of the quantitative measures should be reinstated. We certainly have a view, and it is a view that will be explored in the policing study, that we want to focus our police on operational roles and so we want to keep as few people and as few resources as possible going around doing the numbers. And so we felt performance indicators like a number of patrols were not giving us anything valuable in terms of outcome and they were costing a great deal of time and money and resources in collection and analysis. So that was why we have reduced the quantitative performance indicators and that was why we qualified our comment in relation to that recommendation of the Auditor-General.

So we wouldn't be looking at increasing the number of quantitative performance indicators, but what is very much open in the study over the next six months is looking at what are the most effective set of indicators for telling us what is occurring.

MR HARGREAVES: So you are going more into effectiveness indicators than

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workload stats?

Ms Kelly: We do have a number of efficiency indicators and they focus on timeliness in terms of response times. We have some quantity indicators. We did have a lot of quantity indicators and we had to really question the value of those when measured against the resources required in collecting them.

MR HARGREAVES: You already know how hard and how long the police work and what we want to know is what is being achieved by working them to death?

THE CHAIR: Mr Pratt.

MR PRATT: We are returning to the A-G's report in JACS later, are we?

THE CHAIR: The A-G's report, yes, but do you have anything on policing?

MR PRATT: In terms of the policing aspects of that, though, we are still—

THE CHAIR: Yes.

MR PRATT: Okay, fine. Minister, in the AFP submission to the recent government budget rounds, how many additional police officers did AFP management request in order to adequately cover the ACT's requirements?

Mr Wood: Are you talking about the AFP Association or the AFP?

MR PRATT: AFP.

Mr Wood: I will give you the same answer we have given other members who have been asking that question upon notice, that that is a matter for cabinet and it's cabinet-in-confidence.

MR PRATT: Isn't it true, though, that ACT Policing does require approximately 100 additional police officers to restore the number of police officers to the national average?

Mr Wood: Well, that's the claim of the AFP Association and I have certainly had discussions with Mr Davies, and rather more considerably with Mr Murray before him, about police numbers. It's one of the reasons we are doing this study—just to see, to identify, how the numbers are reported, exactly what those numbers are. There is a complexity there. There is the enabling police; there are numbers of areas there where numbers need to be defined, I think, again. The component for Commonwealth activity needs to be examined, so we are looking at that.

We are well aware, as Mr Hargreaves said, of the hard work the police put in and the stresses of the job, and we have been responding. I say again: the increases that we have done—in the last few years we have put 40 extra police in; the funding for 40 extra police. It may well be more in the future, but we want to be very careful that we know exactly what we need.

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MR PRATT: Taking all that on board, though, and following on from that, Minister: isn't it true that, in terms of your election promise of 2001 where you said that you would implement a program to restore the number of police officers available to at least the national average, you have simply failed to do that?

Mr Wood: Well, I don't think—

MR PRATT: So why have you changed the goal posts now?

Mr Wood: Well, I don't recall there was a timeframe on that. We have been moving steadily—

MR PRATT: What, eight years?

Mr Wood: And before I moved further—2001, I don't know how the maths are there—I wanted to get a good grasp of staffing requirements and the way police are deployed here in the ACT.

MR HARGREAVES: Mr Chairman, can I ask a question on the police numbers issue?

THE CHAIR: Yes.

MR HARGREAVES: Is it still the case—I know it was some years ago—that it costs about \$100,000 per policeman to put them on the streets?

Mr Wood: Yes. Thereabouts.

MR HARGREAVES: Is that figure within the ballpark?

Mr Wood: Yes.

MR HARGREAVES: So, in fact, if we were to pick up what Mr Pratt seems to be heading into and you are going to get another 100 police officers, you are talking about an additional \$10 million to the budget?

Mr Wood: I would argue that that might be right but it would be a figure that I would see is justified, and I don't worry about that figure. But one of the issues I have focused on most heavily in my 18 months in this role has been numbers, how they are configured, and I say again that is what I want the study to tell me in greater detail than I am aware of at the moment.

THE CHAIR: Why didn't you start that study within a couple of months of becoming minister, then?

Mr Wood: I don't know, Mr Stefaniak. Let me see: I became minister; we were much involved in the fires there for a while; I had long discussions with AFP over staffing; and then towards the end of last year we started to move and we got agreement. I can't give you a date when Mr Keelty gave his nod to an agreement but we have been working steadily through it. I don't think it has been too slow a process.

MR PRATT: Minister, you have just said that you don't worry too much about the numbers and, I suppose, the resource factors, but isn't it true in fact that the—

Mr Wood: The cost of. I worry about numbers, yes.

MR PRATT: And the cost—and, indeed, Mr Hargreaves is quite right, it is probably \$10 million. But isn't it the fact, though, that the community does need to see boots on the ground, so to speak, and certainly surely your police teams need to see more boots on the ground to try and flesh out that experience level and to remove the burden that many of them are carrying in terms of quite long working hours?

Mr Wood: Long working hours, indeed, but I don't see that you are the person to ask the question because we are picking up from a lower level from that former government. Look, you mentioned that the community expect to see the police. It is an interesting thing. I am very pleased to see the advertisement that the police are running at the moment because people think that things are fine if they see police everywhere. But you don't need to see the police everywhere. There was an interesting comment a little while ago that maybe we ought to mark more of the cars we have so that people actually know a police car, because without markings you may not know—you probably don't know.

MR HARGREAVES: That gold one stands out a bit, I can tell you.

Mr Wood: Public perception: you mentioned the phones before. I have forgotten the detailed figure: it was 40,000 or 50,000—an immense number of calls into the police every year. Some of them are very important; some of them are about a cat up a tree, no doubt. So I think that that current police advertisement is a very good exercise to tell people the police are doing a hell of a lot out there. You might not always see it but, by God, it is happening.

MR HARGREAVES: Could I ask a question about community liaison?

THE CHAIR: Yes.

MR HARGREAVES: One of the really excellent services I have had out of the police, particularly out at Tuggeranong station, has been the willingness of relatively senior officers to go and talk to community groups. There has been a difficulty in a particular street, for example, where the whole street has gone ape. We have been able to effect a police presence there essentially to nip what was happening in the bud.

I am just wondering: are those sorts of resources still being applied? I had a feeling somebody was saying they had a bit of difficulty with that some time ago, but I just wanted to know whether or not that service was still being provided out of the stations and at what level.

Mr Davies: To answer the question, Mr Hargreaves, I think that really probably comes down to the individual circumstances of the approach, the group that is to be addressed, and the magnitude of the problem. It has not gone off the agenda. If it is something that has been raised at more a senior or headquarter level, it might be something I or my executive might do. If it is an issue that is at Tuggeranong, Woden or any other police stations it really comes down to the call of the OIC at the station. I know that they still

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actively engage even individuals from time to time if that is going to resolve an issue or difficulty. But certainly I would like to think it would be a matter of actively talking and proactively talking to groups within the community, preferably before incidents happen, about safety and security measures that they can take; but certainly if there are then problems that arise that we actually go as a community to listen to their concerns and respond accordingly.

MR HARGREAVES: I have to say I have very little difficulty in obtaining that assistance from the police. I recall that at Tuggeranong station—that is where the limit of my knowledge is; my knowledge of Gungahlin station is a bit on the brief side—we had at one stage what was essentially a community liaison officer, a Sergeant Hillier. When he left the service I am not sure whether that position was continued, whether it is still there or not. It was a brilliant contact point for people such as me, for people like the Salvos who want to get in, who don't want to necessarily bother the super, who don't necessarily want to go through the desk because it is more a community issue than a single complaint issue. Single complaint issues look after themselves but where something is a bit community systemic it may be fixed by a person with the skills of someone like John Hillier. But I was wondering whether those positions were still on strength in the stations?

Mr Davies: I will turn around and make sure I give the right answer in a minute. But, yes, I suspect the answer to that would be not a permanent position simply because I think if it is done correctly that would probably be the situation we are in now. When we go back to what used to happen, I think we do need to take stock of the fact that Canberra is very much a changing demographic, it has changing demographics, and crime issues and people's willingness to call the police to deal with a number of problems is constantly increasing.

To have somebody just permanently in that position I suppose in an ideal world is a good answer but the reality is that we need all hands on deck in the sense of being able to respond. As has been said here a few times today, and I think it is very true, the way we are gauged most of all I think is by our obvious presence on the one hand, or lack of obvious presence, and our response to issues.

So I guess what I am saying is if somebody is to ring a police station you may not necessarily get the OIC, or that might not be appropriate as you have just said in relation to when it was Mr Hillier. But I would certainly like to think that in fact the OIC will take cognisance of what has been reported and assign a patroller who might have some time available to take time out to go and address whatever those issues are. Equally, we do have scope within the crime prevention strategy, of course, to be monitoring and proactively dealing with groups et cetera in Canberra as well, and they probably do that in a more targeted way.

THE CHAIR: Surely that would be indicative, though, if you don't have a position like John Hillier's, of a stretched police force, a police force that at this stage does need more numbers whereas in the past, a bygone age, you could afford to have persons in the position of Mr Hillier? Surely that backs up actually what the AFPA has been saying about the need for more police?

MR HARGREAVES: It was only three years ago.

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Mr Wood: I would like more police, too. Let's see where we go with this study and what that tells us.

THE CHAIR: Mr Pratt.

MR PRATT: One last question on numbers, Minister. With between 30 and 40 ACT police officers currently serving overseas—I think that is about the figure; you might want to finetune me on that—and with up to 500 police, predominantly AFP employees, eventually to staff an international deployment group, how do you assess what the impact will be on the small operational capacity of the ACT policing, and what plans or strategies do you have in place to mitigate that impact once you start staffing the IDG?

Mr Wood: Contrary to what happened with the former government when people went to East Timor, I have been in close consultation on the Solomons issue with Chris Ellison, the federal minister, with Mick Keelty—talking to them—and John Murray, of course, to ensure that the interests of the ACT were protected. When it was considered—I don't think it has happened—that there may be AFP personnel going to Papua New Guinea, I got an agreement that there would be none from ACT Policing. When they went off to the Solomons, I was assured—and I accepted it; I think it was absolutely correct—that there was no impact on police staffing, which was very high at that time. Remember that I spoke earlier about fluctuations in numbers and that we could absorb that without difficulty.

As to the new force, the international deployment force, or something of that order, I can't give you that answer. Maybe I can in a little while, because I am heading off to the police minister's ministerial council which is to be held on 28 June, and I have asked that the Commonwealth give us a briefing on how that international deployment force is going to work, so we can get advice to it. I want that for two reasons. We offered our help. If they needed people on the streets for training, we are only too happy to help there. But more significantly, we need to know just how they propose to draw police up. I understand it is not to be AFP entirely—in fact, perhaps only in some measure AFP. They will come from all over. But I will be in a better position to advise you then. Mr Davies might know a bit more about it at this stage, but I will be able to give you a better response later on. Ask me a question in the Assembly one day.

MR PRATT: Yes, okay, I look forward to the answer on that once you get back from the ministerial conference.

Mr Davies: Mr Pratt, in regard to Solomon Islands: again starting back a little in time, 44 members from ACT Policing were deployed in what was known as RAMSI 1—the regional assisting mission to the Solomon Islands—back in November of 2003; 34 have been progressively deployed from ACT Policing during January to March of this year, as part of the RAMSI 2. Obviously with agreement and discussions with the government, we will continue to have persons whilst that is ongoing. It is anticipated that we will have up to 30 people deployed in RAMSI 3, and that includes both sworn and unsworn members.

As I said, that is done first of all with agreement with government. Secondly, it is done with agreement with national that we receive backfilling. And so between a combination

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of backfilling, which we have got currently in place, and the recruiting, as I indicated earlier, of 40 new members in 2004-2005, there will be no net loss of numbers to the ACT. And as I indicated earlier today, in fact our numbers in late March—and I understand even now we would be very little altered from this—we have a total of 838 police in ACT Policing, which is well above the agreed numbers of 769.

As I think I may have said in my previous appearance here, we didn't pull anything out of a hat. In part, that was due to the fact that at the beginning of the financial year we were in fact under on numbers, and so we had to build up during the course of the financial year, and therefore had the scope. And equally, some of those numbers are made up—and we also had this discussion earlier this morning—of people of more junior years, and so obviously we can provide more of them than we can if we were providing sergeants or coordinators of some other level. That is the scenario at this present time.

Obviously, as the minister has said, arising from the discussions we had last week, we are hoping that Mr Keelty and I will appear before this house to talk more about some of those issues.

MR PRATT: Chair, could I ask a question about shifts?

THE CHAIR: Yes.

MR PRATT: Perhaps this is a question for Mr Davies. I understand that you have trialled and you have probably decided to go to a new system from eight-hour shifts to 12-hour shifts. Could you explain a little bit about that and what the advantages are?

Mr Davies: Yes, certainly. I did partly touch upon this. I think I indicated in my previous appearance in this place that I hoped that we would get to this point. Subsequent to that appearance, in continuing discussions with me, the membership and obviously the association, we did agree to try a new roster. If I can detail some of the background, and I will be fairly brief: there were some roster trials in late 2003. As a result, I think, of the indications I gave in my previous appearance on 3 May this year, there was a secret vote taken from membership of Belconnen, Tuggeranong and city station members regarding trialling what was, I guess, known as the Woden roster, simply because that is where it was first and only tried. 68.93 per cent of the membership agreed that that would be tried. That is to be a 30-week trial.

The Woden roster has since, on 24 May, been endorsed by the AFP Board of Reference under Commissioner Leary, and now that is been annexed to the certified agreement of 2003 and 2006. On 30 May this year the roster trial commenced for a 30-week period at Belconnen and city, and on 1 July it will commence in Tuggeranong. What we are trying to do in this is replace a roster system within ACT Policing that was over 30 years old, what was known as the five-line roster. Whilst the five-line roster was fairly simple, it is far too simple in effect in that you basically had the same number of people on shift regardless of time of day or day of week or period or time of year.

This new roster is very much a flexible roster. It is not only 12-hour shifts: it is shifts of up to 12 hours. It could be 10, it could be a combination thereof, and part of this trial is that there is great flexibility in that. The strength is in fact the surge capacity. Instead of

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having an equal number of people on per shift, per station, per time of day, we will be getting the surge capacity, if you like, on Thursday, Friday and Saturday nights, and it is inevitable—the crime trends show that that is when we have our peaks.

In doing this trial we are cognisant of the OH&S arrangements or requirements specified in the certified agreement, and we will be continuing to monitor and liaise with the members closely throughout the 30-week trial, and they will have the opportunity to have input into how that is progressing during the course of the trial. At the end of the trial there will be a vote as to whether the membership is prepared to accept it. And as I say, it has been accepted and now ticked off for Woden. Now it is up to the other stations.

Because of the way the roster is structured, you don't get your surge every Thursday, Friday, Saturday night—you get it on alternate weeks because of just basically the way the roster is generally constructed. So what we will be obviously intending to is on northside, city and Belconnen will be on alternate weeks; on southside, Woden and Tuggeranong will be on alternate weeks; so that on any weekend there is a surge capacity on each side of the lake for crime, and that is one of the real advantages.

And equally, there are benefits personally for members in this. It takes away from the seven night shifts in a row. Some of those things are obviously fairly debilitating and obviously have a large effect on family life and so on. So out of this our view, and my view, of the world is—and I think it's the view of the executive—that there are great benefits. This has been echoed by the folk from Woden who overwhelmingly, I think 100 per cent, voted in favour at the end of their time. We hope to have the same sorts of results and show that we get the benefits of the surge and that will help combat the crime, and equally show that we are taking care of the membership in their work life diversity and balance.

MR PRATT: So essentially the trial covers both the OH&S safety aspects as well as what productivity may be gained out of this change?

Mr Davies: Correct.

MR PRATT: I can clearly see the advantages for family downtime and I gather younger police have been very supportive of this. But I have heard that older, more experienced, police have concerns about the safety of somebody on duty on the 11th and 12th hour. Is that a concern?

Mr Davies: Obviously we are aware of that issue. It is something that we are continuing to monitor; it is something that we have certainly looked at closely throughout the course of the implementation process—or the trialling, I should say, in the first instance, even before implementation within Woden; and it is something that we will monitor closely during the course of the trial in the other stations. It is certainly not in my interests to cause danger to people or the public through those sorts of issues. We are very cognisant of that and we will be, and are, taking that into account.

MR PRATT: Are you reporting on that, or is it just an internal trial at this point?

Mr Davies: Well, it is internal, certainly, and as I said, the memberships have a fair and

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independent vote on the outcome of this and I am more than happy to report at the end of the 30 weeks on how that has gone.

MR PRATT: Okay, thanks.

MS DUNDAS: I think it was last year that the Assembly passed a motion in relation to the use of marked police cars responding to calls from family members in relation to people with mental illness across the spectrum and transporting those people with mental illness to have an assessment. Minister or Mr Davies, could you please tell me what is being done to implement this motion and reduce the number of incidences where marked cars are being used in those cases?

Mr Wood: We had that debate at the time and I think it was pointed out within that debate that there are circumstances when that needs to happen; there are circumstances when a police presence is required.

MS DUNDAS: And a part of that debate centred around circumstances where it was being used unnecessarily.

Mr Wood: There are circumstances where they are not required. But if I reflect on the things I said at the time, in order to roster in an unmarked car with a plain-clothes policeman, there simply is not the ability for police to respond rapidly in that way. The police would in principle agree with that but in practice it could be a great deal more difficult.

Mr Davies: I support everything the minister has said but, to give a short answer to your question, we have obviously recognised that issue and where at all possible, when possible, we do. But it is simply not possible through a 24-hour a day, seven-day a week coverage that at a particular time we may have an unmarked car that can do that. But where we do it would be done. Obviously we are cognisant of that. There is a whole raft of issues, as we know, around mental health and we do whatever we can to assist in a process that takes away the taint of police, I guess in a sense—the suits are blue—in dealing with mental health patients.

MS DUNDAS: I understand that it is part of police officer training to get some specific training in relation to dealing with people who are suffering from mental illness, but it is a minimal part of that training. Has there been any thought about expanding how the ACT responds to issues in relation to mental health and actually getting more specific units set up or actually expanding that training?

Mr Davies: Those sorts of issues are always under consideration. ACT Policing currently is engaged with its other stakeholders in this particular area. In fact, I attended a meeting that was called by Professor Byles from the police consultative board just in the last week where all the stakeholders came together to have a look at the way all agencies were dealing with issues of mental health incidents. The outcome of that is that we have agreed we will need to construct a new MOU. All partners are actively engaged at the moment in trying to ensure that we understand each other's role and that we are using to best effect all those resources and in a way that is of best assistance to those people who are unfortunately suffering from mental illness or mental dysfunction.

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MS DUNDAS: And who is that MOU between?

Mr Davies: It will be between all parties eventually that would be possibly involved in a mental health incident. So obviously Mental Health Services—

MS DUNDAS: So not only government agencies?

Mr Davies: us and, equally, down to ambulance and so on. All those that might become involved in an incident will eventually be a party to the agreement.

MS DUNDAS: Can I pursue another line of questioning?

THE CHAIR: Yes.

MS DUNDAS: I know that crime prevention programs is an output under JACS but it is something that the AFP is heavily involved in. What does the AFP see as its output measures in terms of crime prevention? In the budget papers it is an output class under JACS but if ask this question in JACS I would be told this is an AFP matter. So I am asking it now. What is the AFP doing in relation to the delivery of these crime prevention programs?

Mr Davies: We are doing a lot of work in relation to crime prevention. Your particular question was in regard to measures, and under the purchase agreement between the minister and police for 2003 and 04, those measures for which we are held accountable are numbers 32 to 37. Do you have that document or would you like me to refer to those?

MS DUNDAS: I do. I am looking at it. In terms of these six particular measures, there is a maximum in terms of 3,000 of the referrals you can make to support link. Why is that a maximum?

Mr Davies: Because of the fee that is paid to support link, that is the number that it buys.

MS DUNDAS: So we just can't afford to send more people than that through the support link service?

Mr Davies: The ceiling isn't a rigid ceiling. The reality is that is a negotiated ceiling but I am told that generally we have not come to that level.

MS DUNDAS: The percentage of juveniles diverted who have not re-offended in a reporting period is 80 per cent. I understand that, unless this refers to specific diversionary conferences, it is hard to keep track of when a young person might come into contact with an officer and the officer, on their judgement, says, "Don't do that again" and lets them go away, and another officer meeting the same juvenile and saying, "Don't do that again" and sends them away. Does the "diverted" in output 34 actually specifically refer to diversionary conferences?

Mr Davies: That is correct.

MS DUNDAS: It does. So you don't actually have any record of how other non-formal ways of diversion are actually working?

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Mr Davies: No. Not in this sort of detail, no.

MS DUNDAS: So in respect of the crime prevention measures that are reported in terms of the number of programs maintained in output 2.2 of JACS—Ms Kelly, maybe you might be able to answer this—how many of those programs is the AFP involved in delivering?

Ms Kelly: It is approximately half of the value of that particular budget, about 500,000. I can give you that figure. Six are the responsibility of the AFP and the remainder are the responsibility of the department.

MS DUNDAS: So what six is it that the AFP have control over? Is it the six that are listed in the output agreement, because they are not necessarily what I would call crime prevention programs?

Ms Kelly: They are Crime: What Can I Do?; Crime Prevention Road Shows; Neighbourhood Crime Prevention: Answers Where You Live; Constable Kenny Koala: A Kid's Best Friend; Children at Risk; and Aboriginal and Torres Strait Islander Liaison.

MS DUNDAS: Could we get a breakdown of how the funding is allocated to each of those programs—not just those six for the AFP but for the entire crime prevention budget?

Ms Kelly: That's for this year?

MS DUNDAS: For the 2003-04 year because I would assume that for the 2004-05 year you haven't worked that out yet. So how does the AFP link in with the other programs that are being operated through JACS in terms of crime prevention, or are you just running your six programs and they are running their programs?

Mr Davies: No, we work in conjunction with other partners through the crime prevention committee.

MS DUNDAS: So those six programs aren't run in isolation. They are linked into what other programs are being delivered.

Mr Davies: In fact, I think you will find that we actually have four ACT policing programs and they are funded under the crime prevention. I am not sure but there might have been some subheadings. I have four on my list.

MS DUNDAS: And what four would those be, Mr Davies?

Mr Davies: Answers where you live, a community awareness program, a community education program, youth at risk and an indigenous program.

MS DUNDAS: So was that five?

Mr Davies: No. The community awareness follows on. So it is answers where you live, community education, youth at risk and then an indigenous program.

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MS DUNDAS: Okay. So it would be under the community awareness program that Kenny Koala sits? Maybe Mr Davies or Ms Kelly could work this out for me on notice so that I actually get a better idea of who is responsible for what in terms of those crime prevention programs.

THE CHAIR: It might be sensible, Ms Dundas.

MS DUNDAS: On our crime prevention budget, do you actually see those four or six programs that the AFP is running helping to prevent crime?

Mr Davies: Yes, we do. We wouldn't be involved if we didn't. The steps with each of those would be different so we can't just give a response to each. Obviously I can't give empirical data but the evidence is that the involvements that we have do have an impact on the perceptions of police and also the outcomes of certain processes, depending on the circumstances of the program you are talking about.

MS DUNDAS: The criminal justice profile or the statistical profile of crime in the territory has shown an increase in the number of crimes against the person, or violence, I understand.

Mr Davies: No, in fact it is somewhat less, I think you will find.

Dr Murney: Tony Murney, Director of Corporate Services, ACT Policing. The crime figures this financial year for offences against the person have actually shown a reduction. They did show an increase in the previous financial year.

MS DUNDAS: Sorry, I am getting my years confused. But that is an area of great concern. These crime prevention programs do not seem to be targeted at personal safety; they seem to be a bit broader than that. Are there targeted programs in terms of education about crimes against the person?

Mr Davies: Yes, indeed. We have run a number of programs and still have a number of programs targeted at various elements of crime prevention. Dr Murney can probably give you some of the specifics of that.

Dr Murney: Yes. Of the four programs that Mr Davies outlined, the discrepancy between the department's counting and the police counting is simply subheadings below certain of the elements. For example, answers where you live is a program designed to promote awareness of protective measures that people can take through the publication of material in various forms, and that material covers a whole range of issues. It covers issues like bullying for children at school, it covers protection for your home and personal security measures that you can take, and there is a heavy orientation there towards target hardening in the territory.

The community education program covers a whole range of other areas, but basically it is structured around a formal curriculum in schools. The Kenny Koala program, which is often seen more as the koala rather than what lies behind it, is just a method of delivering messages to young people. That curriculum has been formally developed. It has been running for two years with schools. The participation of that program or the requirement

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for the program in schools is actually booked out until December at the moment and it delivers a whole range of messages to children.

With the youth at risk programs that we have further down, we take acceptance into areas that are managed by the PCYC and the police scouts from a range of community organisations. We take referrals from Marymead and Barnardos—groups where troubled children are likely to end up—and then try to incorporate them into some of the structured programs we run. Some of that program structure deals with issues like adventure orientation and outdoor camping activities. We will take them away for a couple of weeks. We also bring kids in from other locations to work in our facilities, so there is a fairly high level of orientation.

We maintain an indigenous-specific program because the latest figures we have indicate that up to 20 per cent of our repeat offenders tend to be young indigenous people. We are very enthusiastic about becoming involved more with the indigenous community. We have two great indigenous community liaison officers working at the moment and they are actually providing a lot of support for members of the community and are being approached fairly frequently by members of the indigenous community, so it is a pretty strong initiative.

MR PRATT: It is clear from a response to a question I asked that there has been a reduction in the number of RBTs conducted. Is that because you have developed a more efficient method of conducting RBTs? If so, can you quantify that? Can you describe how those better results are coming out if the conditions for testing have changed to allow you to reduce the number of RBT stations, so to speak?

Mr Davies: I am not sure so much if it is to do with the conditions of testing; but to answer the question, yes, we have changed the focus. In years gone by, I think it's fair to say, there were a number of issues. This comes back to something that was raised earlier about having lots of quantitative measures you have to meet. There were issues about the number of tests that police had to run, which obviously was quite a drain and so on with actually having to get out and meet X tests. The number of tests being conducted actually has dropped, but not from the sense that we have just cut down. What we have tried to do is to think much more smartly about what we are doing, how we are doing it, what time of day is a danger, what areas and so on.

I could give you some statistics which, I think, would indicate that, while we are doing fewer tests, we are obviously getting the target fairly more to the point on track. If I could just go through some of the tests: in 1999-2000, and I will talk in round terms, there were 82,000 tests and there were 272 positives—so one in 300 were found positive arising out of the test. In 2000-01 there were 109,000 tests, which sounds impressive, and there were 536 positives; therefore, one in 204. In 2001-02 there were 75,000 tests and one in 158. In 2002-03 there were 76,000 tests, much the same as the year before, with one in 67. To date in 2003-04 there have been 44,000 tests and 1,168 positives, a ratio of 1 in 38.

MR PRATT: In fact, you are finding more positives with fewer deployments.

Mr Davies: With more targeted deployments, yes, that is correct.

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MR PRATT: So you are still covering the requirement. Are you satisfied with that?

Mr Davies: We are covering the requirement of trying to keep the streets safe and we think that the target selection and the way we are going about it at the moment are achieving that result, yes.

MR PRATT: Is there any chance of getting those statistics on notice, please, to make comparisons between the RBTs deployed and the actual positive results that you have also achieved?

Mr Davies: Yes, certainly.

THE CHAIR: Could you include the locations for the more recent ones?

Mr Davies: Yes, unless there is some problem with doing that. I think you will find that we won't be able to have that level of detail. I will provide you with the greatest level of detail we can.

MR PRATT: I have been advised that some of your police stations are suffering from a shortage of good personal radio sets in terms of what each shift can pick up and also what you might have available for any surge capacity activities. What measures do you have in place to look at that problem?

Mr Davies: In part, that is probably a good news story, in a sense, because it does indicate that we have considerable numbers above the 769 at the moment, so there have been some issues with the radios. That number is not going to stay there. You have to recognise that, come 30 June, there will be a new financial year. There has been an issue, which we are addressing currently, as to the number of radios and how we will deal with that over a period of time. I will just see if I have got some more information on that issue.

MR PRATT: So there is a gap, there is a shortfall. By when are you going to cover that gap?

Mr Davies: We are covering it in the essential areas currently, but we have a new program in place for next year, a replacement program for radios.

MR PRATT: What steps might you be taking in the interim to meet immediate shortfalls?

Mr Davies: I understand that we have, through the operational areas, gone out to ensure that we are aware of the location and that radios are with those that most need them, obviously, and that we don't have them in areas that are not so essential. I'm not too sure, but I don't believe that we have operational areas currently that don't have them.

Dr Murney: We have taken two additional measures. One is that we have tightened up on the actual administration of radios and stations so that we can be assured what is there is available. That is an interim measure. We also approved an order for 40 additional radios the week before last. That is still being processed. That is going through the system at the moment. But, as Mr Davies correctly points out, when we are running at

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838 staff, which is way above our normal level, we expect to see pressures in not only those areas but on other sorts of facilities that we have as well. As we enter the new financial year, we will be moving back more towards the average line, so that also will take some of the pressure off requirements for radio equipment and other items that we have.

MR PRATT: I understand that you could have saved a lot of money by putting in place some refurbished radio sets, perhaps to the tune of saving \$564,000 and picking up 120 units, but I gather that they have not been taken up. Could that not have been a way of saving funds and could it not have been a method of plugging an operational shortfall while you were still waiting for the introduction to service of those other new kits?

Mr Davies: There was an offer from National of 40 Motorolas. I am not sure of the figure you just quoted; I thought it was higher than that. To put a couple of things in place there, those were at least three years old and we would still have had to purchase them from National. They are obviously already getting into a lifespan that brings into question reliability and so on. One of the big issues with purchasing equipment, as we all know, is depreciation. Depreciation on those radios as opposed to new radios was the same, so we would not have been saving money in that regard, thus the decision to purchase new radios which we would anticipate would have, hopefully, seven years on them and will be depreciated over seven years. So the cost differential in that regard is not great and we will have the opportunity of giving our people new, reliable equipment to use.

MR PRATT: I take your point on the economics of that in terms of life of type, but did you consider an option whereby you might have purchased a number of radio sets to cover the gap that I understand exists in a number of police stations, given that you will still have to wait some time to get the new kit into service?

Mr Davies: No, we didn't. As I say, my understanding, and I stand to be corrected, is that, whilst I appreciate that initially there were some issues about the distribution of radios, we have taken on the task, as I said, of doing a stocktake and ensuring that they are out there. Again, this is not only a product of the numbers that we are carrying currently, but equally why it became an issue in the stations is that under the new roster arrangement, because we have a surge capacity, again it goes to indicate that we have higher numbers of people on a shift than we would normally have had to deal with and cope with. Therefore, that is why we had to do a redistribution. It is a product of the higher numbers and, as I said, the outcome of the roster trial commenced on 30 May, which has put on an unforeseen demand which we have met through other means. We have the order in and we have a process in place to purchase more radios next year.

THE CHAIR: I ask for further questions to be put on notice, as Mr Corbell has limited time.

MR HARGREAVES: Before we have a change, Mr Chair, I wish to acknowledge that Mr Wood has been appearing before the estimates committee for the last time in his political career, having been a member of this place since its inception 15 years ago, and has provided a valuable service to the Assembly and the people of Canberra. I express my appreciation for that and I hope the committee will join me in doing so.

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THE CHAIR: Hear, hear! I thank you, Minister, and members of the AFP.

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Appearances

Mr Simon Corbell MLA, Minister for Health and Minister for Planning

Health portfolio

Dr Tony Sherbon, Chief Executive, ACT Health

THE CHAIR: If there are officials present who have not had me read to them the yellow card about giving truthful evidence and being protected from being sued for defamation, please say so and I will do so. If not, the rules that applied when you were last here still apply.

MRS DUNNE: Minister, when you were here last, on 26 May, we talked about the rehabilitation independent living unit at the edge of Canberra Hospital. At the time, concerns were raised basically in relation to issues in the *Canberra Times*. Since then, various MLAs have been contacted about the closing of RILU. Both Dr Sherbon and you said in estimates that no decision had been made; I think those were your words. You went on to say that the proposal to close RILU was still in its formative stages and you were yet to make a final decision about the closing of RILU.

Minister, I was wondering whether you could tell me why, on 20 May, a minute was sent out from the department of health and the hospital to all staff in rehabilitation services 12B and RILU in relation to the co-location of nursing home patients within TCH which said:

Some of you will be aware that many options have been discussed...It appears after significant consideration that RILU is the preferred site based on many considerations including acceptability of the Commonwealth to fund such a facility.

It talks about the importance of co-locating these patients and the benefits that the availability of services would have for particular nursing home patients. The final part reads:

It is essential that consideration needs to be given to the number of beds for rehabilitation inpatients within the main hospital block in order to continue to provide viable rehabilitation services. Management of TCH and Community Health will be meeting with all key stakeholders to discuss the implications of this decision within the next week.

Minister, how does that minute of 20 May stand with your statement to the estimates on 26 May that no decision had been made to close RILU?

Mr Corbell: No final decision.

MR SMYTH: What is the difference between a decision and a final decision?

THE CHAIR: Do you have a copy of the minute, Minister?

Mr Corbell: No, I don't, but I don't doubt its accuracy. What that minute indicates is ACT Health's preferred position in relation to the use of the RILU premises for a transitional care facility. As Dr Sherbon indicated to you, Mrs Dunne, when we were last before this committee, it was quite clear that the department was yet to brief me, as the

minister, on the matter and seek my formal agreement to the proposal. What that minute indicates is that a range of work is ongoing to establish what the issues are in relation to any relocation of rehabilitation patients from RILU to the rehabilitation ward at the Canberra Hospital or, alternatively, into a community setting, and that is a very sensible process for the department to undertake prior to formally briefing me and seeking my agreement.

MR SMYTH: Minister, what is the difference between a decision and a final decision?

Mr Corbell: I think the point I am making, Mr Smyth, is that the department of health, as the day-to-day manager of our health facilities, makes assessments as to the most appropriate course of action for managing facilities. They have done that in relation to the government's commitment to establish a new transitional care facility for nursing home-type patients. They have identified RILU as a preferred location and they are consulting staff on the implications of that. It was a decision by management to pursue that process, and Dr Sherbon can elaborate on that if you like. But in terms of final agreement, that is a matter that would have to be put to me, consistent with the issues that have come about through the consultation process they are undertaking with staff.

MRS DUNNE: In that case, I shall ask Dr Sherbon: why, on 20 May, was a minute sent to all staff in 12B and RILU saying that there was a decision made to relocate the RILU patients, because the RILU facility was a better place to put nursing home-type patients, when a final decision hadn't been made?

Dr Sherbon: Tony Sherbon, chief executive, ACT Health. I do not have it in front of me, either, but I am aware of the memo that you refer to or the document that you refer to. In your outline of the content, you referred to the preferred option in the initial paragraph that you read out. That is the status, as far as the department is concerned, of this appraisal. We are keen to progress those discussions with the RILU staff and, as those discussions progress, it is apparent that there are issues in relation to the patient environment that, under this proposal, they would be proposed to move to. Those issues are still being sorted out and, as the minister has outlined, no formal recommendation has been made to the minister.

MR SMYTH: Minister, why, when the meetings that are outlined in the final paragraph were actually held—a meeting was held with the RILU staff and with the 12B staff and they were told that the changes would happen—is that in contradiction with what you are saying here today?

Mr Corbell: I cannot explain the detail of that memo. All I can say to you is what I know is the situation, and the situation is that ACT Health has a preferred position. It is putting that position to RILU staff to get their response on that, to understand the full implications of the move. It's very sensible to consult with existing staff in an existing facility before making any final decisions to relocate the facility or to change the nature of its operation in some way. That is what is occurring now; that is what the minute outlines as occurring, and that is a very common practice. ACT Health has indicated to me that it has a preferred approach, but it has not, as yet, put a formal recommendation to me. I am still awaiting that advice from ACT Health and a formal decision in relation to whether or not the RILU facility will be used or used in part for transitional care facility is yet to be made.

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THE CHAIR: Minister, the minute is fairly clear. It is from quite senior people to all staff in the rehabilitation services and is about co-locating nursing home patients within TCH. It is from Mark Bassett, deputy general manager of TCH, and Laurann Yen, general manager community health, and I think it should be read into the transcript. It says:

Some of you will be aware that many options have been discussed and considered for the co-location of nursing home patients within TCH. The Commonwealth Government has provided access to funding for financial assistance for flexible care waiting for placement beds. It appears after significant consideration that RILU is the preferred site based on many considerations including acceptability of the Commonwealth to fund such a facility. Co-locating these patients in one area of the hospital would have a number of significant benefits. It would firstly improve the welfare and care of nursing home patients by providing an appropriate environment to meet their needs. Other benefits would include the ability to focus services for this particular patient group. It is essential that consideration needs to be given to the number of beds for rehabilitation inpatients within the main hospital block in order to continue to provide a viable rehabilitation service. Management of TCH and Community Health will be meeting with all key stakeholders to discuss the implications of this decision within the next week.

From my reading of that it would seem that there are a number of factors here. Firstly, the issue had been around for a while and there had been many options discussed. The key words are that the Commonwealth government came to the party “after significant consideration that RILU is the preferred site”. It goes into the justification for co-locating patients in one area of the hospital and then it indicates that the management will be meeting key stakeholders to discuss the implementation of this decision. It seems very clear that there has been a lot of consideration given, that lots of issues were canvassed, that there were good reasons for taking a decision and a decision has been made, and that all that remains for discussion is the implications. It seems quite clear to me that that indicates a decision has been made.

Mr Corbell: You can read it that way if you like, Mr Stefaniak. I guess the key issue that members are drawing to my attention is the last paragraph, which says, “Management of TCH and Community Health will be meeting with all key stakeholders to discuss the implications of this decision within the next week.” It is not to discuss the implementation; it is to discuss the implications of proceeding down that path, and that is a consultative process with staff.

MR SMYTH: My understanding is that the staff were told that RILU will close.

Mr Corbell: Again, I simply have to put on the record that the department is yet to formally advise me of their preferred approach and to recommend to me the course of action. My evidence is consistent with the evidence I gave to you when we last met, that is, that no formal decision has been taken in relation to RILU and that ACT Health will be putting a proposition to me for my consideration.

Dr Sherbon: Can I put on the record, with your permission, Mr Chair, that there is no proposal for RILU to close? There never has been. The proposal that is one of the options for consideration is the relocation of RILU services to ward 12B. There is no

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proposal for RILU to close.

MR SMYTH: The same level of services and the same sorts of services that are currently provided in RILU can be delivered in ward 12B, so you will be building steps in ward 12B and you will be building narrow corridors in ward 12B so that patients can familiarise themselves with how it will be like when they go home.

Mr Corbell: I am advised that any refurbishment issues that may need to be addressed can be taken account of and put into ward 12B; so, if refurbishment is required, that is something that can be addressed.

MR SMYTH: But how is that financially responsible when, to read from another document that has come to me, "RILU is the only unit where a wheelchair-bound patient who has narrow doors and corridors at home can be accommodated in a unit with narrow doors and corridors to allow them to learn the wheelchair skills they are required to manage at home?" It goes on, "RILU is the only unit where a patient who has steps to negotiate at home can be accommodated in a room where he or she must negotiate steps to access the dining room. This provides constant practice and retraining of stair climbing to achieve independence." We are actually going to shut down a unit that has narrow corridors and steps and is just like home. You are telling us that in ward 12B you are actually going to fabricate steps and narrow corridors so that people can learn the skills they need at home.

Mr Corbell: I am advised we can provide equivalent arrangements that allow people to learn those skills within ward 12B. That is the advice I have received; it is a relatively minor cost. I think the committee has to bear in mind that what we are doing is we are establishing a new facility, a transitional care facility, that will allow nursing home-type patients to no longer be accommodated in acute care beds where they don't need to be, to put them into a nursing home-type bed in a setting which the Commonwealth is prepared to fund. That is the assessment that I am advised ACT Health have made in relation to the existing RILU location, but it does not mean the closure of RILU, as Dr Sherbon has indicated. It means the relocation of those service to a different room in the hospital.

MRS DUNNE: Minister, no-one doubts the necessity of making decisions about nursing home-type patients. We are not here today to argue the toss about that. But what seems to be happening is that there is a robbing of Peter to pay Paul. You have a purpose-organised rehabilitation facility and you are proposing to close down the building that already exists for that purpose and relocate the patients somewhere else. This is the proposal of at least the hospital and community health, if not yourself.

Why would you do that when the information that I have received from people is that RILU is the most appropriate setting for the final stage of rehabilitation prior to discharge into the community and there are lots of reasons why RILU is a unique environment, both physically and the services provided within its walls? That is in addition to the things that Mr Smyth has talked about concerning teaching people to negotiate narrow corridors and narrow doorways and the importance of learning to climb steps again.

I find incomprehensible being in a situation where you have to learn to climb steps, something that most able-bodied people have been able to do since they were four years

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old, but to adults having to learn to do it again it is a very important thing. But there are other things about this. Each individual is encouraged to participate actively in their own rehabilitation program, despite pain and disability. There is an emphasis on community living so that each person plays an active role in the daily operations of the unit, including assistance with meal preparation, laundry and outside duties appropriate to their lifestyle.

Mr Corbell: What is your question, Mrs Dunne?

MRS DUNNE: How are you going to do all of that in ward 12B? Are we going to install kitchens, laundries and a garden somewhere so that these people can go out and relearn all these skills. How are you going to do all that in ward 12B?

Mr Corbell: These are all issues that will be put to me for my consideration, I assume, when the department makes its recommendation to me. On the advice I have received to date, I have to clarify a couple of things. First of all, we are not closing RILU. The proposal, as I understand it, is to relocate the facility to a different room in the hospital and also to provide an enhanced level of support for people in their own homes. So there is the residential setting as much as there is the setting within the hospital campus.

The issues that you raise are all legitimate ones and they are not ones that in any way the government, the hospital or the department, I don't think, are ignoring; they are ones which they are taking full account of and making the best possible assessment as to what is the most appropriate way of securing and maintaining the level of rehabilitation services that we currently provide at the Canberra Hospital, as well as making sure that we can get this new transitional care facility for nursing home-type patients up and running. It is a management process that I will be advised of and a recommendation will be made to me on the most appropriate way forward.

MR SMYTH: Minister, you are closing six to eight of the RILU beds, though, aren't you; that is the intention?

Mr Corbell: I am advised that there is no closure of beds and no reduction in bed numbers.

MR SMYTH: There are currently 20 beds in ward 12B.

Mr Corbell: Occupied. I am advised occupied beds.

MR SMYTH: Is there a waiting list to get into RILU?

Mr Corbell: I will take that on notice. I think the answer is no, but I will take that on notice.

MR SMYTH: Is it true, Minister, that referrals from Calvary have been down in the last 12 months because they have not been able to get a bed in RILU?

Dr Sherbon: I am advised, Mr Smyth, that the reduction in referrals relates to the reduction in rehabilitation specialists available at this point in time, not to the capacity required.

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MR SMYTH: That is actually the answer, but have referrals from Calvary been down over the last 12 months?

Dr Sherbon: I understand they may well be on account of the shortage of rehabilitation specialists.

MR SMYTH: Have Calvary been sending some of their referrals to St John of God Hospital in Goulburn, Minister?

Mr Corbell: I am not aware of what practices individual specialists may be undertaking in their hospital. That is a matter for those individual specialists.

MR SMYTH: Dr Sherbon, have we been sending Canberra rehabilitation patients to Goulburn?

Dr Sherbon: I am sure there would be a small number who have come to Canberra for acute care from the Goulburn region and returned to Goulburn. I can perhaps give you, with the minister's permission, a figure on notice.

MR SMYTH: That would be kind.

Dr Sherbon: But I would not be surprised if there were some, because we can take people from the Goulburn region for acute care in Canberra and Calvary is normally the first port of call. Similarly, the Little Company of Mary ACT, as you know, operates the hospital to which you refer, so there may well be some—

MR SMYTH: When did they purchase St John of God?

Dr Sherbon: They have not purchased it. They have an arrangement with the St John of God management that the Little Company of Mary ACT operate that hospital on behalf of the original order—I will have to check the exact name of the order, but the St John of God order—that ran that hospital. There are probably natural linkages building up between those two sites as they are under the same management.

MR SMYTH: But you will check as to whether Canberra patients have gone to Goulburn.

Dr Sherbon: ACT residents?

MR SMYTH: ACT resident patients.

Dr Sherbon: I can check that for you.

THE CHAIR: While you are taking things on notice, you have mentioned that you have given the minister briefing notes and documents in relation to this. Could we have a copy of all those?

Dr Sherbon: There has been no brief forwarded to the minister as yet. As you have seen in the previous discussion, matters are still under formulation. We have had informal

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discussions with the minister over his concerns, which naturally are those of this committee, that is, that the patients be appropriately cared for, and those discussions have led to formal work by my team to address those concerns and appropriate advice will be forwarded to the minister when we are confident that we can address those concerns.

MR SMYTH: Minister, you said that there will be no bed losses because approximately six beds have been empty for some time. Are you aware of why those beds have been empty?

Mr Corbell: No, I am not aware of the exact reasons why those beds are not occupied. I guess the most obvious conclusion is that it relates to the level of demand.

MR SMYTH: Did you ask why the beds were empty?

MS DUNDAS: Sorry, are the beds empty because of demand or because there has been a reduction in rehabilitation specialists, so we have not been able to meet demand?

Mr Corbell: This is becoming a complex discussion.

MR SMYTH: You're the minister.

Mr Corbell: But I am very happy to answer the question. I am just stressing to the committee the complexity of supply and demand in the medical environment. My understanding, and we have provided this information to the committee concerning a question on notice, is that average occupancy over the past two years has been between 55 and 65 per cent in both ward 12B and RILU, so for at least the past two years there has been only a moderate level of utilisation of capacity.

As I indicated to the committee during our last meeting, in ward 12B there have been outlier patients—patients from other wards, non-rehab patients—who have been utilising the otherwise unoccupied beds in ward 12B. So there is clearly a level of supply which, for whatever reason, is not being fully utilised. I am also advised that we don't have a waiting list for entry to the RILU; there is no waiting list for entry to the RILU. That, I am advised, indicates there is a low demand for that facility and that is obviously something that is taken into account in the planning process.

MS DUNDAS: But, Minister, you have indicate that it is unclear whether people have stopped referring to the RILU because of the lack of special rehabilitation specialists, so how are you sure that the position concerning currently unoccupied beds, or that low level of demand, is just based on the needs of people to access rehabilitation versus the availability of specialists?

Mr Corbell: Without assessing each individual decision of each individual specialist for each individual patient, it is difficult to make that judgment, Ms Dundas, but we have looked at the trend over the past two years and clearly the advice I have from the department is that there is a level of underutilisation of beds in both the rehab ward and in the RILU. In addition, we have had a reduction in the number of rehab specialists and that may be causing some reduction in the utilisation of beds. It is difficult to determine, but we are not proposing to reduce the capacity in terms of occupied beds at either RILU

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or the Canberra Hospital. So we are anticipating to continue to meet the demand that is there, and I think that is the point. We are meeting the demand that is there and that is the proposal which the department is yet to put to me, but that is the advice I have received.

MS DUNDAS: But you said that it would be quite complex to work out what that demand is because you do not know what individuals—

Mr Corbell: Yes. So, in the absence of a better understanding of the dynamic, you make sure you meet the existing demand and that is what we are doing.

MR SMYTH: Minister, you will be running the Sir Humphrey model of a hospital: if we don't provide services, there will be no patients. The reason that demand has dropped in the last two years is that one of your two rehab specialists resigned in March 2002 and he has only just been replaced. The reason the ward has been half empty for your term of government is that you have been providing half the service level. Isn't that true?

Mr Corbell: That is your assertion, Mr Smyth, but I do not know how you back that up.

MR SMYTH: Because I can give you the doctor's name and when he resigned. He is now in Cairns, I understand.

Mr Corbell: I am not saying that I do not agree that the doctor resigned. I know that the doctor resigned, but you cannot assume from that that means that that is what has led to the overall reduction in utilisation. That is your assumption—

MR SMYTH: Is there a staff to bed ratio, Minister?

Mr Corbell: If I can answer the question through you, Mr Chairman. The assessment is that we are meeting the current level of demand. If demand goes up, obviously the health system will need to respond to that, but the key factor is addressing the level of demand that exists.

MR SMYTH: If you were meeting the level of demand, why have you recently employed an additional rehab specialist, a registrar, and established the position of rehab adviser nurse?

Mr Corbell: I will ask Dr Sherbon to answer that question.

Dr Sherbon: The demand for acute rehabilitation and subacute rehabilitation is increasing. Those services are provided in ward 12B and, to a lesser extent, on the various acute wards of Calvary and Canberra hospitals. The demand for RILU as measured by the waiting list and the occupancy is low. RILU is not acute and subacute rehabilitation. It is a medium-term model based on activities of daily living along the lines of Mrs Dunne's question earlier. Demand for acute and subacute rehabilitation is increasing; hence the construction of a subacute facility at Calvary Hospital and also in recent years the expansion of the community-based rehabilitation service. Rehabilitation services are complex: there are acute, subacute and those focused on activities of daily living. It is in the RILU component that we can only record low waiting lists and only conclude reduced demand. As I have mentioned in earlier answers, to the extent that we have analysed the problem thus far, we are reasonable assured that we will be able to

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provide an option to the minister for his consideration that meets the demands of the clients of the RILU service.

MRS DUNNE: Minister, for someone who has not received a briefing on this, you seem to be extraordinarily well across the topic. To follow up on Mr Stefaniak's question, can the committee receive any documents that you received in relation to this proposal either before the last estimates hearing or between then and now?

Mr Corbell: This has been a matter of public debate and a matter of questions in this place, so I have obviously had informal discussions with Dr Sherbon and his officers as to the situation so that I understand it, but there has been no formal brief put to me saying, "Minister, this is the proposition. This is what we recommend as the appropriate course of action."

MRS DUNNE: Have you ever received an information brief?

Mr Corbell: That hasn't occurred, so I've simply received informal advice from the department on the state of play, and that is quite natural.

THE CHAIR: Could we have a copy of that?

Mr Corbell: Obviously for the purposes of the recall today, I asked what the recall was about and they said that it was about RILU, so I had a discussion with Dr Sherbon this morning and his officers on the issue.

MRS DUNNE: So that was a discussion, not a written brief?

Mr Corbell: I have received some written advice as well as some verbal advice.

THE CHAIR: Could we have a copy of the written advice?

MRS DUNNE: It was said before, Dr Sherbon, that all of the services that are currently provided in RILU—the things that we were talking about; stairs, narrow corridors, cooking, cleaning, washing—could be replicated in ward 12B. How will it be replicated in ward 12B?

Dr Sherbon: I didn't say all of the services. I said the therapeutic environment is translatable to another location. At this point in time of our analysis, it seems as though that is feasible. But, as you point out, there are issues still to be resolved over the adequacy of ward 12B to accommodate those activities of daily living-type environments. However, I must point out that by far the best place to rehabilitate someone in their activities of daily living is their home.

MR SMYTH: But they have to be in a position to go home, surely, and doesn't RILU perform that bridging from having come out of acute and subacute to prepare you to go home?

Dr Sherbon: In some cases. In the small number of cases that we have outlined.

MR SMYTH: Minister, apparently there is an acute stroke unit pilot being trialled in the

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hospital at the moment and when people finished in the acute and stroke unit they were to be referred to RILU to continue their transition home. Will this closure of RILU affect the acute stroke unit pilot?

Mr Corbell: I am not aware of the details of that program, but I would anticipate that that would be a matter which the department of health would consider prior to formally advising me on the issue.

MR SMYTH: The government received \$799,000 from a NRMA trust to establish RILU. If RILU were closed in its current form would that money be repayable to the NRMA road safety trust?

Mr Corbell: As I pointed out to you before, RILU is not being closed; RILU is potentially to be relocated. If it were to be relocated the building would be utilised to house nursing-home type patients in a transitional care facility, freeing up more beds in the hospital for acute patients and elective surgery patients; so I think that either way the NRMA road safety trust would consider it value for money, but if there are particular issues around that—

MR SMYTH: Have you asked them?

Mr Corbell: These sorts of donations usually do not come with conditions, Mr Smyth; they are simply provided for a purpose and, as long as the service continues to be provided, as it will, we do not anticipate any difficulties with that.

MR SMYTH: Sorry to contradict you, Minister, but this money did come with clauses and conditions. If you check, I think, clause 11 or subsequent clauses of the trust agreement, the money was actually provided to build and equip an independent living unit complex for residential care and rehabilitation of acquired brain injury, particularly from car accidents. Minister, were you not aware that you had terms and conditions to comply with in this agreement?

Mr Corbell: Again, that would be a matter that I would consider the department would consider before it formally advised me on the appropriate way forward.

MR SMYTH: Have you made allowance for \$799,000 to pay the money back to the NRMA?

Mr Corbell: As I have indicated to you before, Mr Smyth, there has been no formal decision in relation to RILU, and that is a matter which will be considered further, I would anticipate, by the department prior to any advice being given to me.

MR SMYTH: Where will the money come from to fund the cost of redeveloping RILU into the aged care facility?

Mr Corbell: That is a matter that is still under consideration by the department and I would anticipate that would be provided in advice to me.

MRS DUNNE: Minister or Dr Sherbon, can you tell the committee who came up with the proposal to use the RILU site for an aged care facility when it was already being

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utilised as a health care facility for something else?

Mr Corbell: My understanding is that it is a matter that is being worked through at departmental and hospital management level.

MRS DUNNE: I would like to know who and I would like to know why.

Mr Corbell: I do not think it's relevant to say who was the individual officer. I do not quite understand what purpose that would serve and it is not usual practice to say, "This officer did it." It is a proposal by the department of health and Dr Sherbon is here, as I am, to answer your questions in that regard.

MRS DUNNE: Or did you, Minister, make the decision?

Mr Corbell: No, I have not made the decision, and I have already indicated that to you on a number of occasions, Mrs Dunne.

MS DUNDAS: Do we have any young people living in nursing homes at the moment?

Mr Corbell: I think we have a very small number of young people in nursing homes, yes.

MS DUNDAS: Could I, if you need to take that on notice, get a number and the particular ailment that means that they are living in nursing homes?

Mr Corbell: I don't know whether we have that number. We are not responsible for the location of people in nursing homes. That is a matter for individual nursing home management. So, unless they are a client of some other ACT health service, we would not be able to identify them.

Dr Sherbon: We can confer with the ACT office of the federal Department of Health and Ageing. I'm not sure if they would have that number but, should it assist the committee and the minister agrees, we can certainly ask them if they have that number.

Mr Corbell: You can do that.

MR SMYTH: Minister, RILU has just started its accreditation process to become a rehabilitation facility and gain the recognition required. How will the transfer of RILU to ward 12B affect that accreditation process?

Mr Corbell: Again, I imagine that would be a matter which the department will consider in providing advice to me.

THE CHAIR: There was a question that Mr Smyth asked in the middle of another that I don't think you answered—the staff to bed ratio. Is there one? In that case, what is it?

Mr Corbell: I am not across that level of detail. It is a question I can either take on notice or ask officials to answer if they have it.

Dr Sherbon: There is no fixed staff to bed ratio, but we can certainly, on notice, obtain

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the staffing numbers. You already have, as the minister indicated, a ministerial response to a previous question on notice on occupancy.

THE CHAIR: Thank you, gentleman. I think the committee would like any documentation or even informal notes in relation to this issue in terms of briefing the minister, if you could provide those. I thank you for making yourselves available at quite short notice.

Mr Corbell: I will take that on notice and seek some advice on whether those documents can be provided.

THE CHAIR: Thank you, Minister.

Meeting adjourned from 1.08 to 2.03 pm.

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Appearances

Mr Jon Stanhope MLA, Chief Minister, Attorney-General, Minister for Environment, Minister for Community Affairs

Attorney-General portfolio

Ms Elizabeth Kelly, Acting Chief Executive, Department of Justice and Community Safety

Ms Diane Kargas, Acting Executive Director, Corporate Services, Department of Justice and Community Safety

Mr Brett Phillips, Acting Executive Director, Policy & Regulatory Division, Department of Justice and Community Safety

Mr Philip Mitchell, Chief Solicitor, ACT Government Solicitor's Office, Department of Justice and Community Safety

Mr John Leahy, ACT Parliamentary Counsel, ACT Parliamentary Counsel's Office, Department of Justice and Community Safety

Dr Helen Watchirs, ACT Discrimination Commissioner, ACT Human Rights Office, Department of Justice and Community Safety

Ms Leslie Roberts, Office Manager, ACT Human Rights Office, Department of Justice and Community Safety

Mr Alasdair Roy, Deputy Community Advocate, Office of the Community Advocate, Department of Justice and Community Safety

Mr Brian McLeod, Deputy Community Advocate, Office of the Community Advocate, Department of Justice and Community Safety

Mr Andrew Taylor, Acting Public Trustee, Public Trustee for the ACT, Department of Justice and Community Safety

Mr Doug Gillespie, Deputy Public Trustee, Public Trustee for the ACT, Department of Justice and Community Safety

Ms Joanne Thompson, Finance Manager, Public Trustee for the ACT, Department of Justice and Community Safety

Mr Michael Ockwell, Acting Registrar-General, ACT Registrar-General's Office, Department of Justice and Community Safety

Ms Danielle Krajina, Business Operations Manager, ACT Registrar-General's Office, Department of Justice and Community Safety

Mr Chris Staniforth, Chief Executive, ACT Legal Aid Office, Department of Justice and Community Safety

Ms Sonya Davidson, ACT Legal Aid Office, Department of Justice and Community Safety

Mr Phillip Green, Electoral Commissioner, Electoral Commission, Department of Justice and Community Safety

Mr Bruce Kelly, Courts Administrator, ACT Law Courts and Tribunals Administration, Department of Justice and Community Safety

Mr James Ryan, Director, ACT Corrective Services, Department of Justice and Community Safety

Mr Derek Jory, Policy Officer, Legislation & Policy Branch, Policy and Regulatory Division, Department of Justice & Community Safety

Mr Tony Brown, Director and Registrar of Liquor Licences, XFilm Licences, and Brothels and Escort Agencies, Policy and Regulatory Division, Office of Fair Trading, Department of Justice & Community Safety

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THE CHAIR: Welcome everyone. You should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal actions, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

When each official comes to the table, please get your name tag and take it to the table with you. Clearly state your name and the capacity in which you appear before the committee. If you are taking a question on notice, please say so—it is then your responsibility to check the transcript. A transcript will also be sent to the minister and the departmental contact officer for distribution to witnesses. You have three full working days to answer any questions on notice.

This being the last hearing, I must say that there are a number of outstanding questions on notice still to be received by this committee after three working days have elapsed. If people from other departments who haven't fulfilled the requirements are listening, we want the answers as soon as possible; otherwise our reporting date might be affected. As far as you people are concerned, three full working days means that we would expect the answers by next Tuesday. Of course, members, if you want something taken on notice please state what paper it is from and the page number.

Let's get started on the general questions from page 283 through to 301 inclusive. I'll kick the ball off. Chief Minister, I see at page 283 that, as a new initiative, there is a program targeting high-volume recidivist property offenders, with the aim of reducing property crime in the ACT, which looks to be quite a commendable initiative. It is a bit over a million dollars and it is to go for a few years. I have a couple of things in relation to that. Firstly, I think I recall the previous government having a study done showing about 240 offenders who could almost be targeted as recidivists in respect of property—it was almost as if they were known.

Secondly, there have been a number of crime prevention programs in the past, which in the last budget went down from 14 to 10. I note that, of the 10 in the current financial year we're still in, only about half of the money—I think only about \$430,000 of the \$1.075 million—has been spent. Exactly what program do you have in mind? How do you aim to target these recidivist property offenders? What do you intend doing? Are you any more confident that this program will work better than some of the others, which seem to have had mixed success?

Mr Stanhope: Jon Stanhope, Attorney General. Thank you, Mr Chair. I think this is a very good initiative and one that I have great hopes will show a new way forward in dealing with issues around property crime, particularly for those people within the community who have high levels of recidivism. I agree with the comment you made in your opening remarks about the capacity we have in our small jurisdiction—a city-state—to personally identify many of the repeat offenders in our community.

Ms Kelly has been heavily involved in developing this program, along with Mr Ryan. I'd ask Ms Kelly to give an overview of the rationale. Mr Ryan may wish to assist with the other question you asked about some of the specific initiatives and progress in relation to

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those. I would ask Ms Kelly to answer regarding the general principles and philosophy behind this new program and then Mr Ryan can perhaps answer regarding some of the specifics of current programs.

Ms Elizabeth Kelly: Elizabeth Kelly, Acting Chief Executive. The crime prevention program, which is the responsibility of the minister for police and is administered jointly by the AFP and the department, is only a very small part of the overall approach to crime prevention—it certainly doesn't represent the response to crime prevention—so this program is another small piece of the jigsaw puzzle. In fact, crime prevention is a whole-of-government initiative. JACS is working with the rest of government—you'll see it throughout a number of the new initiatives and other programs within government. The Turnaround program that you're aware of is a crime prevention initiative.

The Aboriginal Justice Centre is aimed at reducing indigenous recidivism, as is the circle sentencing initiative that is part of that. The restorative justice program is also very much a crime prevention program focusing on young offenders and preventing them from entering the mainstream system. So the crime prevention budget, in combination with those programs and this approach to intensive support, is a whole-of-government approach to crime prevention. In relation to the details of this program, I'd ask Mr Ryan to outline what the program will involve.

Mr Ryan: James Ryan, Director, Corrective Services. At face value this initiative seems like more of the old medicine. But it is a serious attempt to pull together the sorts of programs that exist not only in our jurisdiction but also in other jurisdictions. It will superimpose on them a very intensive method of putting offenders through those programs, with a very intensive approach to their case management. In that respect it is new. It is certainly very new to this jurisdiction. I'm not sure that it is done in the same way anywhere else either.

The participants will be selected carefully, but at random. They need to be adult offenders, their index offence has to be a property offence and their level of service inventory—which means their assessed prospect of reoffending—has to be greater than a chance of slightly less than 65 per cent. They have to have a court or parole order with a supervision period of something like 12 months. By “intensive supervision” we mean intensive case management. That would include face-to-face meetings at least twice a week, random home visits—about three per month—and interviews to ensure that their criminogenic needs are addressed in an intensive way. We also intend to use, where appropriate, electronic monitoring because we have the capacity to do that.

The participants will be faced with a number of programs. They'll be facing existing programs in the areas of family violence, sex offender and violent offender programs, and they will also be facing cog skills programs—programs that force them to address their offending behaviour. As well, we would like to get back into the business of supported accommodation for those who need it. We think that, in due course, we'll have two six-bed accommodation units in which we can house those who don't have appropriate accommodation. It has been found that lack of such is a very serious indicator for reoffending.

I think those are the main issues in what we're doing. Of course I didn't mention drug screening and drug rehabilitation. That is very much a part of it. It is an element in the

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need to reoffend with most of the offenders we're talking about. The drug screening, by way of random testing, will be done at least once a week and maybe more often. Finally, we don't intend to see this run as yet another program; we're already devising a means of assessing and validating the program—and there is money in the program for just that. So, after a period of some years, we'll be able to tell whether or not this, as an approach, is worth while.

MRS DUNNE: When you say “some years” how many years—five, seven?

Mr Ryan: We'd have a better idea after five years than we would after three years. I'm not too sure that we'll have much of a clear view after one year. The more stats we can draw on to validate this the better.

THE CHAIR: You're going for four years in the program, I see.

Mr Ryan: Yes. We'll start gathering information from day one.

MRS DUNNE: You were saying that you might get into the business of supported accommodation. Does that mean you have the flexibility in the program to tweak it as you go along, without invalidating the figures?

Mr Ryan: We will get into the business of supported accommodation for sure. There is definitely a need for that.

MRS DUNNE: Are there not already community organisations that provide supported accommodation for people on release?

Mr Ryan: There are some, but we've found them to be inadequate for our needs. Quite often people are turned away and not accepted, or their length of stay is curtailed. We did have a program some years ago that we found to be quite successful. It is good to have such offenders on an intensive program in a living environment that we control. We would have our officers there 24 hours a day; we would know where people were going and what they were doing.

MRS DUNNE: Is it not a risk that you will end up with a modified prison regime that might mean they nick off quicker than would be desirable? Isn't that a problem—if you've got officers, electronic monitoring and stuff like that—that you're creating an environment that is much like a prison?

Mr Ryan: I would hope not, but we'll certainly get some failures. It may well be that some of those failures are precipitated by the rather intensive regime we're demanding. The alternative is to drift on doing the sorts of things we're doing, but we're not sure that that is necessarily getting us the success we want.

THE CHAIR: Part of the program, I take it, will be assisting them into jobs. You are seeing them fairly regularly, which is great. Often one of the big problems with people on parole or under supervision is that they see someone only once a month. Does the program involve assisting these people into appropriate jobs?

Mr Ryan: Yes, it does. You've hit on one of the two big things that I think are

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fundamental to rehabilitating such offenders—to get them off drugs and to get them jobs.

MRS DUNNE: To follow up on the accommodation issue—I'm sorry, I can't remember the words you used—you implied that it wasn't satisfactory; that community providers are not providing a satisfactory service, or there is just not enough of it?

Mr Ryan: Often they can't get a space and, when they can find a space, it is always very temporary. When they know where our clients are coming from there is quite often some reluctance to take them in, as you can imagine.

MS DUNDAS: How much money are you expecting to spend in the 2004-05 financial year for the reducing property crime initiative?

Mr Ryan: Probably something in the order of \$800,000. We've been asked to take this out of our existing funding. It is not just coming out of our funding; it is coming out of the department's funding as well.

MS DUNDAS: I was asking because what is listed in the ownership agreement is different from what is listed in the budget papers with regard to the money you're being asked to find. The budget papers list it as \$1.3 million and the statement of intent lists it as \$800,000. Is there extra money being put in by the rest of the department to bring that up, or is that a typo?

Ms Elizabeth Kelly: Because it is the first year of operation of the program we don't anticipate that the full amount will be expended, although that is something that will continue to be under review. We anticipate that only \$800,000 will be spent in the first year of the operation of the program.

MS DUNDAS: So the budget papers are wrong?

Ms Elizabeth Kelly: The budget papers reflect \$1.3 million but, on a closer look at that, we think we'll only be able to spend \$800,000 during the first year.

THE CHAIR: Thank you. Good luck with that—it is a good initiative and it sounds promising. Without going into my views on it or yours, Attorney, the new Human Rights Act starts in July this year. I note that additional funding of about half a million dollars has been put into this budget—basically just CPI rises in the out years—for its implementation. What is that going to go on? Do you think that is enough, given that this act will have very wide ramifications, as much as anything else, to every other government department?

Mr Stanhope: I'll ask Ms Kelly to answer the question in the broad. Dr Watchirs would be happy to give details of how we anticipate expending the funds.

Ms Elizabeth Kelly: The amount in the budget initiative for 2004-05 will go to the Human Rights Commission. In last year's budget there was an amount that went to the policy and regulatory division of the department. That provided us with one full-time legal officer and \$60,000 for education throughout the public sector.

THE CHAIR: Does that continue?

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Ms Elizabeth Kelly: That is a continuing amount, so it is a combination of those two amounts. That being said, it is going to absorb a considerable amount of resources.

THE CHAIR: In your department. The Human Rights Office has effectively got an extra quarter of a million. What is that going to provide?

Dr Watchirs: Dr Helen Watchirs, Discrimination Commissioner. I'll be Human Rights Commissioner from 1 July. We anticipate spending the budget allocation on new positions, which were advertised on the weekend, for a legal adviser, a legal policy adviser and half of an education officer. It is about performing the functions under section 41 of the act of advising the Attorney, educating the community, reviewing existing laws as to their compliance with human rights and possibly intervening in cases where declarations and incompatibility notifications have been sent to my office.

THE CHAIR: Could you speak up a bit, please?

Dr Watchirs: There is provision under the act for my office to be notified when the Supreme Court is contemplating the issuance of a declaration of incompatibility. There is a possible intervention role under that.

THE CHAIR: I see. Do you think two and a half people will be sufficient for that? I understand the act means that you have to oversee all the various government departments, where a lot of issues will arise from.

Dr Watchirs: I think we can live within that budget. More would be better, but I think that is a realistic amount.

Ms Elizabeth Kelly: In relation to the department's contribution, we have one principal legal officer doing a Human Rights Act scrutiny role full-time; there is an additional officer at the ASO6 level being allocated to do that; and we anticipate an additional person, or at least half a person. There is a broad education campaign planned for the public sector. We have retained the services of a specialist human rights educator to do that. Those workshops will be running in the public service over the next six weeks. The department is focusing very much on educating the public sector and the Human Rights Commission, the Discrimination Commissioner, is focusing on the community.

THE CHAIR: Thank you. I'm not going to get bogged down in political arguments over that issue.

MRS DUNNE: I want to go to the initiatives and explore the restorative justice unit a little—how issues like the restorative justice unit would fit in with the eminently sensible program we were talking about before for recidivist offenders. How is this program going to work? What other connections, if any, are there between this program and other programs?

Ms Elizabeth Kelly: The restorative justice model we are putting in place is eventually going to be available at all points in the system—prior to charge, post-charge, conviction, post-sentence and in the correctional setting. That is the intention. It will be linked to every part of the process, so the restorative justice process could very well be

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part of the intensive support program. Initially we will be focusing on young people and the pre-charge and court aspects of it. The plan is to build the program over time to make it available at all points in the system.

MRS DUNNE: Can you inform the committee about how this \$400,000-odd will be used in the pre-charge court process for young people?

Ms Elizabeth Kelly: Perhaps I can ask Mr Jory to come and provide the detail on that.

Mr Jory: Derek Jory from Justice Planning and Programs, Policy and Regulatory Division. The budget for the restorative justice unit is essentially split up into administrative costs for office accommodation and that sort of thing, and then four positions which will be on top of current staffing levels. The police will also be required to maintain their current staffing levels.

MRS DUNNE: What will the four staff in your area be doing?

Mr Jory: The legislation we hope will be coming before the Assembly in the not too distant future, so it will be dependent on the outcome of that legislation. The model at this stage sees that there will be a manager, who will have delegated power from the executive to basically decide on the suitability of a restorative justice process. Once that has been ascertained—and that will be done through talking with the victim and the victim's support network and the offender and the offender's support network—the staff will go about convening a conference. The restorative justice medium will be largely through conferences between the victim and the offender and their support networks.

MRS DUNNE: There are several models for this. Are we following a particular model or is this the bespoke ACT version?

Mr Jory: This is the ACT version. In other models in other jurisdictions the conveners are drawn from the community. For example, in New South Wales they are volunteers. They are paid to a certain extent. The person within the court structure acts as the administrator, but the staff are not full-time. In the interests of consistency, in respect of the protocols, policy, evaluation and transparency, our model is going for a full-time staff and that will be within the Department of Justice and Community Safety.

MRS DUNNE: How many people would you envisage would go through such a process with four full-time staff on hand?

Mr Jory: At this stage we're suggesting that we look at 200 people per year.

MRS DUNNE: What qualifications would the people running the conferences have?

Mr Jory: We're looking at people with excellent people skills; people who understand a little bit about the criminal justice system; and people who are able to empathise with the victim's point of view. They will obviously have to have conflict resolution skills and mediation skills—that type of background.

MRS DUNNE: Is bringing the matter to court and having it resolved that way envisaged as an alternative to charging someone? Is this seen as an alternative to that, in addition to

that, or will it in some way complement that?

Mr Jory: Both. It will depend on the offence. There will be a diversionary aspect available that will be a decision between the police, the DPP and the unit itself. The model basically says that serious offences have to go to court. The court will decide whether restorative justice processes can be used at that time.

MRS DUNNE: For as long as I've been working in this building, there has been a lot of talk about restorative justice and there have been some pilots. One that I recall five or six years ago was run by Professor Braithwaite. What are we drawing out of the things that have gone before, to establish this?

Mr Jory: Professor Braithwaite was one of our expert advisers in setting up this model. The model he researched was a pre-court diversion model which essentially looked at only about four areas of offending. We've certainly learnt some lessons from that—for example, that we are unlikely to use it for victimless crimes—such as excess blood alcohol. His research was used in what is called the RISE experiment and found not to be effective for those sorts of offences. The RISE experiment put through something like 800 people and was funded externally. As soon as that finished the funding wasn't available, so the numbers going through have been very limited. That program has continued, with about 30 to 40 people in conference by the police.

MRS DUNNE: Is that going to continue, or is it going to be subsumed into this?

Mr Jory: It will be subsumed into this, but the police will still have their role.

MS DUNDAS: How will this unit fit in with all the other measures being put in place in an endeavour to reduce recidivism? Will this unit be working with the other programs that Ms Kelly discussed briefly before?

Mr Jory: Yes, certainly.

MS DUNDAS: How will that relationship work?

Mr Jory: The unit will not become heavily involved in rehabilitation, for example, but it will be part of the overall system the criminal justice processes are able to tap into. The research shows that there are some positive outcomes for certain categories of offenders with rehabilitation—and recidivism rates are dropping off. From that point of view, it will work within the system. If you like, it will be part of the greater jigsaw puzzle.

MS DUNDAS: It will be another tool.

Mr Jory: Yes.

MS DUNDAS: When it comes to access to these tools and the different programs that are there, who is making the decision about who goes where, which program is best suited for them, or which part of the jigsaw they should be clicking into at any given time?

Mr Jory: You have to see that restorative justice is part of the criminal justice process.

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There are legislative decision-making steps that have to be followed. The decision making can't sit outside those processes. The decisions wouldn't be made by the department of corrective services, for example, because that person is already in their program. The decisions are going to be made by police officers, by the Director of Public Prosecutions and by magistrates. They may listen to those people, but it is not necessarily those other programs that will drive this process.

MS DUNDAS: This is a process that will kick in later down somebody's criminal pathway, as opposed to an early intervention unit or a diversionary unit?

Mr Jory: That is correct, yes.

MR HARGREAVES: This program, or this unit, seems to be offender and victim based. You talked about involving the families of both.

Mr Jory: Yes.

MR HARGREAVES: Will they be addressing the family history of certain offenders? You get a particular family and, because there is a culture in a particular family, the same family is being represented through the court system. Some have been through it and some are going to go through it. One of the aims is to cut that cycle. Will the unit have any involvement in that sort of approach?

Mr Jory: No, not really. Its role is not therapeutic in the sense of delivering some sort of welfare service as such, but that is not to say that that sort of background wouldn't be touched upon in a conference. That type of family history may be brought up within a conference. An outcome is not going to be that that unit will in some way therapeutically intervene with that family. It doesn't have the resources to do that.

MS DUNDAS: The agency is being asked to reach some general savings that I note include general savings for both JACS and the new ESA. How does JACS intend to meet its component of those general savings?

Ms Elizabeth Kelly: We're going through the process of finalising that now. Are you speaking about the one per cent?

MS DUNDAS: It is around \$800,000 in the 2004-05 year and \$276,000 of that is for ESA. So it is down \$526,000 specifically for JACS.

Ms Elizabeth Kelly: The \$526,000 is the one per cent efficiency dividend. We're going through the process at the moment of sharing that in a fair way across the department. The department has 16 business units, some of which have large budgets—like courts and corrections—and some of which, particularly independent statutory offices, have much smaller budgets. So the capacity to absorb is quite different across the department. We're still working through that with the various business units in the department, but we are spreading it as fairly and as evenly as possible, taking account of the different capacities within the department.

MS DUNDAS: It is quite possible that statutory agencies may feel the impact of this efficiency saving?

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Ms Elizabeth Kelly: We will. It is very much a process of working with them to ensure what reduction they are able to absorb and what would compromise their services. That process is continuing as we speak.

MS DUNDAS: There is also a technical adjustment on page 298 for removal of non-continuing budget initiatives in the out years. \$3 million is the figure for 2007-08. Can you provide an answer to what those budget initiatives are?

Ms Elizabeth Kelly: I'll have to take that on notice.

MS DUNDAS: Thank you.

MR PRATT: Chief Minister—this may be a question for Ms Kelly—I refer to the counter-terrorist aspect of the overview of this particular chapter. We spoke briefly this morning about this, but I want to take it a step further. Looking at the budgets this morning for the ESA, the ESA seems to be sufficiently equipped budget-wise for the next couple of years to take care of its chemical defence duties in relation to its support role in counter-terrorism, but there does not seem to be a great deal of funding available there for recovery aspects. We talked about that this morning. In the budget for your department for the \$250,000-odd a year recurring, again there do not seem to be sufficient resources for how the ACT might develop its recovery capability in the event of a catastrophic terrorist attack. What can you tell us about that? Where are we going? What resources are going to be online?

Ms Elizabeth Kelly: By “recovery” do you mean the immediate response to a terrorist incident, for example—what in the trade is called consequence management?

MR PRATT: Yes.

Ms Elizabeth Kelly: This \$267,000 is for the unit.

MR PRATT: Yes, I know that.

Ms Elizabeth Kelly: That unit is whole-of-government policy and coordination; there are no arms and legs that provide any response capacity in that unit. The response capacity exists throughout government and it exists within the Emergency Services Authority. As to the capability within the Emergency Services Authority, Commissioner Dunn is confident that we're currently on par and the National Counter-Terrorism Committee certainly are assessing capability. As we discussed, urban search and rescue is an area of national capability that needs to be increased.

The other capability is health—the capacity of the health system to cope with a major incident. There are some areas there that we're beginning to focus on. It is primarily the health agencies and the Emergency Services Authority that would be involved. From the point of view of the National Counter-Terrorism Committee, there are no glaring issues for us but there are a number of issues that require attention. Those will be addressed over the next six to 12 months.

MR PRATT: While I know the chief police officer and the Commissioner for ESA have

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their missions in that regard, is it you and your unit which are pulling the strings of all the other agencies together in getting their capabilities developed?

Ms Elizabeth Kelly: That is the role of this unit. We're incredibly fortunate to have the AFP as an important part of our jigsaw. When I looked across government I didn't include the AFP—that was an omission on my part. The major responses to any major incident will come from the AFP, from the health sector and from the Emergency Services Authority.

We have a very sophisticated capacity within the AFP through the specialist response group. For a jurisdiction of our size we're better placed than anyone else to respond to a terrorist incident. There are always areas where we wish to increase our capability, but we're doing exceptionally well in comparison with other jurisdictions of our size in the sophistication of our response from the AFP perspective.

MR PRATT: We heard Commissioner Dunn say this morning that he's got the people, the skills and the capacity to make the first response to the after incident recovery phase, but he's very concerned about capacity beyond the first 12 or 24 hours. Are you satisfied that, with the integrated approach by all the agencies that may be involved, we're going to get that capacity, given the threat scenarios that we must look at and take seriously?

Ms Elizabeth Kelly: The detail of that is probably something that should be discussed in a private briefing, but I can say that sustainability is our issue in relation to urban search and rescue. A number of other jurisdictions don't yet have the capacity. We have the initial capacity but we don't have it in a sustainable way. A really important part of the Australian approach to terrorism is cooperative relationships.

MR PRATT: Federal assets—for example, military.

Ms Elizabeth Kelly: Federal assets. New South Wales and Victoria are accessible to us immediately. It is very much a part of the counter-terrorism arrangements that those things flow and that they move very quickly into place. We don't want to rely upon that, so sustainability is an issue we're looking at. It hits us not just in relation to urban search and rescue; it gets us right across—into the health sector in particular as well.

MR PRATT: Intervention of water resources and that?

Ms Elizabeth Kelly: Yes. You look at things like patient transport as a focus. Those are the issues we will be looking at over the next six to 12 months on the National Counter-Terrorism Committee. You look at how you can move people and capabilities around to meet it, so that nationally we can meet a threat. I think everyone concedes that, if a major incident happens, it may well be beyond the means of an individual jurisdiction to deal with.

MR PRATT: Thanks very much.

MR SMYTH: Chief Minister, I was interested in the ACT Corrections service and the staffing of that service. What is the staffing? Are all the positions currently filled?

Mr Stanhope: I'll ask Mr Ryan to respond to that, Mr Smyth.

Mr Ryan: I think the question concerned staffing in corrective services, in general?

MR SMYTH: Yes, and then—

Mr Ryan: And positions not filled.

MR SMYTH: Yes.

Mr Ryan: At present, we are staffed in all respects on the custodial side, although we are presently running a course to top up our casuals. A total number of seven people are participating in that course. On the community corrections side, we are in the midst of a recruitment process to recruit more officers at the ASO6 level and at the SOGC level. That recruitment action is almost complete and I would expect that it will be completed within the next seven days. However, it presently leaves community corrections short—and I'm not exactly sure of this figure—in the order of four or five officers.

MR SMYTH: Out of a total complement of?

Mr Ryan: At that level, a total complement of around 20.

MR SMYTH: So you're down about 25 per cent?

Mr Ryan: Yes.

MR SMYTH: Is it true that management has been told by the officers, particularly the probation and parole officers, that they now consider the area unhealthy to work in and an occupational health and safety risk?

Mr Ryan: Yes, some weeks ago there was an approach through the OH&S delegate on one particular floor stating that the officers felt that the workloads for them were excessive. Our reaction to that was to reassure them that none of them was required to work beyond the agreed work levels—that's worked out on a points basis that largely derives from the number of offenders that they see—and that, in the meantime, the recruitment exercise would continue. I should add that we got ourselves into this position by way of a management-initiated process to upgrade positions in the organisation.

MR SMYTH: Sure. You're currently upgrading them from ASO5 to ASO6.

Mr Ryan: Correct. Most of them.

MR SMYTH: What would lead your officers to tell you that their place of occupation is unfit under the Occupational Health and Safety Act?

Mr Ryan: I believe that they took the wrong approach by doing that in the first place. I think it shouldn't have been done through the OH&S Act at all. It was rather, if anything, an industrial issue. The matter was certainly not brought to me as an OH&S matter, and I chair the OH&S committee. We meet once a month.

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MR SMYTH: How many cases is the average workload for an officer?

Mr Ryan: It's not so much the number of cases, because the workload in a case varies with the type of offender. I can't give you the exact details of how the point system works but they were, for example, in some cases, working towards 90 points as a workload for a week when the agreed workload was 80. I might add that some of them were working well below the 80.

MR SMYTH: I'm told the approximate case load of offenders per officer is about 35.

Mr Ryan: I don't know whether that's an average or a median. Some may carry that.

MR SMYTH: Are there any unallocated cases in the ACT at the moment?

Mr Ryan: Yes, there always are some unallocated cases.

MR SMYTH: How many are unallocated at this time?

Mr Ryan: I don't know.

MR SMYTH: I'm told there are 70 unallocated cases. How will those cases be addressed?

Mr Ryan: They are addressed on the basis of a priority set by the community corrections staff. We also have to match that up with the rest of their workload which, in particular, involves pre-sentence reports, a large part of their work. We endeavour to make sure that offenders aren't left unallocated for too long. It's a problem we've faced over the years.

We are so small that the loss of a few staff affects us greatly and, during this period of upgrading of levels, we also lost a number of experienced staff for various reasons. Some of them went off to other jobs in the ACT public service. They were poached and there's not much we can do about that. However, we recognise that we do have a problem at the moment but I think the solution is at hand.

MR SMYTH: Chief Minister, were you told that the remaining officers have placed a work ban that has covered at least the last two weeks on all judicial reports and on releasing authority reports?

Mr Stanhope: That hasn't been brought to my direct attention. It may be that there is correspondence in my office that I'm not aware of, Mr Smyth, but I don't believe that it's been raised with me personally. It may be that there is correspondence to me on the subject, but my office hasn't raised it with me and I'm not aware of any officials having raised it with me.

MR SMYTH: So was the ban in place?

Mr Stanhope: Mr Smyth, let me say that the information that Mr Ryan has just provided is the first time I've heard of it. However, as I say, it may be that there is correspondence in my office of which I'm not aware.

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MR SMYTH: Sure. Are the work bans still in place, Mr Ryan?

Mr Ryan: No, they're not. They were put in place, I believe, on a Thursday. The person who put them in place through a PIN notice was then not present on the Friday or the Monday, and I recall that the PIN notice was lifted on the Tuesday.

While the backlog of work occasioned by the lack of numbers and staff is a problem that we still have—and, as I said, it is being addressed—the immediate effect of the ban, in my view, was not to reduce the level of service at all, beyond that which we were capable of producing with the numbers that we had.

MR SMYTH: All right. Has the lack of officers led to community-based orders being unsupervised and unmonitored?

Mr Ryan: Not to my knowledge.

MR SMYTH: I have a letter from an individual who obviously works in the area and who calls it a crisis. He says:

The effect of this crisis is simple. The ACT Community is being put at a higher risk of offenders subject to Community Based Orders being unsupervised and unmonitored. At present, in the Probation and Parole Unit, there is 70 unallocated cases.

When will this be addressed?

Mr Ryan: As I said at the outset, the solution to this requires that a recruitment process be completed. When that is completed, the backlog will be addressed. I might add that the balancing of workload against staff is something that all jurisdictions wrestle with. I would assert that the attention that we give our offenders here in the ACT is at least equal to or, indeed, higher than it is in most jurisdictions in the country.

MR SMYTH: The officer who has written to me asserts—and again I will quote—that for the initial meeting:

This means, these offenders do not have a case manager to supervise them. These offenders are seen by a Duty Officer, when available, interviewed for no more than five minutes to check addresses etc and then given another appointment. There is no time or resources to ascertain whether any information supplied is truthful.

Is this true?

Mr Ryan: That's correct and the duty officer, of course, reports to the manager in that area, but there's always a need for us to balance our resources with the number of offenders we have to deal with. The duty officer's task is to make sure that at least there is some contact made with these people until such time as we can allocate the cases.

MR SMYTH: Chief Minister, the letter goes on to say, "The section is in crisis. A crisis that has been made aware to the Department and Government for the past five months." If you've had a crisis in corrections for the past five months, why weren't you made

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aware?

Mr Stanhope: Mr Smyth, I'll have to check my records. As I say, I have no recollection of this particular crisis being brought to my attention. If this particular officer believes that corrections is in a crisis, I assume the letter to you really is a public interest disclosure declaration and I'm more than happy for it to be treated in that way. If that particular officer wishes this to be treated in that way, and it seems to me he does, and if there's an officer in corrections who believes corrections is in crisis, Mr Chair, I respectfully suggest that this matter is treated as a disclosure under the Public Interest Disclosure Act.

MR SMYTH: You said you have no recollection. There seems to be—

Mr Stanhope: I'll check my records, Mr Smyth.

MR SMYTH: It seems to be a recurring trend, Chief Minister, not remembering things. Mr Ryan, have you informed the Chief Minister in the last five months of problems within corrections, or has he enquired or asked after corrections in the last five months?

Mr Ryan: Yes, on a number of occasions.

MR SMYTH: On a number of occasions you've informed him or a number of occasions he's asked?

Mr Ryan: We have a steady stream of information going from corrections across to the minister's officer on all matters, from the prison project all the way through to what we're doing in certain areas. Indeed, we have a program of briefs that we provide on a regular basis at a level of detail that we've never had before.

MR SMYTH: Through you, Mr Chair, is it possible to have any copies of briefs on the state of corrections, particularly in the community area, given to the committee?

Mr Ryan: I doubt that there's any particular brief available on that issue.

THE CHAIR: Would you check?

Mr Ryan: Quite honestly, if a staff member believes the place is in crisis, that's news to me. We have had problems with staffing and, as I said, we are addressing that. The interesting thing is that the staffing crisis was precipitated by an effort to upgrade positions and it was a management initiative that brought that about. We will always suffer—

MR SMYTH: How could that lead to a crisis in staffing? Surely, the staff remain in their existing positions until the new positions are created?

Mr Ryan: Some of them obviously decide to move on. That affects staffing. We only need to lose three or four and we have a problem in that area. We are so small.

THE CHAIR: Thanks. A copy of that unsigned letter has been given to the secretary.

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Mr Stanhope: It's an unsigned letter, is it? It's an anonymous letter.

THE CHAIR: Mr Smyth indicated in his questions that the staff member doesn't want to be identified.

Mr Stanhope: Mr Chair, I respectfully suggest that anonymous letters from supposed staff at corrections should be treated with the contempt they deserve.

THE CHAIR: That is what is before me, Mr Stanhope.

Mr Stanhope: I assumed this was a legitimate complaint but we don't even know if it's actually from a staff member of corrections.

THE CHAIR: I would imagine Mr Smyth's—

Mr Stanhope: It could be from one of Mr Smyth's Liberal mates.

THE CHAIR: Mr Stanhope—

Mr Stanhope: That's just nonsense. I'm disturbed.

THE CHAIR: Mr Stanhope, I'm disturbed by your saying that.

Mr Stanhope: Mr Chair, let me say that I am disturbed that a range of questions has been asked and accusations have been made about corrections and corrections being in crisis on the basis of a piece of anonymous correspondence that you can't even guarantee or certify is from a corrections officer.

MR SMYTH: It's interesting you respond now, Chief Minister—

Mr Stanhope: That is an outrageous way in which to proceed in estimates—from a piece of paper that's not signed containing a number of allegations that are quite scurrilous.

MR SMYTH: because you talked to Ms Kelly throughout the line of questioning, through the whole episode.

MRS DUNNE: Mr Chair, under the standing orders, he is unruly.

THE CHAIR: You are being unruly, Chief Minister. Would you please be quiet? Mr Smyth, I'm sure, would not—

MRS DUNNE: It's a breach of the standing orders.

THE CHAIR: I think you are in breach of the standing orders. Mr Smyth has obviously been in contact with someone and he's made a number of comments and asked questions that have been answered. I have one question of Mr Ryan in relation to a general point.

Mr Stanhope: Is it from an anonymous correspondent too, Mr Chair?

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THE CHAIR: No, Mr Stanhope it's a question that I want taken on notice. The questions Mr Smyth has been putting to you relate to community-based orders, Mr Ryan. I don't know if you can get this to me reasonably quickly but I would like to know the percentage of community-based orders that have to be supervised in the ACT compared with the percentage in other jurisdictions?

Mr Ryan: Could I take that on notice, please?

THE CHAIR: Please take that on notice. I want you to.

Mr Ryan: The comparison will be a difficult one. We've tried it before but I think it will demonstrate that workloads encountered by our staff are such that the case load is significantly less than that in other comparable jurisdictions.

THE CHAIR: Thank you. Any further questions on that issue? Right, any questions on other issues in relation to this part?

MS DUNDAS: I've got a question under 1.1. I'm happy to move on.

THE CHAIR: Okay.

MS DUNDAS: On page 301 of the budget papers, in relation to policy advice, \$191,000 is shown as coming in in the 2003-04 financial year under user charges—non-ACT government. What was that specific payment for?

Ms Elizabeth Kelly: I'll have to take that on notice.

MS DUNDAS: How many legislative reviews are currently under way that have been overseen by the JACS portfolio?

Ms Elizabeth Kelly: Do you want the number of projects or the number of legislative reviews?

MS DUNDAS: Number of legislative reviews.

Ms Elizabeth Kelly: I'll also have to take that on notice.

MS DUNDAS: Okay, as you're taking that on notice, I want to know what the number of reviews currently is and whether or not you can provide estimated completion dates for programs associated with each of those. In particular, I'm interested in the review of the Residential Tenancies Act, which I assume comes under this section.

Ms Elizabeth Kelly: Yes.

MS DUNDAS: Can you inform us how that review has progressed?

Ms Elizabeth Kelly: I'll have to take it on notice. I am aware that there is a draft report on which there has been some consultation, but I'm not aware of the exact status of that, so I will take that on notice.

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MS DUNDAS: If there's a timeframe associated with amendments to the Residential Tenancies Act that are coming out of that review, I would also like to know.

MR HARGREAVES: I've had representations from people concerned about how bodies corporate stand in regard to, for example, the Agents Act or legislation like that. They seem not to be subject to many of the safeguards that those pieces of legislation are. I was wondering whether the department is having a look at addressing the issue with regard to bodies corporate. The position has been put to me that, as bodies corporate represent owners, particularly regarding things like maintenance contracts around those premises, those entities ought to be included within the Agents Act.

Mr Stanhope: I will ask Mr Phillips if he could respond to that, thank you, Mr Chair.

Mr Phillips: I am Brett Phillips, Acting Executive Director, Policy and Regulatory division. Mr Hargreaves, we've had an ongoing review process in association with the Corporations Act for as long as I've been part of the department, but it's been something that has never bubbled to the surface of priority in our division. Any ongoing review, of course, would examine the issues surrounding the bodies corporate and particularly the large bodies corporate that seem to be gaining some influence.

MR HARGREAVES: It seems that there is difficulty, particularly for a couple of constituents I've had come to me, with complaints mechanisms and how they can get justice, in their view. There seems to be some confusion as to whether fair trading comes into it, whether bodies corporate are agents and whether there is an appeal process through which people can have their matters of concern regarding the actions of bodies corporate heard or whether they just have to cop it. I'm concerned.

I had discussions with some people almost a year ago that highlighted this issue. I have to confess I've forgotten the name of the officer and it was an informal discussion in the chamber about this particular issue. It seemed as though it may be a fairly minor legislative exercise to treat bodies corporate the same way real estate agents are, for example, where real estate agents will represent a landlord, arrange such things as maintenance and all that sort of stuff. If anybody has a complaint, they can then go through the normal processes there and there are professional safeguards associated with the conduct of those businesses.

However, such safeguards do not exist for bodies corporate, as I understand it. They certainly do not exist in a way that most people would understand that they exist and I was wondering, if something isn't being done about it, whether you would consider putting it on a priority list?

Mr Phillips: It's something that we can consider in relation to our program. At the present time, the Associations Incorporation Act, which deals with bodies corporate, provides a mechanism through the Registrar-General's Office. Whether that remains an appropriate course of action is something that we need to consider.

MR HARGREAVES: Does that take into account that bodies corporate do act in the capacity of an agent?

Mr Phillips: It takes into account mainly their fiduciary duties and their books and

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accounts.

MR HARGREAVES: But not the conduct of their business?

Mr Phillips: Not necessarily, no.

MR HARGREAVES: You might like to give thought to that, Mr Phillips, if you wouldn't mind?

Mr Phillips: Certainly.

MR HARGREAVES: Thank you very much.

MS DUNDAS: My question doesn't necessarily relate to 1.1. Ms Kelly, are you acting chief executive officer at the moment and is Tim Keady returning to that position?

Ms Elizabeth Kelly: On 15 June.

MS DUNDAS: So he's gone on leave after leaving education?

Ms Elizabeth Kelly: That's right.

MS DUNDAS: I was just getting a bit confused. Mr Phillips, you're acting in your position at the moment, as well?

Mr Phillips: That's right.

MS DUNDAS: Is that because, Ms Kelly, you're acting up?

Mr Phillips: I'm acting in Ms Kelly's position.

MS DUNDAS: Acting up in the nicest possible way. Does taking on the position of the head of the Office of Fair Trading come with being head of the policy branch position?

Ms Elizabeth Kelly: That's right. The Commissioner for Fair Trading is a statutory appointment that's tied to the position of executive director.

MS DUNDAS: Thank you. I wanted to get some clarification on that.

MR HARGREAVES: I have a question or two on 2.1. My first question is on the administration of justice. For your information, Attorney, I'm looking at page 304 of budget paper No 4. By way of a preamble, with the indulgence of the chair, I will say that there are a number of targets indicated there and I'm pleased to see that the Court of Appeal has been separated from the Supreme Court and the Magistrates Court. I note that the Supreme Court has had a drop in estimated sitting days of about 60. It seems to be a drop of about six per cent. The figures for the Magistrates Court, on the other hand, are going up—515 sitting days and about 29 per cent.

If we have a look down at the next few targets, however, we see that there's not much difference with respect to the matters lodged. On the other hand, the matters listed in

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Supreme Court don't show much of a change, but the Magistrates Court figures go up 11,000. That's about a 13 per cent increase. Under matters finalised, the figures for the Magistrates Court seem to indicate that there's an increase there from 25,000 to 30,000.

What interests me, and I wonder if you could comment on it, is the variation between the matters lodged and listed for the Magistrates Court—31,500 and 95,000—when there are only 30,000 matters finalised. I'd like you to explain to me whether that means that there are 65,000 matters not finalised?

Mr Stanhope: There's a mystery around the courts, Mr Hargreaves, which I respectfully ponder, but I'll ask Mr Kelly to unravel the mystery for us.

Mr Bruce Kelly: No, that measure of listing is the gross number of cases listed across a year, so obviously a case can be listed more than once.

MR HARGREAVES: Yes, I understand that. I think we might have had a similar conversation before on just how they get listed, get yanked or people don't proceed with them—a whole stack of reasons—but I suppose it is the size of the discrepancy which intrigues me a bit. If, for example, the matters finalised were up around the 70,000 mark, I could understand that variation, but I have to say, I'm a bit surprised that it is—I don't know what the percentage is—a hell of a lot less than the matters listed. Apart from those ones that are not proceeded with, what is the reason? Is it a workload issue?

Mr Bruce Kelly: I don't think it's a workload issue. I don't think it's a work capacity issue. I do think that the Chief Magistrate's current review of the listing and case management system in the Magistrates Court is timely. That review is ongoing as we speak.

Part of the national key performance indicator set for courts measures a thing called the attendance index, which is how often a case has to come before a court to be disposed of. I would say, in a comparative sense, given there's one year's worth of data from last year's productivity commission report, the ACT could do better in that area.

Again, the question becomes: is close case monitoring and relisting a good or bad thing? Certainly, the economists would say it's a bad thing but, if you're looking for a long-term outcome in respect of a particular offender, for instance—and the family violence intervention program is a good example of this, where people are kept under reasonably close supervision by the court to achieve a good outcome in terms of reoffending behaviour—I would say that's a good thing.

I would hope that the studies that we have done to date around the outcomes—particularly of matters that were originally listed as defended cases but subsequently, at the defended hearing, either withdrawn or adjourned to another day, or involve a plea being made to a lesser matter—offer some fairly fertile ground for achieving efficiency in the court listing system. That's really what the Magistrates Court listing review is focusing on. It is using some of those numbers to try to get behind the attitudes of the participants on both sides and their expectations when they have a list date. It's trite to say that, in case flow management, the lower the likelihood that a case will be heard on the allocated date, the less likely the parties are to be ready on that day.

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MR HARGREAVES: The presumption is that it will not go ahead, so we'll take that as a good risk.

Mr Bruce Kelly: That then leads to reworking, rebriefing, more statements and whole lot of stuff. The fundamental tenet of good case management is the court takes control, and that is very much the pitch and flavour of what's currently being discussed by the bench in the Magistrates Court.

MR HARGREAVES: I thank you for your explanation and I don't wish to sound disbelieving at all but, in respect of the Magistrates Court, I can't help thinking that there may be a correlation between the number of sitting days and the number of matters finalised. This is a question to both Mr Kelly and the Attorney. Have you received any advice on workload issues to do with the courts, the Magistrates Court particularly?

Mr Stanhope: I did receive some advice on that issue, Mr Hargreaves, around the decision that I took to appoint an additional permanent magistrate. To some extent, there were issues in relation to that, but that matter revolved as much around the fact that we had, within the Magistrates Court, adopted a position of almost permanent appointments for special magistrates.

Mr Kelly may correct me on this but I think it's probably fair to say that there have been special magistrates on permanent appointment for years. I was never entirely sure why we had rolling appointments of special magistrates as opposed to the appointment of an additional magistrate. My position in relation to that was to appoint an additional permanent magistrate. I do intend that we will not continue to roll over the appointments of special magistrates interminably.

You asked a question about workloads. These are essentially issues for the court. I'm very conscious and respectful of the separation of powers and the Chief Magistrate's independence in the administration of this court. Mr Kelly has provided me in the past with information on workloads. I don't think there's any reason why I wouldn't provide that to the committee.

MR HARGREAVES: I'd appreciate it if we could have that advice provided, Chief Minister. My final question on this particular part—and this is where you'll have to educate me a bit, Mr Kelly, and I appreciate your time for doing this—is about the Children's Court. That's in the ACT jurisdiction, is it not?

Mr Bruce Kelly: Yes.

MR HARGREAVES: Whereabouts do we find details of the workload or the matters going through the Children's Court with respect to the budget and the annual report system?

Mr Bruce Kelly: They're not separated out, a bit like the figures for the Court of Appeal were not separated out of the Supreme Court figures prior to this committee's request last year. The Children's Court is one of a number of subordinate jurisdictions. I suppose that is a reasonable way to discuss them. The Coroner's Court is another, together with the tribunals and all are resourced out of basically the same base budget.

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As you know, a specialist Children's Court magistrate is appointed for a period of time. I've expressed a view that that works pretty well for a relatively small bench. It is rotated occasionally, both to allow that judicial officer to gain expertise, but also to ensure that the officers don't go stale dealing with those issues day in and day out. Again, you'll see that, a bit like the situation with the Court of Appeal, we haven't been able to separate out the input resourcing side from the outputs, making assumptions about apportioning rent and those sorts of things, on the basis of floor space. Those things get a bit artificial when you start slicing up the cost of power and other utilities and all those sorts of things, and it's very similar for the Children's Court.

MR HARGREAVES: On the resources being given to the courts—and I understand the difficulty you have about separating on-costs and all the rest of it, and I don't have a difficulty with the way that the financial information is provided—my interest was sparked during the inquiry we had into the rights, interests and wellbeing of children. You may recall that a committee on which I sit looked into that.

We talked about the effectiveness of diversionary conferencing, particularly in preventing kids coming into a court system. It would be a nice thing for us to see, over time, whether or not the number of young people going before the courts is shrinking because of the other programs and opportunities that we're putting before them. Without insisting on it, I ask you to give some thought to including, in the non-financial information, some information about the Children's Court in future years?

THE CHAIR: That's probably useful, yes. That's a reasonable thing.

Mr Bruce Kelly: There are certainly other sources that we report on regularly. The annual report and the senior children's magistrate's annual report form part of the department's annexed reports. Again, the benchmarking exercise through the Productivity Commission does separate out the Children's Court over time, and that's quite a vigorous process. I don't think that there's any objection, in principle, to having a bit more information about the workload of the Children's Court over time.

MR HARGREAVES: Mr Kelly, I appreciate your highlighting to us where else we can find these things, but I just make the point that, sometimes, people only look at this sort of information once a year. Not everybody looks at those other subordinate reports and things like that, except for zealots possibly, and zealots can be a pain. I just think that, for the sake of completion, and for lazy people like me, it would be really helpful.

Mr Bruce Kelly: I am happy to do that.

MR HARGREAVES: Thanks very much.

Mr Stanhope: The point might be made, too—and I don't want to add to the work of the court—that the position you've just put is as relevant to the workload of the Coroner's Court and, of course, decisions we've taken in relation to the appointment of magistrates. This was a decision taken mindful of the fact that a magistrate has been working permanently as a coroner now for nine months or so and, indeed, other magistrates work constantly as coroners. It's another aspect of the work of the Magistrates Court, but I guess the issues you raised in relation to the Children's Court might well be said to apply to the Coroner's Court.

MR HARGREAVES: Indeed, the concern that I was expressing earlier on, after looking at ball-to-ball figures, can be partly explained by the fact that you have a magistrate off line, in a sense, for the duration of this current coronial inquest.

Mr Stanhope: And we have a magistrate—

MR HARGREAVES: Where we lend coroners to other jurisdictions, for example, that has an impact which doesn't come out of the page at us so, when you're looking at it and saying, "Things are a bit slack there," there is a valid explanation which can pop out of the page.

Mr Bruce Kelly: I am absolutely convinced that, next year, I'll be asked to account for the jump in the unit costs of the Magistrates Court, and I will be able to point reliably to—

THE CHAIR: You can tell us why.

Mr Bruce Kelly: —the bushfire inquiry. One other cautionary note: looking simply at the longitudinal data about the number of people before the courts and trying to tie that, a cause and effect rate, to a particular program is notoriously difficult. If we introduced juvenile conferencing and the number went down, we might say we were doing something in terms of recidivism but, equally, we could find that that is caused by a shift in emphasis in ACT Policing—the way they apply their cautioning policy to young people and those sorts of things.

MR HARGREAVES: Yes but, if you just go with your quantitative measures, you're asking for trouble. They have to be supplemented by your qualitative measures, so they have to be read in conjunction with each other.

Mr Bruce Kelly: Yes, I agree.

MR HARGREAVES: Yes, good call. Thank you.

THE CHAIR: On a point Mr Hargreaves raised, I've heard complaints from the profession about pre-case hearings taking an inordinate amount of time, about having several of them, about their being a lot more time consuming, time wasting and perhaps detrimental to all parties than was the case when we didn't have them. Is there anything being done to streamline those procedures?

Mr Bruce Kelly: That's the very nub of the current review. The tenets of case flow management say that, if a court does not intervene in a case, then it will wander its way around at the leisure of the parties involved. The court should intervene. The real question is how effective those interventions are and what the results are on the case of management hearings. They're the things that are currently being examined.

THE CHAIR: You mentioned that figures for the Court of Appeal are there for the first time, which is good, however, for the estimated outcome at least for this financial year, I would image we would be able to at least estimate how many days the Court of Appeal is sitting, given that we're now in the last month of the year. Similarly, we'd have a

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pretty good idea of how many matters were lodged, how many were listed and how many were finalised. Why aren't those in there?

Mr Bruce Kelly: Basically, because the framework of these reports means that you change in a year without back-casting. I'd be happy to take the question on notice and provide some information.

THE CHAIR: That'd be handy. Would just provide us with figures from 1 July 2003 to 2 June 2004 for how often they've sat, the number of matters lodged, the number listed and number finalised. Thank you.

MS DUNDAS: My question was about the case management system, which is being reviewed at the moment.

Mr Bruce Kelly: That's right.

MS DUNDAS: Isn't it just a new system that has been implemented?

Mr Bruce Kelly: No. The first iteration of case management in the ACT Magistrates Court occurred in 1999. A practice direction was issued after extensive consultation. That led to a number of structural changes, both in the listing process and in the consultative management process. That had not been reviewed for some time and that's what is happening now.

MS DUNDAS: Okay. It's just that the footnote indicates that the figures we're seeing are above target, as Mr Hargreaves indicated, because the new case management system is bringing matters before the court more often.

Mr Bruce Kelly: That's right.

MS DUNDAS: It's not a new system, it's a—

Mr Bruce Kelly: No, it's not brand new but I think the emphasis has shifted a little bit. What the court was trying to do over, say, the last 18 months, as we realised that listing delays were starting to creep out, was to attempt to apply more rigorous case management, so adjournment periods were reduced and cases were called before the court more often. I'm not convinced that that alone is the answer.

MS DUNDAS: Would that be cases brought before the court more often, or more quickly?

Mr Bruce Kelly: Yes, more often.

MS DUNDAS: Okay, so you're actually saying—

Mr Bruce Kelly: In a life cycle of a case now, you can expect to be up for a case management hearing, directions hearing or return of subpoenas more frequently than you were in the past.

MRS DUNNE: I have a couple of questions. Thank you, Mr Kelly, the information is

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more fulsome, but I'm still going to whinge. As we were discussing before, we still don't have information on the number of matters before the coroner. Does the AAT fit conveniently in here as well? Do you handle the workload of the AAT as well?

Mr Bruce Kelly: Yes. The AAT, again, has a separate annual report, as required for both jurisdictions. This is a bit of a life cycle. These reports in the past have contained very fine-grained data and have been split. People have said that "You get seasonal variations so why don't you aggregate?", so we've aggregated. Now I suspect we're going—

MRS DUNNE: You can't please everyone all of the time.

Mr Bruce Kelly: back the other way and we will go to fine-grained data again. I think that, as a rule, the more information that's in the public domain about the performance of the courts, the more transparent the process is and the more informed the debate.

MRS DUNNE: The more confidence people have about the courts. So would you look at extending the amount of information here by, say, looking at the coroner's matters and matters in the various elements of the AAT?

Mr Bruce Kelly: If we can stick to the golden rule of keeping it on one page, I think that could be quite useful.

MRS DUNNE: And the Children's Court, yes.

Mr Bruce Kelly: I flagged before that the adoption of national key performance indicators is on our agenda. I would be hoping, subject to approval by government, to be reporting those national KPIs in this format in 2005-06. Next year we'll be running what is basically a shadow of this—internal reports broken down by national KPIs—which could then be split down to jurisdiction, if not list level.

MRS DUNNE: Does the ACT always provide the coroner to Norfolk Island?

Mr Stanhope: No. There is a real issue in relation to the assistance which the ACT government does provide to other jurisdictions. Indeed, we provide magisterial support to Jervis Bay and to Norfolk Island. I'm always concerned that the ACT not be disadvantaged as a result of that. I accept that it does take the Chief Magistrate out of the territory from time to time. I think there is a case to be made for the Commonwealth to accept fuller responsibility for the provision of magistrates to Jervis Bay, in particular.

I have to say that I can't see why, having now established a federal magistrates court, the Commonwealth could not provide either a federal magistrate to service Jervis Bay or why it is not more appropriate for the Commonwealth to enter into an arrangement with—

THE CHAIR: New South Wales.

Mr Stanhope: New South Wales and for a resident magistrate in Nowra to be responsible for the administration of justice in Jervis Bay. I'm keen to pursue those possibilities. Similarly, in relation to Norfolk Island, I'm happy to be a good neighbour and to extend the hand of friendship, but Norfolk Island is a self-governing territory.

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MRS DUNNE: Does it pay?

Mr Stanhope: I think it is important that we look at whether or not it is appropriate for us to continue to make available magistrates to service the justice system of Norfolk Island. I'm pursuing that issue with the Commonwealth and with the Norfolk Island administration. It's not just a question of cost. It is important that the cost be reimbursed but, in this particular case, for instance, our Chief Magistrate is out of the territory probably for a week as a result of his attendance at this particular inquest, and I think there is an issue for the administration of our court involved in that.

MRS DUNNE: Does Norfolk Island pay and does it pay enough?

Mr Stanhope: I'll ask Mr Kelly.

Mr Bruce Kelly: Never enough, Chief Minister.

Mr Stanhope: We seek to ensure that we are not left out of pocket as a result of these arrangements, but there are different regimes in Jervis Bay and Norfolk Island. Mr Kelly might have that information.

Mr Bruce Kelly: Certainly. Thank you, Chief Minister. There is an MOU of some standing in relation to Jervis Bay, from 1989 from memory, which provides for full cost recovery. We certainly ensure that we recover our administrative costs on top of the actual costs. There is a similar arrangement in respect of the work of what I think is still titled the Court of Petty Sessions of Norfolk Island, in respect of airfares, accommodation, travel and all those sorts of things, together with salary.

In respect of the coronial jurisdiction for these current purposes, we are recovering all the actual disbursements but, at this stage, we are still negotiating on the salary portion of it. There are a number of subsidiary jurisdictions, like Norfolk Island's Administrative Review Tribunal, which is the equivalent of our AAT. There is some fertile ground on which we can do some negotiation with the Norfolk Island administration about those things and they're the very things to which the Chief Minister was referring.

MS DUNDAS: Regarding the need for refurbishment of the Supreme Court and the Supreme Court building, has the disabled access to the Supreme Court been finalised?

Mr Bruce Kelly: I'm almost going to invite you all to come for a ride in the new lift which was commissioned on the 20th.

MR HARGREAVES: Do we have to tie a leg behind our backs?

Mr Bruce Kelly: No. It's not a huge lift but it is a lift. It does serve the purpose. I must say it's surprising that we're over the moon because we've got a lift—it is the sort of thing you take for granted in any multistorey building. However, through the good offices of the government, the money has been made available and the project has been completed. The project is very good value for money in the sense that we haven't been able to fix every disability compliancy point in the building, but most users of the building can now at least get around.

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We have some decent signage and we have a trial court room in which a person in a wheelchair can get to the floor. I'm pleased to say that that happened yesterday. We actually had our first client who wanted to get to the floor of the court and was able to go up and down on the mini-lift. We've managed to put in one set of public disability toilets. We've changed some of the circulation routes and changed some of the doors so that wheelchairs can get through. We have reconfigured both the jury box in court 2 and the jury room to make room for a person with a mobility disability to serve on juries in the ACT. I have to say that there were some who said that this would never happen. The Chief Minister has been very interested in the progress of that project.

MS DUNDAS: Can people with disabilities present as witnesses in the Supreme Court?

Mr Bruce Kelly: Yes. Once they can get onto the floor of the court, they can then take a position near the witness box. There are still some issues regarding heritage and chopping up those witness boxes.

MS DUNDAS: Attorney-General, what is the future of the Supreme Court building?

THE CHAIR: I think we'll come to that after the break.

MS DUNDAS: It is 3.30.

Mr Stanhope: I have a strong interest in seeing us move to the construction of a new Supreme Court. We have re-energised the project. I have, in previous estimates, in conversation with the chair, expressed a range of views about the Supreme Court, at times in jest. However, one thing I've discovered in this business is that it's very hard to say something in jest and not be taken seriously, so I tend to avoid it these days. I made some outrageous comments about the capacity to play indoor bowls because there's so much space and—

THE CHAIR: That was in jest, was it? There you go.

Mr Stanhope: Well, it was only half in jest.

THE CHAIR: Half in jest? Yes, that's what I thought.

Mr Stanhope: Joking aside, I believe that projects that the ACT government community should progress include the construction of a new Supreme Court and the construction of a new Legislative Assembly. I would like us to commit to construct a new Supreme Court with a completion date some time in the next four to five years. I've developed an attitude, which I haven't progressed with officials or with my colleagues to any extent. I believe now that we should set for ourselves the task of delivering a new Legislative Assembly by 2013, as a centenary present to the ACT. I would like to see, between now and 2013—that is over the next nine years—the construction of a new Supreme Court to be followed by the construction of a new Legislative Assembly.

I would like to see those two significant and iconic buildings for this community constructed on either side of Northbourne Avenue on the southern side of London Circuit, one each to stand as significant iconic buildings for the territory. That's a vision

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that I have in relation to a new Supreme Court. I would like to see, as the first stage in significant infrastructure, significant developments, significant beautification and a statement of our maturity as a self-governing territory, a new Supreme Court built within four years, to be followed four years later by a new Legislative Assembly essentially as a celebration of our centenary in 2013.

THE CHAIR: We'll come back at a quarter to four. Some people might say on that matter, Chief Minister, as someone said Canberra was a good sheep paddock ruined, that there are two perfectly good car parks there. Thank you for a timeframe on that.

Mr Stanhope: I look forward, Mr Chair, to opening them both as Chief Minister.

Short adjournment.

MS DUNDAS: Minister, you've articulated a very full vision for the future of the Supreme Court and the Assembly building, but where is the money?

Mr Stanhope: Well, it's not in the budget yet, Ms Dundas. I must say I probably need an official here, Mr Kelly, in relation to the work that we're doing. The position we have arrived at in relation to the Supreme Court, Ms Dundas, is that we are actively progressing the possibility of constructing a new Supreme Court. I would have to take some advice from Mr Kelly—and he's arriving now—in relation to what resources have been applied or what steps we've taken in relation to the work that would lead to the ultimate decision. But it's fair to say—it's true to say—that we did not, in this budget, make a capital allocation for the construction of the Supreme Court.

The capital budget in this budget is large; it's by far, I think, the largest capital budget that the government has ever sought to deliver on, as a result, essentially, of a couple of very big items; namely, some roads, a new school, a prison and the Convention Centre. There are a number of very large single items.

The final decision to proceed with the construction of the Supreme Court has not yet been made by the cabinet, though there is agreement amongst my colleagues that it is a project that is now firmly on our agenda and it is, as I have indicated before, an intention of mine that we will now work towards the construction of a new Supreme Court.

As I've indicated, I propose to begin a constructive consideration of working towards the construction of a new Legislative Assembly. I'm serious when I suggest that it's a project that I have identified; it's a project that I believe—and this is not a position that's yet been taken by my cabinet or the government, but it's a firm belief of mine—that we should, as a community, certainly as a government, commit to the construction of a new Supreme Court and a new Legislative Assembly.

I believe the case for a new Supreme Court has been made. I would hope that we can begin to fund that, perhaps even as early as next year, that we can provide some significant forward decisions in relation to a new Supreme Court and, similarly, that we can begin the process for a new Legislative Assembly. The vision that I have—and I, of course, will take advice on this; this is essentially me thinking aloud, as much as anything else—is that it seems to me that we have an ideal opportunity to create, through

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the construction of a Supreme Court and a Legislative Assembly, a very significant and perhaps once-off opportunity on land that we have on London Circuit. That's just some preliminary thinking. But Mr Kelly can perhaps give advice on the work that we've done to date or the stage we're at in relation to planning for a Supreme Court.

Mr Bruce Kelly: Thank you, Chief Minister. Yes, I would say that we're close to having the full picture in terms of design parameters, locations and the high-level cost; and that's all been part of the process that has been undertaken in the last 12 months.

MS DUNDAS: So all the feasibility studies have basically been met from the internal JACS budget?

Mr Bruce Kelly: Yes. I must say—and I was saying to one of my colleagues—that this is a project that is of some history and there are people in the ACT government who have had this in its first iterations as a joint law courts with the federal law courts as part of their brief for a long time. That has made that process of updating user groups, reviewing data sheets and QS and costs relatively easy. We've done some site comparisons, identified a number of sites, including what the Chief Minister's alluded to, and we're in now a much better state of knowledge than we may have been in the past particularly about some of the design parameters for a building like that, which is both iconic but functional.

MS DUNDAS: Did you put in a capital works budget bid for progressing the Supreme Court?

Mr Bruce Kelly: That's a matter for cabinet.

THE CHAIR: It is cabinet-in-confidence; we've ruled on it; that's happened before.

MR HARGREAVES: I go back to those figures that we were talking about earlier on—the 95,000 matters listed and the 30,000 finalised—the predictions for 2004-05. Mr Kelly, what contribution to that sort of differential between the 30,000 and the 95,000 are part-heard matters? Would that be a significant contributor to the differential?

Mr Bruce Kelly: It is difficult to say. "Part-heard" is a bit of moving target. The sort of legal definition for part-heard is: "I've commenced the evidence, and no other judicial officer can take it over." Then there are more the case-management part-heards where a particular magistrate may have the matter before them and be looking for behaviour change in the course of adjournments and there'll be bail conditions and things like that.

My real gut instinct about it—and I really don't have any numbers—is: part-heards actually aren't a very big part of it. I actually think it's got an awful lot more to do with the state of readiness of the parties when they get to case management. We're seeing a large number of what were defended—

MR HARGREAVES: We're finding a very generous court here; if people are not ready by the time they're scheduled, then, fine; we'll give you another day.

Mr Bruce Kelly: Well, there's been a vigorous internal debate about adjournment policy. Certainly in the strict case-management terms, having a firm adjournment policy

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is one of those fundamental cornerstones. People shouldn't come to court thinking it's going to be easy. At the same time, you've got to balance that against the rights of the accused not to be forced on and therefore have an unfair trial. The High Court has an awful lot to say about that, as have courts of appeal. My own view, for what it's worth, is that having an articulation of a firm adjournment policy and having, I guess, a more sympathetic application of that policy is probably the right balance.

MR HARGREAVES: Yes, the better way—err by caution.

Mr Bruce Kelly: I can certainly remember in New South Wales that practitioners who would be appearing before Wood J, seeking an adjournment, knew they had no chance and were therefore prepared; and that's the sort of—

MR HARGREAVES: Mr Kelly, do you keep stats on the numbers of part-heard matters?

Mr Bruce Kelly: We don't, no. We don't keep a running collection of them.

MR HARGREAVES: So you couldn't give me a listing by magistrate, for example, of all the part-heard matters, say, for the last 12 months?

Mr Bruce Kelly: It's not a routine report that we run.

THE CHAIR: It doesn't go to a system? You can't punch in a few numbers and get that out of the computer?

Mr Bruce Kelly: I'm not sure. Effectively, we need to be somewhat cautious about what information we hold as opposed to what the Chief Magistrate or head of jurisdiction holds. Both the Chief Justice and the Chief Magistrate are responsible, after all, for the conduct of the business in court. So it's not something that I get in a regular report, if I could put it that way, but—

MR HARGREAVES: Could you, please, just to humour me or the rest of the committee perhaps, see whether or not you could provide us with a listing of part-heard matters by magistrate? Have a conversation with the Chief Magistrate, by all means, and if there is a reason why that information isn't possible, or shouldn't be possible, I'm sure that if you could just give it to the committee we'd be happy to accept that.

My very last question on 2.1 goes to the quality and timeliness measures. The Magistrates Court has a 99 per cent estimated outcome, and a 100 per cent target—great stuff—but the Supreme Court, on the other hand, has 75 per cent with a target of 80. Somebody has to correct me if I'm wrong here, but I would've thought that compliance with standards is one thing, but complying with statutory timeframes is a not-negotiable exercise. We have only recently seen in this place somebody really criticised significantly for non-observance of statutory obligation. It's a fairly serious thing here. Can you tell me why it is that the court has only an 80 per cent predicted compliance target with statutory timeframes, please?

Mr Bruce Kelly: Certainly. You'll note that the performance measure is actually "compliance with standard and/or statutory timeframe". That is really to reflect the fact

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that in some portions of the business there are statutory timeframes, and those are things like domestic violence complaints. There are some within AAT and Land and Planning now. The Supreme Court's measure is actually an internal time standard, and they have internal management standards for a variety of the categories within the case load. What's been reported there is effectively: how many of those internal management standards are being met within the Supreme Court?

MR HARGREAVES: So the Supreme Court doesn't have any statutory timeframes that they have to achieve?

Mr Bruce Kelly: No, nor would I think that would be—

MR HARGREAVES: Well, it just seems a bit odd. That's why I raise the issue with you. In fact, the descriptor of this performance measure might be—

MRS DUNNE: Perhaps it needs revisiting next year?

MR HARGREAVES: Yes.

MRS DUNNE: So long as you can keep it on one page.

Mr Bruce Kelly: "The national key performers indicators", which I keep coming back to, actually sets a national benchmark and, effectively, for the Supreme Court, that is 90 per cent of cases disposed of within 12 months, and 100 per cent within two years. That's the benchmark that's been set by agreement.

MR HARGREAVES: Without actually changing the description of that, perhaps you could just actually, for future reference, whack a footnote on there explaining that the Supreme Court doesn't have statutory timeframes to adhere to; and that would solve the issue for me.

Mr Bruce Kelly: Certainly by 2005-06, I think, this will look very different and have much more useful information.

MR HARGREAVES: Brilliant. Thanks for your help, Mr Kelly.

THE CHAIR: Glad to hear it; we look forward to that. I certainly hope the client satisfaction for the Supreme Court isn't the accused; I take it that's the profession. I think we've done 2.2.

MS DUNDAS: I do have some follow-ups. Ms Kelly, there was some confusion about how many of these projects were listed by the AFP and how many by JACS. Do you have that correct figure now?

Ms Elizabeth Kelly: There are six but, as Dr Murney explained, one of those programs has two subheadings. AFP know them as four programs, one with two internal subheadings, and we know them as six programs from the point of view of the invoices that we receive.

MS DUNDAS: What are those five other programs that are targeted for 2004-05?

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Ms Elizabeth Kelly: Output 2.2 is actually not the responsibility of the Attorney General; it's actually the responsibility of the minister for police.

MS DUNDAS: You can put that on notice. At this point I do raise that there has been a typo—I know it's a very silly thing—throughout the JACS budget papers in that you're still listing them as the 2003-04 budget, which is at the very bottom of your pages.

THE CHAIR: Well done, Ms Dundas.

MS DUNDAS: And that's been very confusing.

MRS DUNNE: Yes, especially when you're flicking from one to the other.

THE CHAIR: Exactly. Well done. On 2.3, Legal Advice and Representation Services, are there any questions?

MRS DUNNE: Yes, indeed. Chief Minister, earlier in the year promotions were run on the TV about the Canberra plan. It was raised with members of the opposition that the advertisement might be in breach of the Commonwealth Broadcasting Act because it didn't contain an authorisation. I think one of the members here asked—it may have been you, Mr Chairman; I can't remember—people in Chief Minister's the other day and they said that they'd received advice from GSO about whether the authorisation was necessary and GSO said that it wasn't. Can you explain the reasons why an authorisation wasn't necessary in the case of the Canberra plan?

MR HARGREAVES: Is that a legal opinion being asked for, Mr Chairman?

THE CHAIR: Probably not. Let's see if he wants to answer.

MR HARGREAVES: Sounds like one to me.

Mr Stanhope: Well, I'm happy for Mr Mitchell to provide what assistance he can in relation to that, but I do take the point raised by Mr Hargreaves that it's not appropriate that Mr Mitchell be asked at estimates to give legal advice or a legal opinion, but I think that Mr Mitchell is perhaps able to give some outline of the issues that might be taken into consideration in relation to the question raised.

THE CHAIR: Yes, that would be appropriate.

Mr Stanhope: But I don't think it appropriate that any member of the department be asked to sit here and give a legal opinion.

THE CHAIR: No, I don't think Mrs Dunne is after that. I think, Mr Mitchell, if you could actually provide what assistance you can.

Mr Mitchell: Philip Mitchell, Chief Solicitor. No, I can't provide you with any assistance today.

MRS DUNNE: Mr Mitchell, this Estimates Committee has been told that GSO provided

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advice on the necessity for an authorisation statement. Can you, on notice, provide us with that advice?

Mr Mitchell: Well, again, that's not something that we would normally do.

MR HARGREAVES: That is providing a legal advice, Mr Chair.

MRS DUNNE: It's not providing a legal advice; it's providing, for information, copy of an existing legal advice.

MR HARGREAVES: It is asking for a copy of a legal advice.

Mr Stanhope: I'll take the question on notice, Mr Chair.

THE CHAIR: Thank you.

MRS DUNNE: Earlier this week, Mr Attorney, there was discussion about the role of the workers compensation nominal insurer and the role of the Government Solicitor's Office on the panel. Can we ask: how many cases have been dealt with by GSO this year in relation to being a panel member for the workers compensation nominal insurer?

Mr Mitchell: I think, for the nominal insurer, we've done very little work. I think there are only three small matters of, in aggregate, less than \$1,000 over the last three years. I'm not sure whether there was any work in the last year.

MRS DUNNE: I gather that you're also on the legal panel for the Workers Compensation Supplementation Fund. How many cases did you deal with for the supplementation fund in that year?

Mr Mitchell: I don't think any.

MRS DUNNE: Thanks.

THE CHAIR: Anything more on Legal Advice and Representation Services? No. On 2.4, Legislative Drafting, I think they've been sent home; no-one indicated questions on that. On 2.5, Public Prosecutions, I note that the DPP is rather badly tied up in a murder trial. I'll just ask a few questions which you can respond to on notice.

Mr Hargreaves: Unfortunate way of describing that.

THE CHAIR: Representing the Crown, Mr Hargreaves, and doing their job on behalf of the territory, no doubt. I note you've adjusted the person business days of the prosecutor services down from the estimated outcome for this year. Note 1 states that that's revised to reflect the impact of the second and third appropriation acts, where applicable. What does that mean? By all means, if you don't know, take that on notice.

Mr Stanhope: I'll take that on notice, Mr Chair.

THE CHAIR: Thank you. I'd also like to know, on notice: as at today's date how many prosecutors there are in the DPP and whether that figure is intended to be decreased or

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increased for the 2004-05 year?

Mr Stanhope: I'll take that on notice.

THE CHAIR: If there are any increased resources being given to the DPP in terms of staffing, basically what's the reason for that? Is it an anticipated increased case load, is it to cover the more serious matters, lengthy things like coronial inquests—if you could include that in there? That basically is what I would want you to take on notice. If you can get back to this committee in relation to the DPP, okay?

Mr Stanhope: We're very pleased to do that, Mr Chair.

THE CHAIR: Anyone else want anything taken on notice in relation to the DPP? Right. On the protection of rights: this relates to the Human Rights Office, the Office of the Community Advocate and the Tenants Advisory Service.

MRS DUNNE: Is there someone here from the Community Advocate's Office?

THE CHAIR: There should be people from the Community Advocate's Office, yes. She herself isn't; the Community Advocate has been excused; she's—

MRS DUNNE: Overseas.

THE CHAIR: Away. But there are two officers here from the Community Advocate's Office.

MRS DUNNE: Chief Minister, we've just received a substantial report from the Public Service Commissioner in relation to children in the care of the territory. You were the responsible minister who received advice via annual reports that the Community Advocate had concerns that the statutory requirements under section 162 (2) of the Children and Young Peoples Act weren't being met. What did you do about it when you received it?

Mr Stanhope: When I received what, Mrs Dunne?

MRS DUNNE: The advice via annual reports.

Mr Stanhope: When I received the annual report, Mrs Dunne, I tabled it in the Assembly, for your information and for the information of all other members of the Assembly and for all other members of the community. I then submitted myself at an estimates hearing to questioning on that annual report. That's what I did, Mrs Dunne. What did you do?

THE CHAIR: You don't have to answer that, Mrs Dunne.

MRS DUNNE: Did you read the report; were you aware of the content of the report?

Mr Stanhope: I have no memory of reading the report from cover to cover. I'm certainly aware of the report and aware of the work of the Community Advocate.

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MRS DUNNE: What other things did the Community Advocate do to draw to the attention of the government the Community Advocate's concern about non-compliance with the Children and Young Peoples Act?

Mr Stanhope: I'm not aware that my specific attention was ever drawn to that specific issue by the Community Advocate. I would have to, of course, take that question on notice, but I'm not aware of any single instance where I had my notice drawn to that particular issue.

MRS DUNNE: Do the officials from the Community Advocate's Office know what other steps were taken, apart from putting an entry in the annual report?

Mr McLeod: Mr Chair, it's Brian McLeod, covering for Heather McGregor, the Community Advocate. I normally act as the deputy community advocate for our functions under the act in relation to adults. Alasdair Roy is also the deputy community advocate who covers functions under the act in relation to children and young people, and I would ask him to respond to the question.

Mr Roy: Alasdair Roy, Deputy Community Advocate. The Office of the Community Advocate undertook a range of steps to address the issue of compliance with section 162. It would probably take me a fair while to go into all of them at this stage.

MRS DUNNE: Could you give us a brief exposition?

Mr Roy: They are listed in the Vardon report.

Mr Stanhope: They are listed in the report, which Mrs Dunne has in front of her, Mr Chair.

MRS DUNNE: Actually, I do not.

Mr Roy: There is a quite comprehensive chronology outlined in the Vardon report. It includes letters between us and family services, emails, meetings with us and family services, reports in our annual reports over a number of years, an analysis of individual case matters and bringing individual case matters to the attention of the chief executive.

MRS DUNNE: What steps were taken by the Office of the Community Advocate to bring this to the attention of its responsible minister?

Mr Roy: We provided a submission to the standing committee inquiry into the rights, interests and wellbeing of children and maturing young people. In that submission, we drew attention to the non-compliance with section 162 and a copy of that submission was provided to the then minister, Mr Corbell. We also met with Minister Corbell and discussed the submission in general, but I wasn't at that meeting. The Community Advocate was, and I am not aware of whether the specific issue of section 162 was discussed.

MRS DUNNE: I was actually asking: what steps did you take to draw it to the attention of your responsible minister, that is, the Attorney-General, at any time after the introduction of the act?

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Mr Roy: I might take that question on notice.

MRS DUNNE: Thank you.

Mr Stanhope: The Office of the Community Advocate is an independent statutory office, Mr Chair. I think we need to be aware of that.

THE CHAIR: Just on that, Mrs Dunne has asked a number of questions and we have the Vardon report. There are now issues around what was said between the Community Advocate and a couple of government ministers. As a result of all of this, has the Office of the Community Advocate adopted any additional procedures, in terms of these matters, to apply in future; if so, what are they?

Mr Roy: Yes, we have. Just let me say that we are quite excited by the recommendations of the Vardon review. I think it points a way forward which may address some of the issues that our office has had with family services in the past. We have already begun discussions with family services about how we can contribute to the implementation of those recommendations and, specifically, with regard to section 162. A draft protocol which outlines how that information will be forwarded to our office and how we will respond to that information has already been agreed to, in principle, between the two agencies.

THE CHAIR: Could we have a copy of that, or is it not at a stage where you have finalised it?

Mr Roy: It is not finalised yet.

THE CHAIR: I accept that. We can get it some other time.

MR HARGREAVES: When you were advising the minister and provided information to the effect that, in your view, statutory obligations under section 162 (2) were not being discharged, were you concerned for the actual safety of children at the time, were you concerned that the statutory obligation had not been discharged, or both?

Mr Roy: The safety of children is a complex issue. I know that people like to focus on the safety of a child and would like the OCA just to make a categorical statement about that. Certainly we were concerned about statutory compliance. The purpose of section 162 is to allow the Community Advocate to oversee the care and protection of those more vulnerable children, those who are already in the care of the state. Certainly the primary purpose of any analysis of information which is provided to our office is the safety of a child. We weren't able to undertake that analysis because information wasn't provided to us. That doesn't necessarily translate into the fact that we were concerned about the safety of individual children. However, it didn't give us the opportunity to come to a definite conclusion.

MR HARGREAVES: Given the matters that have transpired since then, the investigations by Commissioner Vardon and all the revelations that have come forward, does your office have any concerns about the safety of any children in the ACT?

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Mr Roy: Following the analysis of the section 162s that were provided to our office, we raised concerns regarding, I think, 45 children in 55 matters. We brought that immediately to the attention of the chief executive of education. The chief executive responded with information and we sought further information because it didn't address all of our concerns. We have since matched that with information with information we have got from a range of sources. There are two children that we still have some concerns about. They have been brought to the attention of the director of family services. So the short answer would be no.

MS DUNDAS: You have concerns about two children. Are they current cases?

Mr Roy: Yes, that's correct.

MR HARGREAVES: Were they cases that were about when the original 45 were not reported to your office? Were they part of that 45 or are they new cases?

Mr Roy: They were part of the outstanding section 162s that were provided as part of a backlog. There are still current cases, though.

MR HARGREAVES: They are current cases. Are they residents of the ACT?

Mr Roy: Yes, that's correct. If I can just say on this that our conclusion in terms of safety was based on historical information. It was information which sometimes went back two or three years. It was limited information and it was incomplete information, which was part of the problem with the whole process. I would like to stress that our conclusion that a child was unsafe doesn't necessarily translate into the fact that the child was or is unsafe.

MR HARGREAVES: Have you received all notifications that you should have under section 162 (2)?

Mr Roy: I spoke with the director of family services today, who informed me there were 12 outstanding which were on the way to our office; so, as far as I'm aware, yes.

MR HARGREAVES: When was that?

Mr Roy: This morning.

THE CHAIR: When do you expect to get those?

Mr Roy: He said they'd be provided to our office by the end of the week.

MRS DUNNE: You spoke a little while ago, Mr Roy, about a draft protocol that you were finalising with the new entity, the name of which escapes me. Why have we been waiting until now to get a draft protocol? Was there any action when the legislation was enacted to have a formalised arrangement for the exchange of information, apart from letters from time to time expressing the OCA's concern about a lack of information?

Mr Roy: I guess the simple answer would be that the commitments and undertakings made by family services over the period up until the Vardon review were not followed

through for a range of reasons. Now we have had the Vardon review, it seems sensible to put in place a formal understanding to ensure that the system works.

MRS DUNNE: From the exchange of letters and what I understood to be the tenor of the submission of the Office of the Community Advocate to the CSSE committee—I am not a member of that committee—the office was concerned about a lack of responsiveness, but you did not set up any formal process prior to the Vardon inquiry to address that, did you?

Mr Roy: The OCA attempted to establish a number of formal processes with family services. However, there was a reluctance by family services to follow through. The OCA forwarded a draft protocol which outlined correspondence and communication between our offices. I would have to check the date and get back to you, but I believe it was at least a year ago; it might have been 18 months ago.

MRS DUNNE: Could you get back to us with the date? I am just a little confused—not so much confused but a bit confounded—as to why, if the OCA had a longstanding concern, which seems to be borne out by a trail of letters backwards and forwards, you did not seem to ramp it up at any stage. If you weren't able to solve it at officer level, why didn't you go to your responsible minister and say, "We can't solve this. We've got a problem and, as a result of this, the Attorney-General has a problem?" Why didn't that happen?

Mr Roy: That's a difficult question to answer. One of the issues that come into it is that we received numerous undertakings by various people within family services at different administrative levels, including chief executive. The executive director position and the director position in family services changed quite regularly throughout the period since the introduction of the new act. All those individuals provided undertakings to us at various times that the situation would change, would improve. Time passes, these people move on and another undertaking is made, another person comes into the position. In retrospect, certainly, there may have been something else that could have been done.

MRS DUNNE: Did the Office of the Community Advocate communicate with the chief executive of family and community services, who was the same person, all the way through? At that level there was no change of personnel.

Mr Roy: Yes, we did.

MS DUNDAS: Mr Roy, you said that there are two children in the ACT of whom you have current concerns about their safety.

Mr Roy: That's correct.

MS DUNDAS: Is that because there is not enough information to alleviate these concerns?

Mr Roy: When we analysed the initial work—the section 162 reports provided to us—in 55 of those matters, which translated to 45 children, we couldn't conclude the child was safe and, as I have said, that doesn't translate into the fact the child was unsafe. We went back to the chief executive immediately seeking further information. We received a copy

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of an internal safety audit that family services had undertaken which was helpful. It didn't answer all of our questions. We then went back seeking further information and they provided additional information specifically on those 45 children, as we requested. That, matched with information we had from other sources in our office, allowed us to conclude that all but two children were currently safe. That was as of two days ago.

MS DUNDAS: What is happening to those two other children?

Mr Roy: We are seeking additional information on them.

MS DUNDAS: So you are working through, I guess, what happens after section 162 is followed, the process with the Office of Children, Youth and Family Support.

Mr Roy: I don't understand your question, sorry.

MS DUNDAS: We have been talking about a statutory requirement which says that you must put in reports under section 162 (2) of the legislation so that you can assess what is happening to children and young people in the ACT. You have made that assessment. You have serious concerns about two children who are currently residing in the ACT and who are known to family services. I am trying to figure out what happens now, what happens next.

Mr Roy: Family services will provide us with information. I hope family services will provide us with the information tomorrow or the day after tomorrow, which will alleviate our concerns. I need to say about the two children who are subject to our concerns that our office has had ongoing involvement with this family. I can probably conclude that the children are safe, from our office's historical involvement with the family, but the information provided to us from family services doesn't allow us to conclude that. I know that might sound complicated, but we are taking—

MS DUNDAS: No, I understand it.

Mr Roy: The whole point of section 162 is that family services provides us with sufficient information, not that we just happen to have it. So we want family services to give us the information. We don't just want to go, "We know, therefore it's okay," because it's not.

MS DUNDAS: Sure. The Vardon report is only, I guess, based on half the information. There is an ongoing audit of the files and more work is being done. You said that you have 12 case files pending that you are expecting from the new office. Have you seen all of the files that have been the subject of that audit process?

Mr Roy: Sorry, I couldn't hear.

MS DUNDAS: Have you seen all of the files that have been subject to that audit process or are you still waiting for the half that have yet to be audited by the Vardon team?

Mr Roy: We haven't seen the files, but I've seen the paperwork regarding the section 162s.

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MS DUNDAS: All of them.

Mr Roy: Yes, all bar the 12 I have mentioned. I think there are 332 matters regarding 185 children or young people as of today.

MS DUNDAS: Minister, you have made it quite clear that the OCA is an independent statutory body. To whom does it report?

Mr Stanhope: They report to the Attorney-General through the annual report. The point that needs to be made is that the Attorney-General does not direct the Office of the Community Advocate in the undertaking of any of its responsibilities. It is important to understand the administrative machinery and the operations of statutory authorities. Mrs Dunne was seeking to draw a nexus. The Community Advocate is independent, is not subject to direction.

MS DUNDAS: Do they report to the Attorney-General through annual reports or do they report to the Assembly through the Attorney-General?

Mr Stanhope: The Attorney-General had administrative responsibility for the Office of the Community Advocate, but it is an independent statutory office, not susceptible to the direction of the Attorney-General. It does report to the Assembly, through the Attorney-General, through its annual report and it, of course, does have the capacity to report independently of its annual report to me and to seek direction or to seek to inform or advise me if it so chooses.

MS DUNDAS: In that sense, Chief Minister, the *Canberra Times* of 18 May indicated that the OCA had another report that they had developed in relation to children in care. The *Canberra Times* was, of course, unclear about the contents of this report, but have you seen this report?

Mr Stanhope: I have received that report, yes.

MS DUNDAS: What is the status of that report? Is it a public document, if the OCA is an independent body?

Mr Stanhope: It is a report that was provided by the Community Advocate to me for more information. I have referred the report to the chief executive of the department of justice for any advice that I might be provided in relation to that report, but the report is a report of the Office of the Community Advocate. It is not my report and the status of the document is a matter for the Community Advocate, so I think it's a question that I should ask Mr McLeod to respond to.

MS DUNDAS: Mr McLeod or Mr Roy, what is the status of that report?

Mr Roy: We provided the report as an analysis of the backdated section 162s. We provided a copy of that to a range of people, including the Chief Minister and the minister for education, Ms Gallagher. We also provided it to Ms Hinton, to Ms Baikie, to Ms Birtles, to Ms Vardon, and I think that was it. We provided it to those people for information. We provided it as part of our functions under the Community Advocate Act as the report contained adverse comment. We wanted to allow those people an

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opportunity to respond to our office to allow us, if need be, to amend any information which may be in that report. We have received feedback from a range of people regarding that report. We will be amending the report accordingly and we will be providing it back to the minister.

MS DUNDAS: But not to the Assembly.

Mr Roy: Not at this stage, no.

MS DUNDAS: So it is just an internal, high-level report for the minister, between the OCA and the minister. Would that be the Attorney-General or the minister for education, youth and family services?

Mr Roy: We will be providing a copy of the report to the Chief Minister and to Minister Gallagher.

Mr Stanhope: I should just clarify, Ms Dundas, that the report that I received was a draft report, as Mr Roy has just indicated.

MS DUNDAS: As of 18 May, when the *Canberra Times* was making these comments, Ms Hinton, Ms Baikie and Ms Birtles were not currently involved in family services, so was the report provided to them as individuals to respond to adverse comment or was it provided to them in terms of their previous statutory responsibilities? Was a copy provided to Mr Keady?

Mr Roy: Yes, it was, as chief executive of the department of education at that time. Yes, it was.

MS DUNDAS: So it was provided to those people.

Mr Roy: Yes.

MS DUNDAS: To clarify, it was provided to Ms Hinton, Ms Baikie and Ms Birtles as individuals because it made adverse comment about them?

Mr Roy: Quite correct. The primary intended recipients of the report would have been the chief executive of the department of education, as the person with parental responsibility for the children. The whole, I suppose, focus of the draft report—and it is correct to refer to it as a draft report—was to raise issues regarding the section 162 process, which is the responsibility of the chief executive of the department of education. It was provided to him in that context. It was also provided to the two ministers. Ms Hinton, Ms Baikie and Ms Birtles requested a copy of the report. We agreed to that request because it did contain adverse comment regarding a department with which they were still closely associated.

THE CHAIR: When this report becomes a final report, after you have received those comments and made whatever adjustments you consider necessary before you issue your final report, which, I assume, you will give to the Attorney-General and the other minister mentioned, will you make it available to each member of the Assembly?

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Mr McLeod: The practice of the Community Advocate is to do exactly that, Mr Chair, and to put it on our website so that it is publicly available.

THE CHAIR: When is that likely to happen? Do you have any idea of a timeframe for that?

Mr Roy: Yes, I do. I would say three or four weeks.

MRS DUNNE: It is a slightly difficult path to tread, because the OCA is a statutory office and it is independent, but I am a bit perplexed because you said, Mr Roy, that the job of youth and family services in this case was to provide you with enough information that you would be satisfied that children in care were safe and that you shouldn't be relying upon information that you already had, that you may coincidentally know these children and therefore be able to make your own judgment separately about that. I think that you made a very important point there. But, seeing that there was ongoing concern about the lack of information and that this had been going on for three or four years, why did you put up with it? I just don't have a satisfactory feeling for why you put up with it for all this time. Are you satisfied that the Office of the Community Advocate was doing its job in putting up with it?

Mr Roy: I'm certainly satisfied that the Office of the Community Advocate was doing its job. I would say if it weren't for the job of the Office of the Community Advocate, we wouldn't have had the Vardon review. Largely our shift from individual advocacy to systemic advocacy led to what I hope are going to be significant changes in the care and protection system. I think our office deserves great credit for being part of that. To say that we didn't do enough soon enough: we could discuss or debate that all afternoon, I suppose, but the outcome is that we have had a significant review into the care and protection system which I hope is going to lead to positive change.

MRS DUNNE: You have attempted to assure the committee this afternoon that in actuality there were no children who were unsafe, because the two that you can't account for through the information you should have been provided with you can account for through your own knowledge. But the possibility existed that there were children who weren't safe and nobody knew about it, and no-one was doing anything about it.

Mr Stanhope: It's not fair to say that nobody was doing anything about it.

Mr Roy: That is not strictly true. Family services presumably knew about it and one would hope that family services was doing something about it.

MRS DUNNE: But family services wasn't meeting one of its statutory responsibilities. There was no check or balance to ensure that they were. You are saying that one would hope, but there is no assurance in that, is there, that one would hope that family services was doing something about it? You don't know.

Mr Roy: I can't comment on family services—that's up to family services—but certainly you are quite correct: it wasn't providing information to us to allow us as an independent overseer to ensure these children's safety; you're correct.

MRS DUNNE: And you were prepared to put up with that for four years.

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Mr Roy: We didn't put up with it. The chronology in the Vardon review is quite comprehensive. A chronology is also in the report we provided, which we anticipate releasing in three or four weeks. It outlines, if I am correct—I have it in front of me—probably four or five pages of attempts by our office to have this issue addressed, with commitments made at the highest level in the department that they would respond to the issue.

MRS DUNNE: Sorry, I get back to the question: people kept making commitments at the highest level over four years, nothing happened and you were prepared to take that, people in a position of trust were prepared to take that, over four years. Why is that? Didn't you feel frustrated, at least? Didn't you think that there must be another way of getting them to take notice of what they needed to do? Did you explore other options?

Mr Stanhope: Mr Chair, Mr Roy has answered this question, and the questioner is now badgering. The question has been answered. Mr Roy has explained a number of times now the steps that the Office of the Community Advocate took in relation to the issue, the attempts that the Office of Community Advocate made, quite rigorous and repeated attempts, to draw the attention of officials to the need to comply with section 162 and with statutory obligations. The question has been answered. It may be that Mrs Dunne remains unsatisfied with the answer or unclear in her mind, but the question has been asked in a number of ways in the last half hour and Mr Roy has been very full in his response to the question.

THE CHAIR: Chief Minister, I do hear what you are saying. I will allow that question to be answered, but a little bit of repetition is starting to come in. I hear what you say there. If you will just answer that question and then, Mrs Dunne, if you will move on.

Mr Roy: Yes, I was frustrated.

MRS DUNNE: You were frustrated. In dealing with that frustration, did it ever occur to the Office of the Community Advocate to go to its responsible minister and say, "Attorney, we have a problem here?"

Mr Roy: I believe I've answered that question.

Mr Stanhope: The fact remains, Mr Chair, that the Community Advocate—

THE CHAIR: Just let him finish.

Mr Stanhope: The fact remains, Mr Chair, that that did not occur, for whatever reason, and it is not appropriate that Mr Roy now be asked to speculate on action that wasn't taken or, why it wasn't done.

MRS DUNNE: No-one is asking you to speculate.

THE CHAIR: I would not expect him to comment on a speculation, Attorney. Just finish your answer, Mr Roy.

Mr Roy: Could you provide the question again, so I can be clear on it?

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MRS DUNNE: Did it ever cross your mind or the mind of other people in the Office of the Community Advocate that you should go to your responsible minister and say, "Minister, we have a problem here?"

Mr Roy: I can't answer that completely accurately. I know that sounds odd.

THE CHAIR: You can't answer for other people.

Mr Roy: I can't answer for other people. I can answer for myself. The issue had been considered. Our office certainly considered a number of ways that we could address this. I can't exclude that, but I can't include it; I can't recall any specific time I sat with someone and said, "We need to go the minister." This was an issue that occupied our minds, as you said, for a number of years and it was very frustrating. We did undertake a range of steps to address it and I'd hope that I can assure you that part of that was discussions about whether we should go to the minister.

MS DUNDAS: I wish to ask a follow-up question about what the Chief Minister has said. This matter was raised in the OCA's annual report for 2002-03. Whilst we have to hunt a little bit to find it, it does make it clear that statutory requirements were not being met. Considering, as you have said, that the OCA reports to you as Attorney-General, will you now be reading those reports more closely?

Mr Stanhope: I seek always to read as much information as I can that comes across my desk, Ms Dundas, and I will continue to seek to do that. I cannot possibly read all of the reports and all of the information that come across my desk; it is simply physically impossible for me to do so. I would expect, however, my office and my officials to draw to my attention issues in reports and correspondence that are matters of note.

I have explained in the Assembly and outside the Assembly on a number of occasions that I, of course, have a genuine regret that I was not aware that we had a significant issue of administrative failure in relation to the protection of children. It's a matter of enormous regret to me, but it's an issue in relation to which I was unaware until December last year. I regret that, and I have expressed that sincere regret. But I think that each of us needs to acknowledge that. On behalf of my officials and on behalf of my office, I can say that, yes, I would always hope that issues of moment that are reported on will, in the first instance, be read, will be recognised and acknowledged as issues of concern and that appropriate action will be taken.

In relation to this issue and the Office of the Community Advocate, of course the issue was an issue for another department. The issue was an issue for other officials and those other officials, as Mr Roy in particular has indicated, were made aware on repeated occasions of this particular statutory failure. Of course, there is a whole range of questions we can ask, and I ask and Mrs Dunne has just asked, about how these things occur. I think, to be fair, Commissioner Vardon has gone into some detail in pursuit of an answer to the systemic and procedural failures that occurred in relation to the administration of our responsibilities to children in care.

The Vardon report is replete with an examination and an attempt to explain how those breakdowns occurred. I can't add to that. But in the context of annual reports and

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information they contain, I would hope that, in a vigorous Assembly such as ours, when any annual report is tabled all members of the Assembly, including the minister, of course, will read it, that those that comprise the opposition and, in this particular parliament, the crossbench will also take the opportunity of reading it, will take the opportunity of ensuring that their officers read it, and that they will have these matters brought to their attention as well.

MS DUNDAS: These issues were examined in the annual reports hearings, Mr Stanhope.

Mr Stanhope: That is why, of course, we table annual reports for the information of members and the community. Indeed, all members of this Assembly receive those annual reports on the day that I receive them.

MS DUNDAS: Mr McLeod, criticism has been made in relation to the failure of statutory compliance with section 162 (2) that the reference in the annual report to this problem was quite minimal and that it was part of a detailed table that listed all the other issues that the OCA had been working on, that the positive mentions in terms of working with the department in relation to the refocus project were given the same prominence as such a negative issue. Why was this issue not highlighted more or more attention brought to it in the annual report?

Mr McLeod: I certainly take on board the comment you are making. I would indicate that hopefully with future annual reports the issue that you are raising will not occur, that there will be a separate report in itself.

MS DUNDAS: Hopefully, there will be no need.

Mr McLeod: Hopefully, there will be no need, but I would suggest that there still needs to be a very clear statement that there is no need, as a result of what has happened to date. I would also hope that there will be no need because, with the draft protocol that hopefully this week we will finalise with the appropriate bodies, where there is an issue of concern we will have in place a process that will ensure that it is dealt with and brought to the attention of the appropriate people immediately.

MRS DUNNE: I want to ask one last question. It was partially answered, Attorney, when you answered Ms Dundas's question. You seem to be saying, Attorney, that you were not satisfied that the OCA didn't tell you, but have you—

Mr Stanhope: I'm sorry—

MRS DUNNE: That is probably a truncated version of a long discourse.

Mr Stanhope: I didn't say that.

MRS DUNNE: Okay. In that case, are you satisfied that the OCA didn't tell you that they had a problem?

Mr Stanhope: I'm not interested in rewriting the history of this matter, Mrs Dunne.

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MRS DUNNE: No, it is not a matter of rewriting the history.

Mr Stanhope: I've expressed my regret that the fact of this significant and serious administrative failure to meet a statutory obligation was not attended to when the issue became a matter of moment as between the Office of the Community Advocate and the department. I acknowledge the very significant, vigorous and repeated steps which the Office of the Community Advocate took, appropriately, at senior levels within that department to have the issue addressed, including a direct approach to the responsible minister, as a result of which undertakings were given to the minister, and yet the issue was not resolved.

Let's look at the history of the issue. Let's look at the detailed report and investigation that Commissioner Vardon undertook into this matter. Let's acknowledge, as the government has acknowledged, that there was a serious procedural failure in a matter of the most fundamental importance for the community, namely, the processes and procedures, the statutory arrangements, that were in place for the protection of our children.

It is unacceptable. It's a matter of an enormous regret to me, to my government, to my ministers, to my officials, and I would hope that that would be the view of the previous government as well, acknowledging the history of this matter. I can go to each of the recommendations and findings of Commissioner Vardon in relation to the genesis of the issues and problems that we face in relation to child protection, namely, the failure to appropriately resource and to implement the legislation when passed in the year 2000, well before this government came to power, issues which we are now addressing directly. It needs to be acknowledged that we have increased funding for child protection in the ACT, this year alone, to the tune of \$18 million.

MS DUNDAS: And it suffered cutbacks in years before.

Mr Stanhope: In this year alone, and we have responded to what we now acknowledge as deep-seated and longstanding issues in relation to workloads, pressures, stresses and resourcing of this most important aspect of government administration. But to stand here and ask me to revisit and to pass judgment in the context of what we have said, what we have done, what the review has discovered, found and reported on and the government's response to that particular review, really, I think, is not particularly productive.

MRS DUNNE: Okay. Can I just try to get a yes or no, rather than a five-minute discourse? Are you satisfied with the fact that the OCA didn't tell you that there was a problem?

Mr Stanhope: I believe that the steps that the OCA has taken in relation to this matter bring credit on the Office of the Community Advocate.

MRS DUNNE: And have you, in any way, conveyed—it doesn't matter, you are not going to answer it, there is no point in asking.

THE CHAIR: There being nothing further on that, is there anything further on 2.6?

MS DUNDAS: I'd like some information on the Tenants Advisory Service. Has funding

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for the Tenants Advisory Service actually increased through the 2004-05 year?

Ms Elizabeth Kelly: I'd ask Mr Quinton to deal with that question.

MRS DUNNE: He's gone.

MS DUNDAS: All right. I'll verbally put it on notice.

Ms Elizabeth Kelly: I'll take it on notice if that's the case.

MS DUNDAS: I'd like to know whether the Tenants Advisory Service is having an increase in its budget and what that money is actually going towards—whether it's just wages costs or whether we are increasing the outputs for the Tenants Advisory Service.

MRS DUNNE: Where are we? Consumer tribunals?

THE CHAIR: We're at 2.7: electoral services. People did have some questions.

MRS DUNNE: Yes, I did. Attorney, there is an initiative of \$90,000, considerably decreasing in the out years, for increased costs of electoral services. What do those cover?

Mr Stanhope: Mr Green will be happy to respond to that.

MRS DUNNE: So you don't know, Attorney? You don't know.

Mr Stanhope: I'm asking Mr Green to respond to that question, Mrs Dunne. Estimates is an opportunity for members of the Assembly to ask questions of officials. If you don't want to ask questions of my officials and if you want me to take all questions, I'm happy to dismiss all officials now. If you don't want to ask my officials questions, Mrs Dunne, let's just end the charade.

THE CHAIR: Thank you, Attorney. Mr Green is at the table. I am quite happy as Chair to hear from Mr Green.

Mr Stanhope: Well, thank you, Mr Chair.

THE CHAIR: I don't want argument between you and Mrs Dunne or anyone else wasting time. We have precious little already. Mr Green, answer the question.

Mr Green: Phillip Green, ACT Electoral Commissioner, ACT Electoral Commission. In the budget papers there is \$90,000 for the next financial year by way of a budget initiative for the commission, followed by \$13,000, going up to \$14,000 in the out years. That money is money that we in the Electoral Commission asked for to cover, in the election year, the increased cost of providing electoral services as a result of population growth, EBA pay rises and an increase in the cost of maintaining the electoral roll.

The amounts in the out years are for increasing the cost of maintaining the electoral roll. We're currently in the process of renegotiating with the Australian Electoral Commission the cost of maintenance of the joint roll. At the time the budget initiatives had to be in,

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we were anticipating that price to go up to about \$13,000, and we're still finalising that. Essentially, it is to cover the cost of population growth. We routinely get our budget increased for CPI, which covers some costs but doesn't cover the cost of providing extra polling places. For example, simply because Gungahlin has got so big, we're going to have to put two or three polling places in Gungahlin and North Canberra.

MRS DUNNE: On the subject of maintaining the electoral roll, there have been ructions at various times about the way the Commonwealth collects information on the electoral roll, and the possibility of breaking the nexus between the ACT and the Commonwealth roll has been mooted. Is that still on the cards, or have we kissed and made up?

Mr Green: I certainly haven't mooted breaking the nexus between the ACT and the Commonwealth electoral roll, and I'm not aware of anyone who has.

MRS DUNNE: I'm aware of discussion of it at various stages. It was mainly other states, rather than the ACT, who wanted to go down the path of having their own roll. Have those issues been dealt with?

Mr Green: Other states have had issues with the Commonwealth electoral roll because of some of the mooted changes to the Commonwealth electoral act to change the way that people get on the electoral roll. There is a bill before federal parliament at the moment that is proposing some changes to the way that the electoral roll is maintained and how people are going to be required to apply for electoral enrolment. I know the Chief Minister has written to the Prime Minister about some of those changes.

The changes could be taken to make it more difficult for people to get on the electoral roll—which might have a detrimental effect on the quality of the electoral roll—requiring, for example, people to provide drivers licence information or, if they don't have a drivers licence, to provide other forms of identification when they're enrolling to vote.

The Commonwealth is also proposing in legislation before the parliament to close the Commonwealth electoral roll for new enrolments on the date of issue of writ, as opposed to the current requirement, which gives people seven days between issue of writ and close of the rolls. It has been argued that some of the changes that have been proposed by the Commonwealth might have the effect of making the electoral roll of poorer quality rather than better quality.

Mr Stanhope: That's the view of the ACT government, Mr Chair. We're seriously concerned that the Prime Minister is determined to disenfranchise a significant number of Australians through these so-called changes to electoral roll requirements. The Commonwealth is intent on making it harder for people who don't have ready access to the identification that will be stipulated or required. It will disadvantage a certain segment of the community: the young and those who aren't easily able to provide the identification sought by the Commonwealth. The decision to close the roll a week earlier rather than maintain the status quo is simply to keep people off the roll.

THE CHAIR: That's your opinion, Chief Minister. Anything further?

MRS DUNNE: Perhaps if Mike Kaiser hadn't played fast and loose with the electoral

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laws, you wouldn't be here.

MR HARGREAVES: Is that on the record? Can I have right of reply?

MRS DUNNE: Mr Green, you say that, instead of closing the roll a week after the writs, you will close it on the day of the writs. Would that also apply to ACT elections?

Mr Green: No it would not. However, the quality of the roll close for a federal election does impact on the ACT's roll. If, for example, the Commonwealth were to have its election in August, or earlier than our election in October, the quality of the Commonwealth electoral roll close for their election would have quite a big impact on our roll. The better their roll is, the better our roll will be.

MRS DUNNE: If a writ were issued and the roll closed immediately, does that mean that they don't keep inputting the data for other users?

Mr Green: They certainly do keep inputting the data, but what I would be concerned about is that, if people realise that the rolls are closed and it is too late for them to put in their application, they wouldn't do it.

MRS DUNNE: They might not put in their ACT application. I see.

THE CHAIR: Anything further, members? No. Thank you very much, Mr Green. Let's move on to output 2.8: consumer tribunals. Nothing on that? Output class 3.1: regulatory services. That's Registrar-General; we have sent them home.

MRS DUNNE: No, we didn't send them home.

THE CHAIR: We did.

MS DUNDAS: Are we going to get through Corrective Services in five minutes?

THE CHAIR: I wouldn't think so, but we can at least make a start.

MRS DUNNE: Sorry, Regulatory Services; that's the Office of Fair Trading.

THE CHAIR: The Registrar-General's gone home. Fair Trading probably hasn't.

MRS DUNNE: Office of Fair Trading hasn't gone?

THE CHAIR: No, Mrs Kelly's here.

MRS DUNNE: And Mr Brown.

THE CHAIR: Bad luck, Mr Brown.

MRS DUNNE: You don't get to go home.

THE CHAIR: You can tell me, for starters, the number of complaints handled and advice given. The target is down by about 5,000 for the forthcoming 2004-05 year. You

state in footnote 2 on page 315:

The decrease in the 2004-05 Target from the 2003-04 Estimated Outcome is a result of consumer/trader education programs, and the Office successfully introducing specific programs that target major complaint areas and traders who receive a high number of complaints.

How did you arrive at that figure? I'm sure you had a good basis, but it seems to be a bit of a guesstimate. How are you going to monitor the situation over the next 12 months?

Ms Elizabeth Kelly: Mr Stefaniak, I might answer that question generally, then Mr Brown can provide the detail. The change in our complaints profile is an interesting one. We are reducing the number of complaints that are coming through because we're dealing with complaints at an earlier stage more effectively. We certainly think our education campaigns are having an impact.

We have identified through our complaints database that there is a small number—between 15 and 20—of traders who represent a significant part of the complaints pool. We've been focusing on them with the compliance approach, where we work with them, assess their compliance system and go through the individual complaints. If you can deal with those—we call them the top 15—you will make a significant impact.

That's been more of a strategic approach to compliance, and consumer education is what we've tried to do this year. Mr Brown has got the detail of that, but that's the direction we've tried to go in with Fair Trading.

Mr Brown: Tony Brown, Director, Office of Fair Trading. I don't know that you've left anything to say. Essentially that is it. We've been pleasantly successful in targeting some of our major complaint areas. We've certainly tried to target our education programs and to deal and work directly with particular traders who over the years have had growing and continuing complaints with our office.

We've also improved our handling of complaints received over the phone. That also means that we're not having so many return calls from consumers about matters. We're effectively resolving those on the first occasion, which means that our statistics aren't showing any repeat calls. We're getting less of that sort of effect in our stats.

THE CHAIR: Are there any further questions on complaints? I have some additional questions.

MRS DUNNE: Yes, but not so much on complaints as on compliance.

THE CHAIR: I've got questions on a specific problem that arose in relation to the Security Industry Act, but which I have also heard in relation to other areas—that is, consultation undertaken by the office before new bits of legislation are introduced. In that instance, people complained to me that there was little, if any, consultation, and I have heard similar complaints in relation to other areas that affect people in business and in areas where your office has got responsibility for overseeing legislation and suggesting legislative changes. What consultation mechanisms have you in place, and what do you propose to do to improve them?

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Ms Elizabeth Kelly: In fairness to Mr Brown, Mr Brown is the director of the operational area in relation to the development of policy.

THE CHAIR: Well, I'll address that to the department.

Ms Elizabeth Kelly: Yes, that's the Policy and Legislation branch, which is Mr Phillips and I. In relation to the Security Industry Act, consultation did take place, and consultation in relation to industry broadly. We would agree that, during that consultation, particular groups didn't necessarily appreciate the extent of the impact upon them, so we had to very much work closely with those groups when the act came into operation. A consultation strategy was associated with the development of the Security Industry Act, but some specific groups—who were thought in some senses not to be the main security industry players but users of security industry services—didn't fully appreciate the impact of the act upon them until it was in fact upon them.

THE CHAIR: I accept that Mr Brown would most likely have received complaints—why weren't we told?—which I would imagine he might direct back to you, if you are the people who actually do it. In fairness, Ms Kelly, I've also heard that some of the consultation process has been excellent. But some have left a lot to be desired, and a lot of groups seem not to have been consulted at all and are naturally surprised when an act hits the statute books. What are you doing within your office to ensure that there's improved consultation?

Ms Elizabeth Kelly: We can always do better but, as I said in relation to the Security Industry Act, it's always a question of predicting the major impact. It does occur that legislation affects groups that weren't necessarily identified as major players in the policy development process. Consultation is a key part of our policy development process, and we endeavour to identify all groups that are affected and to involve them.

There will be occasions when we don't get that 100 per cent right. We find people who feel they need a critical say and who have been impacted upon, and we haven't involved them as much as we should have. What you talk about in relation to the AHA and Security Industry Act is an example of that.

THE CHAIR: As a result of the complaints that were made in about December, some things were put on hold, and further work is being done. Or has it been done?

Ms Elizabeth Kelly: I will now hand over to Mr Brown, who deals with the bad stuff after the legislation has been drafted and is handed to him to administer.

THE CHAIR: It seems to me that there are some good suggestions from the AHA about modified courses, which would satisfy what government wants and would also satisfy industry.

Mr Brown: We've been in a consultation process with the AHA and others, and the registered training organisations that provide these courses, to ensure that there are adequate courses for all areas that are covered within the security legislation. There are still areas where there are difficulties in respect of that issue. Technical areas within security remain a problem because of low numbers of participants within the industry in the ACT. I am in the process of attending meetings with the local training authorities,

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and agencies responsible for that, and having discussions with people within the adult education areas, to see if we can come up with solutions for those sorts of problems.

THE CHAIR: When is that liable to be resolved? I take it you've put the strict enforcement of what is required on hold until you come up with a more satisfactory regime.

Mr Brown: It's been put to us that, as a result of the introduction of the legislation, the numbers of crowd controllers and other operatives in the market place dried up and it was difficult, particularly for liquor licensees, to source adequate numbers of staff. Our statistics don't support that. In fact, we've increased the number of licensed security operatives by some 400 since the legislation came in last September, so we now have in excess of two and a half thousand who are registered. That may well indicate that the persons who were providing security at licensed premises previously no longer reasonably satisfy the tests of good character and criminal conduct that apply.

We're going to undertake a program over the next short while of surveying all of the people who are licensed in the security industry to get some indication of what their intentions are in the coming years and of any concerns that they have about the licensing and registration process. We might well be able to move in advance of any of those sorts of problems.

On the timeframe for results through the training providers, organisation representatives tell me that they're in a position now to provide training and acknowledge prior learning and recognition within the industry, so that the people who wish to get involved in the security industry can do so easily.

MRS DUNNE: On the subject of the issues with security and liquor licensees, Ms Kelly, was a business impact assessment done on the impact this was going to have on liquor licensees? Seeing that you said that you missed out, really, on consulting closely with liquor licensees, was a business impact study done? A question to you and Mr Brown: are you consulting with liquor licensees outside the AHA? My understanding is that a large proportion of liquor licensees are not members of the AHA, so how do you get to them?

Ms Elizabeth Kelly: I'll take that on notice and allow those people who are directly involved in the project to provide that detail in the system.

MRS DUNNE: But could you tell me how you're actually getting to the liquor licensees who are not members of the AHA?

Mr Brown: As I said, we're going to survey the security officers themselves. We don't go through the AHA necessarily; we have the ability to provide information and circulars to all of our liquor licensees.

MRS DUNNE: So you're dealing directly with the licensees, rather than through peak bodies?

Mr Brown: We have that capacity, and we use it where appropriate.

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MRS DUNNE: Are you using it in this case?

Mr Brown: To inform them of their obligations in relation to security and what's on offer in respect of courses—yes, we do.

MRS DUNNE: But who irons out what are perceived to be the regulatory costs? I mean, that's your responsibility.

Ms Elizabeth Kelly: That's the responsibility of those who are developing the legislative policy.

MRS DUNNE: Might there be some amendments to tweak this along the way, in the way it impacts particularly on liquor licensees?

Ms Elizabeth Kelly: I'm not aware of legislative proposals being put at the moment. I'm aware of the recent discussions that Mr Brown has had—but not in terms of legislative proposals under consideration.

THE CHAIR: Chief Minister, you need to go at five. I would be delighted if you stayed a bit longer. Another option the committee could adopt, given our timeframes, and if you really have to go, is to go on with your officials.

Mr Stanhope: I can stay another 10 minutes, Mr Chair.

THE CHAIR: We could, after that, continue with your officials.

Mr Stanhope: No, you can't.

THE CHAIR: You do have a say in that, but I need to put that anyway.

THE CHAIR: All right, you can stay another 10 minutes. Please continue, Mrs Dunne.

MRS DUNNE: Ms Kelly, you've undertaken to assess the business impact of the security regulation on the liquor industry. You say that you're not aware at the moment of any legislative changes but, when you go away and think about it, do you think it desirable to have any regulatory legislative changes to the current arrangement?

Ms Elizabeth Kelly: The focus is on maintaining the integrity of the scheme. Mr Brown will tell you, as the person responsible for implementing it, that maintaining the integrity of the regulatory schemes is what we are aiming to do, so any legislative changes would have to be within those policy parameters.

MRS DUNNE: What are the policy parameters that you feel need to be maintained?

Ms Elizabeth Kelly: Until a specific proposal is put, it's a bit hard to comment on that. In the sense of changing the scheme for a particular group, and for that group only, if that undermined the integrity of the scheme as a whole, it would be inconsistent with that policy goal.

MRS DUNNE: In relation to some of the other activities of the Office of Fair Trading,

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you conduct a range of inspections in areas where you have compliance responsibility. How many inspections of brothels do you undertake?

Mr Brown: None.

MRS DUNNE: Why not?

Mr Brown: I don't have regulatory responsibility for that.

MRS DUNNE: Who does? Sorry, I thought you did.

Mr Brown: To any extent, WorkCover and the police. WorkCover through the—

MRS DUNNE: Aren't you the Registrar of Brothels?

Mr Brown: Yes, I am.

MRS DUNNE: What does the Registrar of Brothels do?

Mr Brown: I keep a public register and a register of single persons.

MRS DUNNE: That's all that you do?

Mr Brown: Yes.

MRS DUNNE: The rest of it is WorkCover.

Mr Brown: WorkCover has, through the occupational health and safety legislation, a code of conduct for the sex industry. The police have an interest.

MRS DUNNE: I should have asked it last week. I just assumed that it was your responsibility.

MS DUNDAS: The number of rental bond transactions has remained static at 26,000 for the last three years, yet I'm sure there have been some changes in movement in terms of the rental market in the ACT. Would you like to take that question on notice as well, Ms Kelly?

Ms Elizabeth Kelly: I'm afraid Mr Ockwell has left, so I will have to take that on notice.

MS DUNDAS: I just want to know what is happening with the number of rental bond transactions. Has there been any analysis of why they are remaining static?

MRS DUNNE: On the issue of numbers, it seems we're extraordinarily prescient in being able to predict, for instance, 15,558 complaints and come in on target. How do you do that? You predicted the number of investigation inspectors and disciplinary proceedings conducted by the Office of Fair Trading to be 18,558, and you came in on target. How did you come in on target?

Mr Brown: You'll see that the targets for 2003-04 were adjusted later in the year, so we

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do get closer to it. I don't expect that we'll come right in on the number, but at the time we put this information together, it was our best estimate of where we'd end up.

THE CHAIR: It's the estimated outcome that is the same.

MRS DUNNE: Yes.

THE CHAIR: Maybe you need a better performance measure there, because that would be almost impossible.

MRS DUNNE: Why 58 and not 55? It seems to be such a precise measure, and I wonder about the value of it.

Mr Brown: It actually reflects the number of inspections we propose to undertake. It's a simple addition of the various industries and activities that we have, and that's what it adds up to. We don't round it off.

MRS DUNNE: You don't round it at all?

THE CHAIR: Except the advice given and complaints handled. That might mean that, if you go over a bit, you mightn't handle or get some advice on something.

Mr Brown: They're driven by consumers. We're not in control of that, and we're largely not in control of the registration, licenses and permits. But we do have greater control over the number of inspections and—

MRS DUNNE: Disciplinary procedures?

Mr Brown: disciplinary matters that we have. Well, not necessarily disciplinary matters. I mean, we'll only be able to take action in relation to matters that are found, but that's only a small portion of the 18,000, or our target for next year of 26,000.

THE CHAIR: Anything further under 3.1? No? We are now on 4.1. I welcome back Mr Ryan, and I will truncate the series of questions I have in the interests of time. I just want you to disagree with me, or the minister, on any of the propositions in relation to the prison. It is a major project, and it is of territorial significance—a significant addition to public infrastructure. I don't think anyone would quibble with that. There is a projected capital injection of \$50 million over two years, with \$10 million provided next year. Its operational life is anticipated to be 40 years. I'll come back to that. It also has significant economic benefits for the territory.

The project will result in a significant addition to our public infrastructure, and benefits will obviously arise. Therefore, given that building the prison has a non-recurrent cost of \$110 million, is it not reasonable that the capital cost of this project should be shared by both current and future generations? I specifically refer you, Minister, to the bottom paragraph on page 266 of Budget Paper 3. It says:

Credit rating agencies have a very strong view that recurrent expenditure is funded by current taxpayers and not deferred to future generations via the cost of debt financing and future principal repayments; and the funding of non-recurrent or

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capital expenditure by way of debt financing is appropriate where the benefits are to be distributed over time. This approach is consistent with the principles of intergenerational equity. Present and future taxpayers bear the cost of asset amortisation, debt servicing and repayments as the asset distributes its benefits to them over time.

MR HARGREAVES: It's not being borrowed.

MS DUNDAS: I think that's Mr Stefaniak's point. He would like the money to be borrowed.

THE CHAIR: Yes. When you look at budget paper 3, given that this is capital works, there seems to be a very strong argument that some of this could have been borrowed.

Mr Stanhope: It's a decision the government took, Mr Chair. You can argue your point of view.

THE CHAIR: I'm merely pointing that out in the budget paper, Chief Minister. I'm not putting any particular view I have.

Mr Stanhope: In relation to the funding of the prison, cabinet chose quite deliberately to fund the budget, having regard essentially to the level of cash that was available to us.

THE CHAIR: Did you have to make an evaluation of the options open to it?

Mr Stanhope: We took significant advice on a range of possibilities, and in the end the decision that the cabinet took on the basis of the advice—which was, as I say, rigorous—was that we would fund the prison.

THE CHAIR: What was the reason for that, Chief Minister?

Mr Stanhope: We had the capacity to do so and we felt that it was a reasonable thing for us to do, having regard to our cash position.

THE CHAIR: The prison is a major project, and there are a lot of components to it. One of the problems with our little juvenile justice institution is a security perimeter problem. What steps are going to be taken to ensure that this major prison is secure and that people can't, with some ease, get through the perimeter?

Mr Stanhope: The department of justice is not responsible for Quamby.

THE CHAIR: I appreciate that. I'm just using that as an analogy for problems we've had in the past. We're going into a major enterprise here, an adult prison—

Mr Stanhope: You're talking about the prison?

THE CHAIR: I just want to ensure—

Mr Stanhope: Well, your comment was purely gratuitous.

THE CHAIR: No, it was preparatory, Chief Minister.

MRS DUNNE: By way of analogy—perhaps contextualising.

THE CHAIR: Indeed, when Quamby was first built, I think, in 1993, little regard was given to perimeter security, which has plagued us since then. We have a brand new prison. A lot of money is going into it. To avoid the problems we've seen with the juvenile justice institution in this major adult correctional institution, what steps are going to be taken to ensure that the perimeter is secure?

Mr Ryan: We've been going through an exhaustive process of arriving at what we think is a functional brief for the design of the prison. We've gone from that to a design brief, which we've put together by way of consultation with those in the industry in other jurisdictions and consultation with our own experts within the ACT.

We are most confident that what we'll put in place by way of perimeter security will be of a maximum security standard. We're particularly conscious of that because, without the secure perimeter, you can't relax daily life within the prison. That's a problem we've noticed in other facilities in the ACT that you've mentioned. We face a similar problem with the two remand centres that we have now. We have always been aware that the perimeter security isn't good enough.

We have taken the advice of our consultants with respect to costing what we think such a perimeter would be to us in the future, and those costings were included in the information that we put to cabinet to get approval for the project. But it doesn't stop there. As I said, the design brief is being put together, and the actual design process and the use of a design consultant will ensue in due course over the next 12 months. It is a subject about which we are very confident.

THE CHAIR: It's maximum security standard. I thank you for that. I shall follow that with interest.

MS DUNDAS: We've had some concern about the number of periodic detainees who actually follow through on their detention program. Has the periodic detainee program improved? Are more people rocking up?

Mr Ryan: The periodic detention numbers haven't changed much in the last 12 months. For example, the maximum number attending through this year to April was 27 and the average was around about 23. That compares with 32 and 24 in the previous year. The minimum number attending this year was as low as 15, and the lowest minimum number the year before was 17. Breaches of PD orders last year were 27, all up, and the year before 18. This year, thus far, the numbers were 24.

MS DUNDAS: Sorry, is that the financial year?

Mr Ryan: Yes, I'm talking financial year. So we think that the trend is pretty much the same. If anything, the breaches would be higher if we had a more rigorous regime. The regime in place at present sees that, if a person is absent for more than two detention periods, we will approach the magistrate and apply to have the matter dealt with. There are other ways orders can be breached, including serious misconduct while they're in the centre.

That's a summary of where we stand now. I should add that, as an option, we're still very keen to see periodic detention used. We're one of only two jurisdictions in the country that use it. It's likely to continue to be successful in the ACT because of the geographic size of the ACT. Attending a centre isn't really difficult for a person who lives in the ACT compared to, say, other places in New South Wales or even metropolitan Sydney.

MS DUNDAS: So, besides waiting for somebody to breach a periodic detention order twice and taking them back to the magistrate, what else is being done to ensure that people are actually complying with their order?

Mr Ryan: They're obliged to attend. We don't go and collect them from their homes and take them there; they have to find their way out to Symonston. They are briefed on what the rules are on admission to the centre on the first occasion, and that's about it. The breach process that ensues thereafter is a matter for the courts, not for us. Quite often they are returned to us anyway, despite the breach, which I think is probably what you're getting at.

MS DUNDAS: It's up to the magistrate to determine whether or not somebody goes on periodic detention. Do they take into account people's access to transport?

Mr Ryan: Not that I'm aware of. They do take into consideration pre-sentence reports that we provide for the courts, in which we make comment on what we see as their suitability for periodic detention.

MS DUNDAS: Do your suitability criteria include access to transport?

Mr Ryan: No, it's not an issue that we take into consideration.

MS DUNDAS: Do you have any idea if access to transport is a reason why people are not attending periodic detention?

Mr Ryan: I don't believe it is. In fact, we assist in that regard to the extent that we make sure that, come Sunday evening, we close the place and send them home in enough time for them to get a bus—those who wish to. Most of them don't; most of them arrive there in their own cars.

THE CHAIR: I'm interested in Ms Dundas's questions. Can you take it on notice to indicate how many people have been on periodic detention from 1 July 2003 until today's date, how many breaches there have been during that period of time, what action has been taken on the breach and how many people have been returned to complete periodic detention?

Mr Ryan: Yes.

THE CHAIR: Is there anything further on periodic detention? If there are no more questions, thank you very much, corrections. Whom do we have left? We have the Legal Aid Commission.

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MS DUNDAS: I thought the Chief Minister was leaving and wasn't allowing officials to be questioned without his presence.

Mr Stanhope: I will wait you out on Mr Staniforth.

THE CHAIR: Thank you. Are there any questions of the Legal Aid Commission?

MS DUNDAS: I have some. The numbers indicated on page 321 of the budget paper basically remain static in terms of the support that has been provided to people through Legal Aid. However, we had the conversation earlier about the number of cases going through the courts—that due to the case management system, more cases appear more times in front of the courts. What is Legal Aid's ability to meet both, against the growth in the courts area?

Mr Staniforth: Chris Staniforth, CEO, Legal Aid Office. Thankfully, we've been involved in the review process in the magistrates courts, and I have to say that the theme we've adopted is that court events alone cost us a lot of resource that we can't really spare and compliance alone doesn't achieve a lot.

The outcome we'd like to see is a system of case management and review that encourages a defending practitioner and a prosecutor to talk more often. Certainly, our in-house staff are invited to take every opportunity to talk to the prosecutor to try to see if there's any room for agreement to get a matter dealt with quickly. It's in no-one's interest to drag matters out and, if simply complying with the process is dragging it out, to be quite frank, we can't see a benefit.

MS DUNDAS: But you are suffering financially because of the way the court systems are operating at the moment.

Mr Staniforth: The staff work even harder.

MS DUNDAS: How is Legal Aid support for First Stop going?

Mr Staniforth: We think very well. Members of the Assembly will be aware that First Stop became a clinical placement module with the ANU law school this calendar year. We said throughout that evolution that we'd like to stay involved; we think it's serving a good purpose for the ACT. Our staff enjoy the work, and we remain committed to it.

MS DUNDAS: Has there been any ability to assess the work of First Stop and how it's actually going?

Mr Staniforth: Yes, the ANU, in particular this year, is building in a quite massive review process. Indeed, it will be part of a pilot for three years—I think; I wouldn't like you to rely on that. That evaluation will be used to look at not only the program's role at ANU law school but also service delivery to ACT young people.

MS DUNDAS: On a slightly different topic, do you keep statistics of the number of requests for assistance that are declined?

Mr Staniforth: My word.

MS DUNDAS: Can you inform us how many requests for assistance were declined in 2003-04?

Mr Staniforth: I can give you the percentage, which was about 34 per cent.

THE CHAIR: Is that on a par with what happened in previous years?

Mr Staniforth: Sadly, yes. It's slightly higher. Our biggest concern is about the Commonwealth law areas of family law, where the trend appears to be slightly increasing each year.

THE CHAIR: What about territory matters?

Mr Staniforth: Not such a problem.

THE CHAIR: What percentage of matters relating to non-federal law is declined?

Mr Staniforth: Bear with me one moment. Between 25 and 30 per cent.

THE CHAIR: Thank you. I note that your estimated outcome for expenses on behalf of the territory this year is about \$340,000 higher than the target. Your target for next year, however, is only \$68,000 higher than this year. Are you likely to meet that or, because of the demands of your office, are we likely to see the actual outcome be more than what your target is?

Mr Staniforth: If we could ever find a good Nostradamus who'd come and work for us, we'd be really grateful. The problem here lies in the advent of what are called "expensive cases"—expensive Commonwealth cases, by and large. The Commonwealth insists upon funding expensive cases as one-offs. So we do a bottom line. We do a base budget, which is what you read. Then, every so often, we are given extra funds by the Commonwealth to fund a case, or perhaps even two cases. It always skews the picture, so the kind of comparison the chair has made is sadly going to happen, and each year we have to say it's because of an expensive case.

MS DUNDAS: To go back to the last line of questioning I was pursuing, on the number of declines, do you have an analysis of why there were those declines? Was it because Legal Aid was at capacity?

Mr Staniforth: We analyse them in terms of four criteria. The first is whether they're refused on means and needs—financial needs generally. The second is whether they fail what we call a "merits test", which is a statutory requirement under the act, which requires us, may I say, quite promptly to come to a view that they're likely to be successful. In respect of Commonwealth matters, there's what is called a "guidelines criterion", which arises because the Commonwealth insists upon excluding guidelines. If you don't fit inside it, there's no discretion to grant legal aid. A good example of that is in property settlement matters in the Family Court. There are some excluding provisions in the guideline. If that's not met then they're not eligible. Finally, we have a number of cases that should more properly be brought outside the ACT.

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MS DUNDAS: You have indicated that there's been an increase in the declines in relation to Family Court matters. Is that in relation to means testing? Why are those cases not being picked up?

Mr Staniforth: No. The two major grounds there are the guidelines ground and the one I called merits.

MRS DUNNE: Presumably, the issue of merits does not apply when you're defending people in criminal cases?

Mr Staniforth: It would be very rare.

MRS DUNNE: Would it ever have happened that you wouldn't defend?

Mr Staniforth: Yes, I did one. I don't think I'll disclose privacy when I say this. A chap suggested he should be given legal aid to answer a sexual assault allegation, on the basis that he wasn't there and that, if he was, she consented.

MRS DUNNE: Right. And it was three other fellows, and they made me do it. Sorry, I've had a complete mental blank, and I've forgotten what my second question was. I've completely lost it.

THE CHAIR: Nothing further for Legal Aid? All right. Thank you very much, officials, and thank you, Chief Minister.

The committee adjourned at 5.32 pm.