



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**SELECT COMMITTEE ON ESTIMATES**

**(Reference: Appropriation Bill 2005-2006)**

**Members:**

**MS K MACDONALD (The Chair)**  
**DR D FOSKEY (The Deputy Chair)**  
**MR R MULCAHY**  
**MS M PORTER**  
**MR Z SESELJA**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**THURSDAY, 26 MAY 2005**

**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).

## **The committee met at 9.34 am.**

Appearances:

Mr J Stanhope, Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs

Department of Justice and Community Safety

Mr Tim Keady, Chief Executive Officer

Ms Elizabeth Kelly, Deputy Chief Executive Officer

Mr Brett Phillips, Executive Director, Policy and Regulatory

Mrs Lana Junakovic, Executive Director, Corporate Services

Mr Peter Garrisson, Chief Solicitor, Government Solicitor's Office

Mr Bruce Kelly, Courts Administrator, Law Courts and Tribunals

Mr John Leahy, Parliamentary Counsel, Parliamentary Counsel's Office

Mr James Ryan, Executive Director, Corrective Services

Dr Helen Watchirs, Discrimination Commissioner

Mr Derek Jory, Director, Justice Planning and Programs

Mr Christopher Staniforth, Chief Executive Officer, Legal Aid Commission

Director of Public Prosecutions

Mr Richard Refshauge, Director of Public Prosecutions

Department of Treasury

Mr Karl Phillips, Financial Controller, Corporate Finance

Mr Phil Hextell, Director, Accounting Branch

**THE CHAIR:** Good morning, everybody. 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.

I ask each officer, on coming to the table, to state their name and the capacity in which they are appearing. Officers will note that there are some name plaques at the side of the room. If you do come to the table, please bring the one for you with you as that will save the secretary from having to get them.

Please clearly identify any question you are taking on notice. It is then your responsibility to check the transcript and respond to the question. Responses to questions taken on notice are required within five full working days. The transcript will be emailed to the minister and the departmental contact officer for distribution to witnesses as soon as it is available.

The proceedings are being broadcast to specified government offices and the media may be recording the proceedings and taking visual footage. I request all officials and members to ensure that mobile phones are not used in this room. Of course, there is an exemption for Mr Seselja. We will follow the order set out in the detailed daily program. As Chair, I will try to ensure that we adhere to time frames. I remind members and officials that we have limited time, so please refrain from entering into argument and

debate. It is better to have that over morning tea than in this room. Attorney-General, do you wish to make an opening statement?

**Mr Stanhope:** Thank you, chair. I have no formal statement to make other than to thank the committee for inviting me and officials from the Department of Justice and Community Service to attend today. I, Mr Keady and all officials from the portfolio stand ready, very willingly and happily, to respond to all issues that the committee raises. Thank you, chair.

**THE CHAIR:** Dr Foskey, do you have a question you would like to ask?

**DR FOSKEY:** Thanks. I will just ask the generic questions that whoever asks first usually asks. Could you please let me know the percentage of the cut that there has been to the departmental allocation in 2005-06 and future years?

**Mr Keady:** The amount our budget has been reduced by or the base has been reduced by is \$1.8 million for this year and that has been carried forward into future years. I think it is just under two per cent.

**DR FOSKEY:** Do you have any sense at the moment of the impact that that will have on staffing this year and in future years?

**Mr Keady:** We are still working through that. We are going through an internal process of allocating the reduction across some of our cost centres. We are making internal decisions to quarantine some of our smaller agencies from those cuts so as to maintain their capacity to deliver services. There will be some job reductions, but we are still working through the number and exactly where they will fall.

**MR SESELJA:** Which agencies won't be quarantined, which parts of the department?

**Mr Keady:** Which ones won't be?

**MR SESELJA:** Or which ones will be might be quicker.

**Mr Keady:** We have about 14 agencies internally. We will be quarantining those which are small, such as the Human Rights Office and the Community Advocate's Office. We won't be applying any cuts to the courts or to the DPP.

**MR SESELJA:** Where are the cuts likely to come, then? Which are the most likely?

**Mr Keady:** From the remainder. We will also be looking at our corporate services structure. We will be looking to restructure it, particularly to find economies. We will be also finding some savings from corrective services.

**MR SESELJA:** The Treasurer's officials told us that there would be 260 redundancies across the service. That is separate from net reductions in terms of natural attrition. Do you have any idea how many redundancies there will be in the department?

**Mr Keady:** No, I don't, not yet. Even where positions have to be reduced, it doesn't necessarily require a redundancy. If we've got agencies that have to shrink by one or two

positions, it's quite possible that that can be done by natural attrition. Redundancies are a particular means of reducing positions. I'm not quite sure yet whether we need to resort to it or not.

**MR MULCAHY:** One of your primary objectives, obviously, is to create a safe and peaceful community in Canberra. You would be aware of recent public discussion over safety issues in Manuka, Narrabundah and other inner areas of Canberra that have seen a heightened level of concern by a large number of businesses, with businesses resorting to hiring private security, not just for their own premises but for their area. Given that crime prevention is an important part of the brief, I was wondering if you could outline, Chief Minister, what you intend to do to restore confidence amongst, particularly, those who are traders in the area, and indeed patrons and other people peacefully going about their business.

**Mr Stanhope:** I'm more than happy to respond to those issues around the policy role of the department of justice in relation to policing issues and public safety, but the operational aspects of policing in the ACT are matters for Mr Hargreaves as minister for police. The department of justice has a central policy responsibility in relation to legislation within its administrative ambit. In that context, we as a government have continued rigorously a program of law reform. We have sought—and it's something that is not often reflected on, reported or discussed—through the criminal code implementation that has been a feature of the 3½ years of this government to reform and modernise the criminal law of the ACT.

We talk often about some of the significant law reform that has been a feature of this government over the last 3½ years. I think it's fair to say that perhaps the major law reform task that has been undertaken by the department of justice and the major ongoing legal drafting exercise that occupies perhaps as much time as any other single project of the Office of the Parliamentary Counsel is, indeed, the ongoing work in relation to the implementation of the criminal code. So, in the context of this department and in the context of our commitment to a safe community, to the extent that the department of justice is responsible for that, it is responsible through the development and enactment of legislation that will ensure that our criminal justice system operates as smoothly as it is able.

This department does that through its attention to those policy issues that inform the development of all the legislation that is relevant to the operation of a criminal justice system. That is, of course, through criminal law and through the operations of the courts. The courts, of course, are separate and independent and are responsible in the main for their own operations, but the department of justice plays a role in relation to issues around the way in which the courts operate and the way in which the courts operate is, of course, relevant to a community's attitude to criminal justice and issues around the safety of the community.

So, in the context of this department, this portfolio, and the responsibilities of the officers in this room today attending this hearing, it is a responsibility for policy development and for the development of legislation; but, in relation to the operations of a police force and the extent to which the community's perceptions of community safety are a result of their perceptions of the effectiveness of our policing regime, those are matters for Mr Hargreaves and other officers. But if there are specific issues that you would like to

discuss in relation to policy development, the extent to which we have as a priority the development of, I think, the most up-to-date and best criminal justice legal regime, there are those that are involved with those particular projects, and there are range of them.

They go not just to the criminal code. They go to issues in relation to work that is currently being done within the department, for instance, in relation to the development of a sex offender register; they go to the development of a corrections system that will have a direct impact; and they go to the development of a range of programs. A significant one which is reflected in the budget papers before you, of course, is a significant commitment to a project called reducing property crime, which is very relevant to issues around community safety and perceptions around our determination to address the causes of crime, which is at one level just as important in the context of a real determination to address crime as the old, almost hoary line that there are not enough police on the beat, a line that is at heart a very simplistic response to a very complex issue.

**MR MULCAHY:** How does this reducing property crime program, for which I see \$550,000 has been allocated, actually work in terms of practical application, Chief Minister? People are complaining to me and other members of the Assembly about smashed windows and violence and are telling me that they are hiring private security. They are producing logs for me of where they are not even protecting their own premises but helping their neighbours. It troubles me that maybe these programs aren't terribly well managed or aren't effective. Do you have any information to show that?

**Mr Stanhope:** You have raised specifically the reducing property crime program. I think it's a fantastic new program. It's innovative and I think that it will be state of the art, nation leading. It's a genuine attempt by this jurisdiction to tackle the most difficult problem in relation to crime, that is, addressing the causes of crime, something which governments always put last, as a rule, and something which we do need over time to ensure does climb the pole of priorities in relation to criminal justice. We all know at heart, if we stop and think about it objectively and seriously, that the major issue facing communities in relation to ongoing crime and recidivism is the need for us to intervene to address the causes of crime. That's what this particular project does. I am more than happy to ask Mr Ryan to address how it will operate.

You raise an issue in relation to community concern, justifiable concern, about acts of vandalism and about antisocial and criminal behaviour. Those are questions that are better put to the minister for police than to me because I don't have some of the detail of where we, as a community, stand in relation to crime and perceptions of crime. But, on the most recent briefings that I participated in on those particular issues, Canberra, as a city, has the significant reputation of being the safest and most law-abiding city in Australia and one of the safest cities in the world.

We can never be complacent about crime and we can never be complacent about the levels of crime, but any discussion around crime and criminality has to be conducted in an environment where we look at our successes and our achievements and we acknowledge that, on almost all indicators of comparison between Canberra and other cities in Australia, Canberra is a safe city. We can all decry the fact that there is crime within our community. We do and we wish it were otherwise. But we do need, in any discussion around crime and the levels of crime, to be a little bit objective and a little bit

sensible about it.

**MR STEFANIAK:** How are you going to reduce property crime under this program?

**Mr Stanhope:** I'll ask Mr Ryan—

**THE CHAIR:** Just a moment. I ask members and visitors to direct their questions through me.

**MR STEFANIAK:** Sorry.

**THE CHAIR:** I take this opportunity to point out that, under output class 1, there are eight subsections and, as well, we have to deal with corrective services and the Legal Aid Commission and we only have until 12.30 pm to do so. I'm concerned about the time. I ask you to keep that in mind and, if you can actually direct some of the questions to the output classes, it might help us here.

**MR MULCAHY:** Could I just finish this one thing?

**THE CHAIR:** Yes, that's fine.

**MR MULCAHY:** The one issue I wanted to hear about, Chief Minister, was whether you have measures or plan to have measures to test the effectiveness of this \$0.5 million program. I know that Mr Hargreaves and I will be talking about policing, but this is a program you have within your department that you are extolling and I am just wondering how you are going to measure the effectiveness of that program.

**Mr Keady:** Perhaps I could explain it this way: the department commissioned some years ago some research by the Australian Institute of Criminology and we enlisted the assistance of the AFP to look at the property offenders in the ACT. The research is available. It was published by the AIC and it established that we appear to have a hard core of property offenders, many of whom have drug and alcohol-related problems. Those people are recidivist offenders and they are a challenge to law enforcement because, typically, they would go through a cycle of fairly heavy offending, particularly breaking into premises, stealing goods and selling them to feed a habit or indeed just a lifestyle.

The likelihood is that, unless something intervenes in the lifecycle of those people, they will continue to be apprehended from time to time. They will move through the sentencing hierarchy in the courts. Eventually, they will be sentenced to periods of imprisonment. They will be released inevitably and then they will repeat the cycle. The continued investment of law enforcement resources to apprehend those people is obviously a necessity, but ultimately it is not going to be successful in reducing crime if that number continue to behave in the way that we have established.

Therefore, one of the responses that we have developed is an intensive supervision program, which is what those funds are going towards, that is going to be an attempt through the officers of the community corrections area, primarily in corrections, to adopt programs and have much more intensive contact with those people once they are at liberty either as parolees or under supervision under various forms of good behaviour

recognisance to try to alter their offending. The ultimate measure of success will be a reduction in recidivism, but what we are attempting to do is to attack the most difficult part of the offending population—not the occasional offenders, but those who are serial offenders—and try to do something with them.

**MR STEFANIAK:** How many offenders are you targeting in this program? Do you have any idea of how many?

**Mr Keady:** We will look at, I think, between 30 and 40 in the current year and I suppose we will reflect on that experience to see what is a reasonable caseload for the resources that we have.

**MR STEFANIAK:** How is it envisaged that property crime will be reduced by this program?

**Mr Keady:** By reducing recidivism and hopefully changing the habits of some of those serial offenders.

**MR STEFANIAK:** By the fact that you will be contacting them on, I take it, almost a daily basis.

**Mr Keady:** I'm not sure whether it would be on a daily basis or whatever. It will be for the professionals to work through programs and many of them will be individualised.

**Mr Stanhope:** Essentially, case managing those individuals that we know to be responsible for a significant proportion of property crime. Mr Stefaniak, I think you would know from your time as Attorney-General and minister for police of the level of recidivism amongst people with a substance abuse issue or other particular issues. The percentages are quite surprising and quite staggering. I don't have them with me now, but it was a shock to me to discover that a significant proportion of burglaries, for instance, of significant property crime in the ACT, is perpetrated by a remarkably small number of individuals.

**MR STEFANIAK:** I think about 80 or 85 per cent.

**Mr Stanhope:** Absolutely. The percentage that I had available was of that order, that 80 per cent of the burglaries in the ACT are committed by less than 100 people. It is quite obvious, if one thinks about it and seeks to act laterally in relation to it, that, if we can address that offending behaviour of that small recidivist-active group, we can potentially have very significant impacts on property crime.

**THE CHAIR:** I should have said before that we do not require the presence of anyone from the Public Trustee.

**Mr Stanhope:** I think that message was conveyed, thank you.

**THE CHAIR:** I thought that Mr Mulcahy was going to ask a supplementary question about what Dr Foskey and Mr Seselja were saying in terms of job cuts. This is an area that I have been raising with all agencies, minister and Mr Keady. It goes to the issue of looking at work arrangements as a whole rather than just looking at job cuts. I am

curious to know whether the department is looking at offering to people the ability to go to part-time work—obviously, it would not be possible in all cases—thereby reducing the cost to the department and providing a family-friendly workplace which provides a working life and family life balance. I say that in line with the fact that the ACT government—and it is by no means unique—advertises most of its positions as full-time jobs rather than as part-time positions.

**Mr Keady:** We have quite a number of people working part time and we do endeavour to accommodate people, particularly women who have had children and returned to the work force, in part-time positions. It is a quite common arrangement that we do make. Obviously, it depends on the nature of the position as to whether we can make it part time. I have to say that in some of our agencies we are a fairly fertile department and we do make these arrangements regularly. It is standard personnel practice to accommodate women, particularly women with family responsibilities. That is not new. We are not doing it so much to expand our work force. We are doing it as a family-friendly workplace to ensure that we are able to maintain and retain some of our talented people who have family responsibilities. So, to that extent, we are doing it and will continue to do it.

**THE CHAIR:** I note that you mentioned women particularly, but there are many fathers out there who would probably like to spend more time with their families. Is consideration given to their requests? Are requests being made by fathers of young children to go to part time so that they can actually achieve that work/life balance?

**Mr Keady:** I could not answer as to how many men may have made that request, if it is made. It would be dealt with on its merits and on the basis of the kinds of duties that they perform. It is easier to accommodate those kinds of arrangements in some areas than in others, particularly if you have staff who are required, at short notice, to be in places like courts and these kinds of things. If they have case knowledge and responsibilities, it can be quite difficult to manage part-time arrangements to suit their convenience and then have other external agencies accommodate that. As I said, I am not sure how many men would be in that situation. Certainly, if anyone requested that kind of arrangement and we could accommodate it, we would.

**THE CHAIR:** Thank you. As I said, I am asking that of all agencies and you should not feel that I am singling you out, Mr Keady.

**Mr Keady:** I understand. It is a significant issue in the workplace and it is one which, increasingly, we are having to find ways of accommodating.

**MR SESELJA:** Evaluation of the Human Rights Act is listed on page 337 of budget paper 4 under the highlights. Minister, are you able to tell us exactly what that will involve? Is it only looking at additions to the Human Rights Act or is it a complete evaluation that will look at whether there is anything in there that should not be?

**Mr Stanhope:** I will ask Ms Kelly to respond to that, Mr Seselja.

**Ms Elizabeth Kelly:** The evaluation referred to there is a joint project between the department and the ANU and is funded by the Australian Research Council under a linkage grant. It involves the employment three days a week of a PhD student at the



university. Not only is that person going to review all of the judicial decisions in relation to the act, but also we are negotiating a way for that person to have access to some of the internal government processes in order to determine the impact of the act on the way government functions, which is, of course, a great area of interest following the implementation of the act and very much a part of the process of creating a culture of human rights as the impact on administrative decision making.

The person was recruited overseas and commenced work about three weeks ago. We have had our first meeting. I have formed a research reference group to oversee the evaluation project. The research reference group is chaired by Hillary Charlesworth. Andrew Byrne is on it and I am on it, as is the law society, and it will be a three-year project which we are very excited about because it does represent an opportunity for us—we are doing something quite new—to do a very high quality, independent evaluation accessing the experts in the field.

**MR SESELJA:** The reason I put the preface to the question was that the Human Rights Commissioner indicated to members some time ago that any review of the Human Rights Act—maybe this is a different review—would be only with a view to expanding it. Is that still the case or is that a separate process?

**Ms Elizabeth Kelly:** It is a separate process. The evaluation referred to at page 337 is the evaluation being conducted with the ANU. In addition to that, there is a legislative requirement for a 12-month and a five-year review. I will get Mr Phillips to detail the process for that review.

**Mr Brett Phillips:** Mr Seselja, there is a provision in the Human Rights Act which provides for a review of the act after 12 months and also requires government to look at the implementation of social, economic and cultural rights and environmental rights. I think the provision in the legislation also requires a report to be made to the Legislative Assembly in relation to that review by July next year. We currently have a team of people called our bill of rights unit who are working through the terms of reference and formats as to how that review will be conducted. Ostensibly it will look at what will happen in relation to the possibility of including further rights in the ACT.

At this stage, the Human Rights Act is a very new thing. It has been in force for not 12 months as we speak and whilst it has had its periphery in relation to some decisions in the courts, it is not something that we could accurately assess at this stage what influences have occurred in relation to it.

**MR SESELJA:** So the review at this stage will be just with a view to looking at what rights can be added to the Human Rights Act?

**Mr Brett Phillips:** That is right. And the effectiveness of the legislation. It is a statutory review. I cannot quote you the section of the Human Rights Act, I am sorry, but it is a statutory review required under the Human Rights Act.

**THE CHAIR:** Dr Foskey has a supplementary.

**DR FOSKEY:** No thank you, it has been covered.

**MR STEFANIAK:** Is 12 months really too narrow a period, given that the act has only just come in and you concede that it has had peripheral effect in terms of court decisions? The review will not really be able to ascertain too much simply because there is just not enough data yet.

**Mr Brett Phillips:** Mr Stefaniak, I think it is fair to say that the ANU research project will elicit a lot greater indication of the effect of the Human Rights Act than the 12-month review.

**Mr Stanhope:** Just for the sake of completeness in relation to the issue, I think members that were present during the debate would recall that the issue in relation to the review is a proposal initially advanced by Ms Tucker. The government acceded to the request. I think it was reasonable.

I think the point at the heart of your question, Mr Stefaniak, is probably well made. There has been some judicial recourse to the Human Rights Act. I believe that that will increase incrementally. But there is a statutory requirement that a review be undertaken and at this stage we intend to comply with that requirement.

But I think there is some latitude there, Mr Stefaniak. The review must commence after a year and a report must be prepared for the Assembly, essentially within a further year, and I think that does give us some latitude and perhaps a greater opportunity to assess over this period of the review the operation of the Human Rights Act, its effect and implications. But as Mr Phillips has indicated, there are other issues in relation to cultural, economic and social rights that might be pursued, and it may be that this is an appropriate time for this community to give some further consideration to the nature and operation of the Human Rights Act.

Of course, the act, as you would be aware, Mr Stefaniak, I think received its greatest airing in the Supreme Court in relation to a matter involving the Leader of the Opposition, and the implications of the right to freedom of speech and its breadth in a defamation action. So at this stage it is one of the great ironies—which you would forgive me for referring to and acknowledging that it gives me just a quiet moment of joy, if not glee—that the Human Rights Act has received its greatest judicial airing in relation to a defamation action involving the Leader of the Opposition, in relation to which counsel for Mr Smyth relied on the Human Rights Act to explore the breadth of his right to freedom of speech.

**THE CHAIR:** Attorney, I would ask you—

**Mr Stanhope:** So a very, very, useful piece of legislation, I would suggest, Mr Stefaniak.

**DR FOSKEY:** I have a supplementary.

**THE CHAIR:** I would ask witnesses not to antagonise committee members and visitors.

**Mr Stanhope:** It's the major human rights case in the ACT. It would be remiss of me not to actually draw the committee's attention to it. I would think it could actually constitute an entire chapter of your report, Madam Chair.

**THE CHAIR:** Well, I would not want to pre-empt what is going into the report, minister.

**Mr Stanhope:** Yes.

**THE CHAIR:** I would ask visitors to the committee not to respond to debate. Dr Foskey has a supplementary on this issue and then Ms Porter has a substantive question.

**DR FOSKEY:** It might be a little bit early to give me a detailed reply to this, but I am just interested to know whether there is an intention to have a broad participatory process around the evaluation—certainly where we take the Human Rights Act next—and to see if you have given it any thought to how that might be done.

**Mr Brett Phillips:** Dr Foskey, we have given some thought as to whether we should in fact go out with an issues paper to glean public comment in relation to the further rights that might be enshrined in the Human Rights Act. We are still working through the terms of what we intend to do from 1 July, so there are a number of options that we can look at.

**DR FOSKEY:** I would appreciate being kept in touch with those.

**Mr Brett Phillips:** Certainly.

**Mr Stanhope:** Dr Foskey, let me just say that I remain steadfastly committed to human rights and to the ACT Human Rights Act and of its importance not just to the people of Canberra but to the extent that it does, I think, show a commitment by this community, and does, and has, provided a lead for the nation in relation to human rights and the importance of bills of rights for this community and indeed for the nation.

I was privileged to attend just last night a speech by Professor Jim Ife from, I think, the Curtin University in Western Australia, in which he spoke extensively around the issue of human rights and the position of human rights within Australia, and a way forward in relation to the protection and acknowledgment of rights in Australia. That was at the heart of that speech, which was critical of the federal government in particular—the federal opposition—for the attitude that it has taken to human rights and the level of complicity that he sees in relation to a lack of national leadership on rights and rights protection, and the fact that states and territories at this stage have not grasped the nettle to the extent that the ACT government has.

As far as I am concerned—and, of course, it's a matter for the national government ultimately—Australia is in sore need of a national bill of rights, and I believe it behoves the states and territories and governments throughout the states and territories to pursue the debate in relation to bills of rights to show the leadership that is currently lacking nationally. To that extent I think it is very, very, important that we in the ACT, not just the government, show leadership in relation to rights and rights protection, that this community continue to show that it is prepared to engage in the debate, and I am more than happy to lead that debate in relation to a discussion around the effectiveness and utility of the ACT Human Rights Act. I believe it is important that we as a jurisdiction do become part of a debate nationally around the need for national human rights.

There are ACT citizens who are significantly affected as a result of a lack of national rights protection in relation to an area over which we as a jurisdiction do not have a capacity. The revelations today of an internal inquiry into over 200 cases of, I think, what one might say serious abuse of human rights by the federal department of immigration, potentially involving ACT citizens—

**MR MULCAHY:** Excuse me Chair, point of order. Point of order, chair.

**THE CHAIR:** Excuse me for a second, Attorney-General.

**Mr Stanhope:** I am just about finished. This does give some indication of—

**MR MULCAHY:** I have got a point of order, chair.

**THE CHAIR:** I have a point of order before me.

**MR MULCAHY:** Chair, as fascinating as the witness's dissertation is—

**THE CHAIR:** What is the point of order?

**MR MULCAHY:** The issue raised is not relevant to the proceeding of the estimates committee. In my view he is getting into a completely detached issue of government administration. It is not under the authority of the ACT.

**THE CHAIR:** Mr Mulcahy, we have been through this before. I cannot direct ministers to answer questions—

**MR MULCAHY:** Yes you can. The standing order relates to relevance.

**THE CHAIR:** No I can't. I can't direct the ministers to answer questions in the ways that you would like them to answer them. I will, however, ask that maybe the Attorney-General would like to conclude his remarks.

**Mr Stanhope:** I was just about to conclude. I don't think we can just compartmentalise and say that this is a state responsibility. This is a national responsibility. A state or territory should not have an interest in whether or not ACT citizens had been wrongfully detained in immigration centres or perhaps ACT citizens been wrongfully deported. And not—

**MR MULCAHY:** How many?

**Mr Stanhope:** Well, I don't know.

**THE CHAIR:** Order!

**Mr Stanhope:** And this is the point: none of us knows. We now discover the minister for immigration has referred over 200 cases of potential wrongful detention to an internal review. There is a need for us to pursue as a nation issues around the utility of a national bill of rights, and a greater devotion to rights protection and the development of a rights culture within Australia. So you can't ask me questions about what I propose in relation

to a future review of the ACT Human Rights Act and suggest that I not speak about the full implications of that and rights protection in Australia.

**THE CHAIR:** Ms Porter has a general question.

**MS PORTER:** My question, Attorney, is in reference to a note made on page 219 of budget paper 3, where it mentions the Alexander Maconochie Centre. I note that a substantial amount of money is scheduled to be financed over the next three years for this new centre. I was wondering if you could tell the committee more about this centre and the additional capacity that it will add to the ACT correctional facilities.

**Mr Keady:** I will get Mr James Ryan from corrective services to answer that question. But could I just make the point as well that in relation the financing of the project there is a figure there which, I suppose, we intend to apply to the project in the next little while. I would just like to take the opportunity of making the point that we have a budget for this capital project.

**THE CHAIR:** Mr Keady, you are speaking a bit softly today. As I said yesterday, moving the microphones actually won't make you any louder in the room; it will just make you louder in the Hansard booth. In fact, it won't even make you louder—all they will get is a big muffled noise.

**MS PORTER:** Sorry, Mr Keady. I didn't hear what you were saying.

**Mr Keady:** Mr Ryan from corrective services will answer the question in detail in a moment. But before he does that, I just want to make a point about the budget for this project, which is provided for, in part, in the financing column. We have estimated in 2003 dollars that the project will cost \$110 million. We will be continuing to escalate that figure to maintain the value of those dollars into future years, because this is a project that will take some years to complete. As that time lapses, the dollars erode and the escalation that we apply is a standard one applied to capital projects of this size and duration. So as you look at those figures, I just want to make that preliminary point and perhaps ask Mr Ryan to answer your question in detail.

**Mr Ryan:** The new facility will provide 374 beds for the ACT. At that stage the existing remand centres at Belconnen and Symonston will be closed. It won't happen immediately, but over a period of a few months prisoners will be brought back from New South Wales. More immediately, the existing remand centres will be closed down. On opening, the new centre will not be filled to capacity. Keep in mind that this new centre will provide the ACT with a facility for many years to come, well into this century.

The numbers that will be there on opening will obviously depend on what we have in New South Wales at the time and what we have in remand. But it will be probably in the order of 220-230 prisoners. That will mean then that, come the second half of the calendar year 2007, all of those prisoners will be at Hume, at the Maconochie Centre. We will no longer have any prisoners in New South Wales, and we will no longer have any remandees at Symonston or Belconnen.

**MS PORTER:** Thank you. Can I ask a supplementary? It has been discussed previously. I think the attorney has mentioned his desire to see this as a place where the culture is

markedly different to that of other correctional facilities that we have throughout the country, particularly the one that most of our prisoners go to at the moment, but not exclusively, I would image. I was just wondering whether you could explain a little more about how we intend to achieve this more restorative kind of culture in this centre, as opposed to perhaps other cultures in other places in the past.

**Mr Ryan:** Certainly, the aim of achieving something better will firstly be achieved by the architecture and the layout of the new facility. We are still working up the design; we will go firm on that by the end of this year. The master plan in fact will be produced, probably by the end of this month, but the detail will follow somewhat later.

The design will allow for a range of accommodation solutions for prisoners, ranging from cells of a type as good as any in the country with respect to security, the utility for someone living there and for the staff supervising them. In addition to that, there will be a range of residential-style accommodation in which prisoners will be secured at night. During the day, within the main compound, there will be, as occurs in other jails, a range of educational and vocational programs conducted.

Why will it be different? It will be different primarily because of the manner in which the staff and the prisoners interact. We think already we have a good start in that, with respect to the way our staff manage their supervision at Symonston and Belconnen, which, despite the architecture, they manage to do, we think, at a standard as good as or better than anywhere else in the country. The staff are being educated systematically and intensively in the run up to mid-2007. We claim again that the level of education that we are giving our staff is as good as or better than any in the country.

Getting back to the new centre itself: it will consist of two compounds. The main compound generally I have described with respect to its accommodation. In addition to that, there will be another low security compound on the same site, adjacent to the main compound, which will accommodate low security prisoners, up to 60. They, in turn, will, on most days, be on day release for education and work in the community. At weekends they will be released, in most cases, to their family as well. That concept is not new and already occurs with our prisoners who are incarcerated in New South Wales, the difference being that we will do it on a larger scale.

**MS PORTER:** Can I have a supplementary?

**THE CHAIR:** First of all, Mr Mulcahy has a supplementary on this. Then I will go to Dr Foskey.

**MR MULCAHY:** Mr Ryan, thank you. Could you just clarify for the committee the escalator factor that has taken the costs up to, I think, about \$128 million? Do you know what the escalator factor is? Will it come in now within that budget of \$128 million in final construct? Do you know what the recurrent costs are for the operation of the facility?

**Mr Ryan:** As you would appreciate, at this stage we are still designing the prison and we won't know exactly what it is going to cost until such time as the design is firm and we go to the market, get the tenders in and evaluate them. But suffice it to say that we know now that the project has gone from \$110 million, not including GST, and escalated by

another \$18 million. That is the figure that the design team is working on. At this point there is no reason why that figure should be exceeded.

As to what the escalation would be further down the track, I don't know. As to what the formula is for that \$18 million, I am not sure either. That was provided to us through Treasury. I would imagine it would be a figure based on what is happening in the building industry in the ACT, in particular.

**MR MULCAHY:** Recurrent costs?

**Mr Ryan:** Recurrent costs for the operation?

**MR MULCAHY:** For operating the facility, do you have a forward estimate?

**Mr Ryan:** Yes, we do. I can't give you that off the top of my head. It is close to \$20 million for the recurrent costs.

**MR STEFANIAK:** Can you get the exact figures?

**Mr Ryan:** We can take that on notice. I can produce that for you. Once again, the recurrent cost is going to vary, too, perhaps once we know what the design is. We will take the design and then apply the staffing need to it, perhaps later this year. So by about December/January we will have a firmer figure with respect to the number of staff and what that is going to cost. But the estimate that we have, we think, is going to be pretty close to it.

**DR FOSKEY:** I have a question. I was a little confused about the difference between the Alexander Maconochie Centre and other centres because that wasn't understood. I do believe now it is a new remand centre?

**THE CHAIR:** No.

**DR FOSKEY:** Could you clarify for me, please? Otherwise I, like many other people, might confuse it with the new prison.

**Mr Ryan:** I am sorry if I confused you with that. At present we have only our remandees in Canberra. Sentenced prisoners all go to New South Wales. The new centre will allow us to house both the remand population and the sentenced population presently in New South Wales together at the one facility.

**DR FOSKEY:** And that is not the prison.

**Mr Ryan:** Yes, that is it.

**DR FOSKEY:** The prison is called the Alexander Maconochie Centre?

**Mr Ryan:** That is it, yes.

**DR FOSKEY:** Now we know that.

**THE CHAIR:** When did it get the name? I don't remember that happening. Obviously it did.

**Mr Stanhope:** Twelve months ago. It is a very interesting history and worth reading. I would be happy to go into it now. Alexander Maconochie is, I believe, the most significant penal reformer in Australia's history. It is most appropriate that the ACT's cutting-edge, human rights, corrective facility be named in his honour.

**THE CHAIR:** We might talk about it over morning tea, attorney. Mr Seselja had another substantive general question.

**MR SESELJA:** I think Mr Stefaniak might have a supplementary question.

**THE CHAIR:** You know that it goes to members of the committee first, Mr Seselja, so I would ask you to ask your question.

**MR SESELJA:** Mine is not on the prison; mine is on a different issue. I am happy to ask the question, at your direction, chair. Attorney, in relation to the attempts to have the coroner removed and to shut down the inquiry: what are the costs for the ACT taxpayer to date of that and what are the anticipated total costs?

**Mr Stanhope:** This is in relation to the coronial inquest. I will ask Mr Keady to run through the costs of the coronial inquest.

**Mr Keady:** The total cost for the year 2004-05 is \$3.3 million.

**MR SESELJA:** This is in relation to this particular action?

**Mr Keady:** No. That would be total costs across all the agencies involved, the courts, the DPP and the Government Solicitor's Office. In relation to the component that is just related to the Supreme Court proceedings, I will have to take that on notice.

**MR MULCAHY:** Supplementary to that, chair: what is the latest data? You sat before the public accounts committee and had that material before you up to 28 February, when I think the total cost of the inquiry, plus the defence work for the various parties from the ACT government involved, amounted to in the order of \$7.7 million.

**Mr Keady:** I am sorry; I just misquoted a figure. Can I correct it? The total expenditure for the inquest, including the current proceedings up to 30 April, is \$8.3 million. The figure I gave you was correct but it was not the total expenditure all up; it was expenditure for the year 2004-05.

**MR STEFANIAK:** Just supplementary to that: why is there not any funding beyond 30 June for the bushfire inquiry? Does that reflect some expectation that it will not be running then? At budget paper 4, page 350, you have got no expenditure planned for the outyears.

**Mr Keady:** It just reflects the uncertainty of what expenditure we are likely to incur. There is bound to be some expenditure of some kind. We just do not know what kind of proceedings will resume. If the current proceedings before the Supreme Court are



successful, then the result will be a resumption of the inquest at some stage under a new coroner. If the proceedings are unsuccessful, then the proceedings will resume under the existing coroner. The timing of either of those events is difficult to anticipate, and expenditure is very much likely to be determined by the nature of the proceedings that subsequently ensue.

So we do not have an estimate; we cannot make an estimate. But there will be some expenditure. We would probably, in the normal way, seek to finance that by a Treasurer's Advance or something similar.

**Mr Stanhope:** That is how the matter has progressed essentially over time, but it needs to be made clear that there is nothing exceptional about that; there is no peculiarity. Indeed, in the second appropriation bill, from memory, there were significant funds applied to meet the same situation as you have just adverted to, Mr Stefaniak. In the second appropriation bill there was, from memory, some hundreds of thousands of dollars appropriated for both the inquest and the Eastman matter. They were funded exactly the same way as they will be funded in the future, subject to the resolution by the court or courts of the issues that Mr Keady referred to. As the matter proceeds, it will be funded.

**DR FOSKEY:** I would like to move on to a new matter, but it is also at page 351 of the budget papers. It mentions an item 'Accommodation rationalisation and relocation'. I am unsure whether that applies to the new Supreme Court and how much is to be spent in total anyway.

**Mr Stanhope:** Which page is this?

**DR FOSKEY:** At page 351.

**THE CHAIR:** Of budget paper 4, under capital injections.

**DR FOSKEY:** It is under 2005-06 budget policy adjustments.

**Mr Keady:** If I could answer that first part of your question, Dr Foskey: it does not apply to the Supreme Court. We have a number of agencies that are required to move and rent premises and their leases are not being renewed. We have to relocate them and we are taking the opportunity, where we can, as a result of these necessary relocations, to try to also get some rationalisation; in other words, to try to find ways of co-locating some of our agencies. That might reduce costs in the long term.

Essentially, it is a necessary move as a consequence of expiring leases. The landlords are not going to renew those leases because other tenants are occupying. An example would be the Electoral Commission, which has to move. The Registrar-General will have to move next year. In both cases the space that they are currently occupying will be taken over by the customs department.

**DR FOSKEY:** As a supplementary to that: in last year's estimates committee papers the Attorney-General foreshadowed some funding in this year's budget for construction of a new Supreme Court. However, as I have just learned, it is not in here. Could you please advise me as to where the government is up to in the process of considering or designing

a new Supreme Court and whether there has been any consultation, and with whom?

**Mr Stanhope:** A decision was taken not to advance with specific funding in this budget for the design and development of a new Supreme Court. It is something that is very much on the government's agenda and something that the government has a commitment to. But in the context of this budget I have to acknowledge that the Supreme Court was one of the casualties of a much tougher budget than we would have liked.

Whilst this sort of thinking is not reflected in budget papers of course, my thinking at this stage is that the Supreme Court, at least in terms of funding for design, will hopefully be a feature of next year's budget. It is something that we have talked about for some years now. I think each of us who has some familiarity with the existing Supreme Court acknowledges that it has some significant deficiencies in terms of size and utility. There are genuine issues in relation to the design and the layout, having regard particularly to security, particularly to access to courts for juries. Indeed, the nature of the building is such that a very real case has been made for a new Supreme Court.

I think you would be aware that, in relation to much of the discussion and debate that is currently a feature of planning for City Hill, in both the ACTPLA and indeed the Terry Snow view of how we might redevelop City Hill, a new Supreme Court is a very significant part of that vision. The vision I accept is that we need a new Supreme Court. It is now very much caught up in the discussion and debate that is ensuing in relation to City Hill. I think one of the reasons for supporting the need for us to understand fully the future of City Hill and its environs is that the time has arrived for the construction of a new Supreme Court. I think a new Legislative Assembly, some of the iconic institutional buildings that reflect our community and the Supreme Court are very much part and parcel of that.

**MS PORTER:** Attorney, can you provide the committee with some detail regarding the new court management system that has been appropriated? It mentions this at budget paper 4, page 351, directly above that reference that Dr Foskey was talking about.

**Mr Stanhope:** Thank you, Ms Porter. I will ask Mr Kelly, Courts Administrator, if he might respond to that.

**Mr Bruce Kelly:** The appropriation next year is part of an ongoing process to replace our Legacy case management systems. We have implemented it already in the Court of Appeal. We are currently working on implementation in the Children's Court jurisdiction criminal care, together with the Supreme Court criminal jurisdiction. Hopefully those things will be moving along reasonably rapidly in the next few months.

The allocation for next year provides us with further development money to align the case management system, together with the changes the courts themselves are making to the processes that they employ, and that brings in fairly clearly a harmonised rules project, which is currently under way. It also gives us the capacity to take advantage of developments in other jurisdictions around these types of computer systems. We are still in the game, if I could put it that way.

We are also taking the opportunity to recognise the efficiencies that will, I think, inevitably come out of harmonised, simplified rules of court. As the old saying goes, you

don't computerise an inefficient system; you fix the system first before you apply your computer skills. That is pretty much our broad-brush plan for next year. I would expect that we would, subject to funding, be moving ahead in 2006-07 even more rapidly.

**MR STEFANIAK:** Just wrapping up this general thing: Mr Keady, thank you for the update on how much you understand the appeal has cost in total. In terms of the appeal, do you have figures that show how much the government's appeal against the coroner has cost to date and how much the government has spent funding the appeal by the government workers as well?

**Mr Keady:** I will have to take that on notice.

**MR MULCAHY:** Chief Minister, part of your highlights refers to the national survey on crime and safety statistics. I was wondering whether you could let us know, given the role that this department has in both justice and community safety, what that survey is showing about areas where there has been an escalation in crime in the ACT.

**Mr Stanhope:** Which page is this?

**MR MULCAHY:** In the highlights, BP4, 337. It is one of the three highlights of your department. It involves the reporting on the national survey on crime and safety statistics.

**DR FOSKEY:** The second dot point.

**Mr Stanhope:** Mr Hargreaves is the minister for that.

**Mr Keady:** And the officer who would be able to assist you from the department is not here today because essentially that is a matter that we support the police minister on, but if you wish to—

**THE CHAIR:** They will be here this afternoon because Mr Hargreaves is appearing before us this afternoon.

**Mr Stanhope:** It is one of the difficult issues. I respect the frustration. With portfolios or departments within our jurisdiction serving multiple ministers, it is a difficulty in the estimates process. Mr Keady is also the chief executive responsible for some aspects of Mr Hargreaves's ministerial responsibilities. All chief executives wear a number of hats and are responsible to a number of ministers for different aspects of their portfolio. This report is as relevant to me as it is to John Hargreaves in relation to issues for which Mr Hargreaves has administrative responsibility.

**MR MULCAHY:** Notwithstanding its relevance to both of you, you don't really know what is in the report?

**Mr Stanhope:** No. Mr Hargreaves is the minister with responsibility. I don't do both jobs.

**THE CHAIR:** In which case Mr Mulcahy can revisit it this afternoon when Mr Hargreaves is here.

**MR MULCAHY:** Yes. I just thought it would be integral to justice, but anyway.

**Mr Stanhope:** It is, but there are two ministers and we don't do each other's jobs.

**MS PORTER:** The attorney may be able to clarify whether I am on the right track with this particular one. It is with regard to another highlight that is mentioned on the same page, 337, budget paper 4. It is in amongst those initiatives mentioned in the first dot point where it talks about the family violence intervention program. Is that a question I can ask of you?

**Mr Keady:** Yes, indeed.

**MS PORTER:** I would like some more information about that particular program.

**Mr Keady:** Sure. If I could just explain: the family violence intervention program is a program that expanded. It ranges across a number of agencies that are involved in dealing with the problems that come out of family violence. It includes the police, for example, the DPP and corrective services, who deliver programs to perpetrators. So it is an across-agency initiative. Mr Refshauge, our Director of Public Prosecutions, whose agency is central in the program, can probably answer your question.

**Mr Refshauge:** Thank you for the opportunity. The family violence intervention program is a program of which the agencies involved are, I think, justifiably proud. It has over the years, since it was established in 1998, achieved a number of awards generally and specifically with the agencies that are involved. It has involved, as Mr Keady indicated, a coordinated response to family violence across all relevant agencies. It includes the police, the DPP, the courts, corrective services, the Victims of Crime Coordinator, family services and a number of non-government agencies, including the Domestic Violence Crisis Service, which, as you would imagine, would be central to that process.

It has relied upon best practice and evidence to indicate how we might best approach that, from both a policy perspective and an operational perspective. It starts with police taking seriously domestic incidents, which, as I am sure you would be aware, was not the culture, not so many years ago. That probably still is so in a number of circumstances. Then those matters are treated, because of the resources we are able to put into them, speedily and in a particular stream within the courts. Then there is an end point in corrective services where particular programs are available—anger management programs and the like—for those who are ultimately steered in that course.

We meet regularly. The agencies concerned meet to case-manage the processes every week. There is a family violence list every week. We believe that we are achieving best practice and making a real contribution to the safety of what ultimately have been amongst the very vulnerable of our community.

**THE CHAIR:** It is my intention to go to the tea break at a quarter to 11, but I understand Dr Foskey has another general question. I will allow her to ask the question and then we will go to morning tea.

**DR FOSKEY:** I was just wondering whether you could let me know whether there are

any programs that are not continuing to be funded in this budget, whether there are any programs where the funding wasn't all spent and whether funds have been rolled over and why they needed to be rolled over.

**Mr Keady:** We don't anticipate any recurrent rollovers. But when you say "this budget", we are still in the financial year and haven't reached the end yet. The issue of rollovers won't arise until 30 June.

**DR FOSKEY:** Some departments do predict those. Are there any programs not being funded into the next year?

**Mr Keady:** Some activities will be affected. I am not quite sure what you mean by "programs". There is a commonwealth sense where "programs" is used. All our activities will continue because fundamentally we are driven usually by statutory obligations, so we will continue to discharge all of those. But there will be some activities that will be reduced. We are working through that. Yes, there will be some things which we are currently doing which next year we won't.

**DR FOSKEY:** Would you be able to tell me what some of those are?

**Mr Keady:** Yes. Next year we will be ceasing our home detention program, for example. It has been under-utilised and is very expensive. We have taken the view that it very much, in the sentencing hierarchy, occupies pretty much the same position as periodic detention, which is more heavily used and will be continued.

**THE CHAIR:** With the discontinuation of the home detention program, how many of those people who are under home detention orders will that affect?

**Mr Keady:** It won't affect any. Any orders in existence will continue to run. It will be a prospective change. It won't affect any orders that are current.

**THE CHAIR:** This means that there won't be the availability of home detention as an order in future?

**Mr Keady:** That is correct.

**Mr Stanhope:** I announced this in my speech in relation to the sentencing reform package which I tabled a month or so ago. I went into some detail in my tabling speech. I explained there—and I don't quite have the numbers with me now but I think they are included within the speech that I gave on that occasion—periodic detention is costing us around \$400,000 a year. I think it has averaged somewhere between four and five. There have been between four and five, I think, on average. I would have to go back to the speech but it is included in the speech that I gave four or five weeks ago. I am going on memory now.

In relation to some of the information I think that is revealed there: it is currently costing us about \$400,000 a year. I think at no stage have there been more than six people on home detention. At some stages there I think there have been as few as three. It is a very high individual cost for a return that we believe is delivered equally through periodic detention and essentially through other sentencing options available to the court.

It needs to be kept in mind that there are only two jurisdictions in Australia that have periodic detention. They are the ACT and New South Wales. We had over these last three years made available home detention as an additional option. The response to that hasn't been significant. It hasn't been utilised particularly by the courts to the point where I believe—I am prepared to stand corrected on this—the numbers of orders have varied between the three and six a year over the last three years. At a cost of \$400,000 a year, I think it is essentially impossible to justify.

As much as I deeply regret the narrowing of sentencing options generally or per se, my assessment is that home detention hasn't really enhanced the sentencing options potential available to the court. On a unit cost basis, if one can be this pragmatic about it, it is very difficult to justify.

**THE CHAIR:** I am sorry; I interrupted the answer to Dr Foskey's question. I don't know if you had any more to add to that.

**Mr Keady:** No. I think the attorney provided all the information I might have otherwise provided.

**Mr Stanhope:** What I will do, though, because I am not entirely sure of the numbers I quoted—that is my memory—is confirm those for the committee.

**Meeting adjourned from 10.49 to 11.12 am.**

**THE CHAIR:** Welcome back. The legal aid commissioner needs to go and Dr Foskey has some questions, so I am going to bring legal aid forward.

**DR FOSKEY:** I note from the 2003-04 annual report hearings that there was a problem with underresourcing in family law matters and commonwealth legal aid funding. As a result, a quite serious situation has developed where people with pressing circumstances are falling through the net. Earlier this year, because of the nature of the funding agreement upon which the commonwealth insisted, legal aid hadn't been in a position to do anything about that underresourcing but negotiations were to start "soon" for a new level of agreement. What progress has been made since those hearings and what strategies have been adopted for the future to deal with the problem?

**Mr Staniforth:** On 4 April this year the ACT and commonwealth governments entered into a new funding agreement, which has a four-year time limit capable of extension. Allied with that agreement is an increase in funding marginally above CPI for this coming and subsequent financial years. Does it cure the problems of underresourcing, which I spoke about when I was before the committee to which you refer, Dr Foskey? No. The result is not one that I think the commission would say it received with glee. It will allow the commission to conduct the business that it has been conducting without substantial enhancement. There are spot funding matters flowing from the agreement that are and might be of benefit to the community. One very good example is the family law duty lawyer service that the commission has operating, with extra funding provided by the commonwealth. The real difficulty the ACT faces, if I may purport to be that bold, is that we are a small player in the national legal aid pool and we get agreements that are consistent with those interstate. If anything, this agreement is probably more favourable

than that which applies in a number of other jurisdictions.

**DR FOSKEY:** I think that answered my questions.

**THE CHAIR:** Thank you, Mr Staniforth. Ms Porter has a general question and then we will go to output classes.

**MS PORTER:** On page 350 of budget paper 4, mention is made of circle sentencing and dollars appropriated over the next four years. Could you explain a bit more about this initiative and what exactly will be funded with this money and how it is going to be developed, or is being developed?

**Mr Stanhope:** Thank you, Ms Porter. As you are aware, the circle sentencing arrangements that are now part and parcel of the judicial process for some indigenous offenders is, on informal reporting advice I have to date, very successful and producing, we believe, some very good responses. There are a number of issues with circle sentencing. These moneys are essentially to ensure a continuation of the circle sentencing regime. It is a regime that will I think ultimately produce very good outcomes in relation to indigenous offenders and the way in which Aboriginal or indigenous offenders within the ACT interact with the justice system.

Just as Mr Keady referred earlier to issues in relation to the level of recidivism amongst some property offenders, we are all aware of the extreme overrepresentation of Aboriginal people within the courts in their relationship with the criminal justice system. It is a major issue facing us as a community, and the circle sentencing option is an option that's been pursued to better address issues of the cause of indigenous offending, and to acknowledge some of the culturally significant issues or aspects of indigenous offending and some of the reasons or cause and to find a better response to indigenous offending. It is resource-intensive. It places significant demands most notably on members of the indigenous community who are an essential part of the circle that's involved in seeking appropriate outcomes for indigenous people who have offended. But Mr Brett Phillips can give some more detail of how the scheme is operating and respond more directly to the question.

**Mr Brett Phillips:** The scheme's just had its anniversary this month. In relation to the factual situation, over the last 12 months, 17 offenders have applied for admission and 15 have been accepted for admission by the indigenous panel. One was rejected on the basis of background and prior drug abuse, and one was rejected on the basis that that person couldn't establish ties with the local indigenous community. Over the initial 12-month period, 28 circle sessions were held. The majority of offenders who have been before the circle have been convicted and released on good behaviour orders, with supervision undertaken by corrective services. Those supervision orders include things such as drug testing and rehabilitation. To date only one offender has reoffended. That person has then been dealt with in the mainstream Magistrates Court. So reoffending, in certain circumstances, puts people back in the mainstream.

**MR STEFANIAK:** What happened to that offender?

**Mr Brett Phillips:** That person has gone back into the mainstream.

**MR STEFANIAK:** Not finalised yet?

**Mr Brett Phillips:** To be dealt with in the Magistrates Court.

**Mr Stanhope:** Has it been finalised yet?

**Mr Brett Phillips:** Not as far as I'm aware. The offences dealt with relate to assault, traffic offences and property damage. Four new matters have been referred to the circle and the next hearing date is on 8 June. Funding to continue the trial for this court is by way of a budget initiative. The trial is supported by a practice direction of the Magistrates Court, so it's a court-based initiative. The funding is used ostensibly to engage a coordinator for the circle court and to pay the on-costs of the circle, which is payment for the elders' panel, the administrative costs of running around and getting people to and from courts. It is quite labour intensive. It's estimated that over the next 12 months around 20 circles will be undertaken.

**DR FOSKEY:** I believe an evaluation report was to be prepared after the six-month trial that commenced on 21 April last year. I haven't seen this report. If it was released publicly, is it available? If it wasn't, could it be tabled for the committee?

**Mr Brett Phillips:** Significant consultations were held with the community and all the stakeholders towards the end of last year. All the stakeholders were invited to provide indications as to their views about the continuance of the circle trial. At this stage those views, although they've been compiled, haven't been put together in what you would call a final report. I'm not sure of the next date for the steering committee of the circle sentence pilot, but my understanding is that the final report has not yet been put together in such a degree that it would be acceptable to put forward.

**DR FOSKEY:** Even though the report hasn't been compiled, were some of the recommendations ascertained from the consultations adopted?

**Mr Brett Phillips:** My understanding from the consultations and the documents that I've read is that the circle court has widespread support among the relevant stakeholders, particularly defence counsel, the indigenous community, and whatever. I can't say that the report is in a position where firm recommendations have been made. People have given their views, but those recommendations haven't been collated.

**DR FOSKEY:** Does the ACT government plan to extend circle sentencing to indigenous children and young people? I understand it is primarily focused on adults at the moment.

**Mr Brett Phillips:** At the present time it's the Magistrates Court and it's only for adults. Any children put through the system at present would go through the restorative justice process. That process, as you may be aware, is being set up for children.

**DR FOSKEY:** The action plan for young people by the Office for Children, Youth and Family Support does say that it will expand the use of circle sentencing for Aboriginal and Torres Strait Islander young people.

**Mr Brett Phillips:** It's something I can't comment on.



**THE CHAIR:** It might be best to ask Minister Gallagher about it on Monday.

**DR FOSKEY:** Nonetheless, there's clearly a need for this.

**THE CHAIR:** Yes, and I'm just pointing out, Dr Foskey, that the departmental officials here cannot answer questions about children, youth and family support.

**DR FOSKEY:** Why are defendants only able to access the circle sentencing if they plead guilty?

**Mr Keady:** The answer to that, if I can just intervene, is that the circle is not intended to determine innocence or guilt. If somebody wishes to plead not guilty to an offence they have rights of law and there are very strict procedures to determine that. So, in a sense, circle sentencing, is just that—a sentencing. It assumes either a finding of guilty or a plea of guilty, so it can't take over the critical role of the court in determining innocence or guilt.

**DR FOSKEY:** Indeed, understood. Thank you.

**MR STEFANIAK:** You mentioned that 15 persons went through circle sentencing with only one person reoffending, which is pretty good. What proportion of indigenous offenders are taking part in circle sentencing?

**Mr Brett Phillips:** I'd have to take that on notice, Mr Stefaniak.

**MR STEFANIAK:** And get back to me?.

**Mr Brett Phillips:** Yes.

**MR STEFANIAK:** Thanks.

**MS PORTER:** Mr Brett Phillips mentioned the restorative justice program. Can we be brought up-to-date with what is happening in that program?

**Mr Brett Phillips:** Restorative justice, as you might be aware, came into operation in February of this year. A restorative justice unit has been set up within the policy and regulatory division of this department. It employs four people and has a police liaison officer attached to the unit. To date, there have been 15 referrals for restorative justice and five conferences have been held. Of the 15 referrals, three have been returned for lack of suitability, primarily because there have been no victims. With the way the system is set up, victims are seen to be necessary. The largest conference has dealt with 69 offences, and they were mainly thefts in relation to an employee/employer relationship.

The maximum number of victims in one conference is 13. To date, 16 offenders have been dealt with and 91 separate offences. Generally, the offences have related to theft and property damage. The referrals have come primarily from the police but there have been referrals from the court. The outcome of the conferences has been agreements between offenders and victims. It is too early to ascertain whether those agreements have been put into place and what the follow up has been.

**MS PORTER:** Thank you.

**THE CHAIR:** We now move to output class 1.1, policy advice in justice programs, page 338 of budget paper 4.

**DR FOSKEY:** With respect to page 338 of budget paper 4, it does look as though there has been a decline in government funding for justice services. What programs will be affected by this decrease in funding and was some consideration given to the impact on the community of these decreases?

**Mr Keady:** There will be a reduction in the crime prevention program, and then the division will manage the rest of it just as a general cut in its budget.

**Mr Hextell:** I understand the question is to do with the apparent reduction in funding for 2005-06 from 2004-05?

**DR FOSKEY:** Yes.

**Mr Hextell:** The main reason for the decrease in funding is the impact of one-off funding in 2004-05, both for the coronial inquest, which is about \$4.1 million, and also for the Eastman case of \$1 million.

**THE CHAIR:** Dr Foskey, did you have any further questions on this output class 1.1?

**DR FOSKEY:** No. On page 345 there is a proposal. It says the number of justice programs in output 1.1 will be cut from 13 to 10. Just could you expand further on that?

**Ms Elizabeth Kelly:** As part of the change to the performance management framework, we have actually done a rationalisation of our output classes. The output class in relation to policy advice and justice programs is an accumulation of a number of previous output classes. If you look in the budget paper attachment in relation to previous outputs, you can see that we have combined a number of things. That is why the numbers change. There are things included in the figure that were not previously included.

**DR FOSKEY:** So there are no actual cuts? This is just a different way of talking about them?

**Ms Elizabeth Kelly:** It is not comparing like with like, unfortunately.

**THE CHAIR:** Are we right to move on to 1.2?

**DR FOSKEY:** Legislation consultation actually is 1.1, I guess. It refers to the number of pieces of legislation introduced into the Legislative Assembly.

**MR STEFANIAK:** That is drafting and information.

**DR FOSKEY:** I think I will ask this one here because I believe it is appropriate. It is really a question about the recommendations paper presented from last year's Select Committee on Estimates. Individual members of the committee had heard from

the security industry that there had been very little consultation in relation to recent legislative changes. This is a concern that is echoed throughout other business sectors. Departmental officers had told the committee that they were always looking to improve the consultation process. Consequently, my question is: what has been done to improve the consultation process over the past year and what is planned for the next year?

**Mr Stanhope:** It might be appropriate to ask Mr Phillips, who deals with the specific issue in relation to the securities industry. I think it needs to be said, Dr Foskey, that the government has a serious commitment to public consultation. We seek to achieve high levels of consultation through a whole range of strategies. The level of consultation certainly varies from issue to issue. There is, particularly through this portfolio, a range of legislation, policy debate and policy issues around different pieces of legislation that would quite obviously and quite automatically and, I think, very obviously demand different levels and different forms and sorts of consultation.

I do not know whether there is a specific answer or a general answer that could be given by departmental officials responsible for the different pieces of legislation on the strategies that would be used in relation to consulting. For instance, a piece of legislation on reform of the legal profession would demand a different form of consultation than consultation on a proposal to explore the prospect of legislation dealing with gay and lesbian marriage, civil unions or registration. We adopt very different stratagems, depending on the subject matter.

All law and all law reform, of course, are intrinsically exciting and interesting, depending on your bent. But the community is inclined to engage more in relation to some aspects of law than others. I know, for instance, that there are officers of the parliamentary counsel who at dinner parties become absolute bores about the minute detail of some of our statute law, our legislative reform. They could speak for hours on it, but it is not a subject that engages the public particularly.

It is a difficult question to answer, but our commitment is to consult broadly and deeply and genuinely on all issues. So if you wanted to pursue a question about consultation on a particular piece of legislation, then it would be perhaps more straightforward if it were dealt with by the relevant officers, for instance, in relation to gay and lesbian union or in relation to a review of the Human Rights Act. But the response is different from legislation to legislation.

**DR FOSKEY:** I was just checking up on a commitment that was made last year in the estimates committee to see if any particular steps have been instigated. Thank you for your answer. If there is anything more, I would love to hear it.

**Mr Stanhope:** All I can do, Dr Foskey, is ask Mr Keady or individual officers to respond in relation to a particular piece of legislation. I think it is fair to say that Mr Keady and the department are very aware of the government's determination that we consult fully and appropriately in relation to all matters of public interest. In relation to specific pieces of legislation, obviously there will be some people who think that perhaps the process was not appropriate.

You prefaced your question with a reference to the security industry. I am aware that there was some concern expressed by some people involved in relation to aspects of

security and the security industry and regulation of that particular industry. But the department's determination was to consult, and to consult broadly. Essentially, that consultation would have focussed on constituent or representative organisations, which I understand were deeply involved. But then there were other members within that industry who perhaps did not have the linkages to their representative organisation that maybe they might have had. So there is a whole range of complex issues in relation to consultation. But it is our determination and our commitment to consult broadly, and officers are aware of that.

**THE CHAIR:** Have you asked all the questions in relation to 1.1, Dr Foskey?

**DR FOSKEY:** Yes.

**THE CHAIR:** Thank you, Mr Phillips. We will move to 1.2, courts and tribunals. I understand Mr Mulcahy has a question on this output class.

**MR MULCAHY:** Chief Minister, I understand that you plan to spend around \$900,000 less on courts and tribunals in this fiscal. Can you tell us where the cuts will be made to the courts, what has been taken away in the particular areas and also what cuts will affect one court or tribunal more than others? Are there some who will bear the brunt of the reductions more than other courts?

**Mr Stanhope:** I will ask Mr Keady to respond to that. There are no cuts to the courts, Mr Mulcahy, as such. There are one or two historic issues that result in a change in appropriation, but the courts are one of the organisations, as Mr Keady indicated earlier, that have been quarantined from cuts that have been imposed on the department. The courts are not being asked to find any savings.

**Mr Keady:** Thank you, attorney. Mr Mulcahy, the situation with the courts is that it has struggled to stay within its budget in recent years. The difference you are seeing there is that between its assigned budget and the actual expenditure incurred last year. We will be working with the courts to maintain expenditure in the coming year within its budget. The court is working though a number of initiatives at the moment, including reviewing the way in which it structures its support services. The Auditor-General is currently undertaking a performance audit.

The court, or the Chief Magistrate, has commissioned an extensive review of court listing processes. All of these things will converge shortly and then the way in which registry and other services are provided and the cost of doing so can be better gauged. At this stage we are working to ensure the court stays within its budget. What you are seeing is not a cut of \$900,000. What you are seeing is the actual budget reflected there.

**MR MULCAHY:** Could you just explain? Are you saying these essentially are efficiency improvements?

**Mr Keady:** Yes.

**MR MULCAHY:** And, if so, where are the areas where they have not been efficient in your assessment up to this point?

**Mr Keady:** It is very difficult with the courts because there is a lot of fixed expenditure. There is a judicial establishment, which has to be maintained. There is a lease arrangement, which goes back quite a few years to the previous government, which requires a payment of \$3.3 million that comes out of that budget as well. So there are expenditures like that which we cannot touch. We need to look at essentially the personnel costs, related costs and operational costs.

At the moment there is a review under way in the Magistrates Court, for example, into the way in which support services are structured within the registry. Once that process is complete, we will see whether there are economies capable of being found, but without reflecting on or altering the quality of the services provided, both to support the courts directly and to serve the clientele.

**MR MULCAHY:** I assume, though, that for you to reach the view that you can live with a lower budget than has been the actual expenditure, you must have some sense that areas are not being efficiently managed. You mentioned the registry. What has emerged there that has led you to the view that you can safely project a lower outlay?

**Mr Keady:** At this stage I am assuming that the budget that is assigned can be lived within.

**MR MULCAHY:** We are hoping that, too.

**Mr Keady:** But, to be fair to the courts, they are struggling. There is a lot expected of them. There have been developments in recent years that have added to costs, for example, the initiative of providing conferencing through staff for matters coming into the court. A lot of that was done by the court within its budget and not funded externally. I do not think the full cost implications were appreciated at the time some of those things were done and we are now struggling with them.

I do not have, if you like, a hit list that I could repeat to you about where we are going to find economies. I am waiting for the results of the registry restructure, which is being undertaken by Mr Bruce Kelly, in consultation with staff and unions, to see whether that results in an ability to maintain current levels of service without diminishing quality but with fewer resources. I think it should, but I cannot tell you, until that process is complete, what the result will be.

**MR STEFANIAK:** Does that mean staffing positions will be cut?

**Mr Keady:** It could well mean that, yes.

**MR STEFANIAK:** But not actual people?

**Mr Keady:** As I mentioned earlier, if we need to reduce positions, sometimes we can reassign people or we can absorb it through attrition. There may even be a resort to things like redundancies. It is very difficult to tell in advance just how particular reductions are going to be achieved because often opportunities arise for moving people around.

**MR STEFANIAK:** So it is, effectively, \$900,000 less for courts and tribunals. I note

last year, Mr Keady, there were 13 staff positions cut from the Magistrates Court as a result of—

**Mr Keady:** It was a process of reining in expenditure in excess of budget, yes, and a number of positions were cut. I cannot remember off hand just how many, but some positions were cut.

**MR STEFANIAK:** And this budget again has another cut of \$900,000 across courts?

**Mr Keady:** No, it does not have a cut of \$900,000. It has a budget that is the same as last year's and we are dealing with the over expenditure.

**MR STEFANIAK:** A solicitor complained to me about trying to serve a writ of execution. The sheriff's office indicated that they were strapped for resources. They had difficulty in doing the task within the time frames or indeed doing the task at all. In your review, are you looking at areas that might need some additional assistance to do their job properly on behalf of the community?

**Mr Keady:** We will be assisted in that by the Auditor-General's review, which is currently under way. The Auditor-General is conducting a performance audit of the courts. It will be an external examination. I guess we will get an external opinion about resource levels and relative efficiencies. So I think to some degree we will suspend judgement until the auditor's report is available to us.

**MS PORTER:** Attorney, my question is just a matter of clarification. On page 338 of budget paper No 4, under the heading output description, it gives lists of matters lodged, matters listed for appeal and matters finalised. I wondered if these numbers, estimated numbers, I presume, are estimated on some kind of computer modelling or on historic data at the time. How were these figures arrived at?

**Mr Stanhope:** I will ask Mr Bruce Kelly to respond to that, Ms Porter.

**Mr Bruce Kelly:** Thank you, attorney. Yes, those numbers are projections against historic trends.

**MR STEFANIAK:** Just one more. Could you please tell me how many people work in the Magistrates Court and how many staff work at the Supreme Court?

**Mr Keady:** Perhaps I will defer to Mr Bruce Kelly.

**Mr Bruce Kelly:** Yes. Obviously the mass of staff is in the Magistrates Court. Depending on how you define staff, and we usually take judicial officers out of that equation and, to some degree, then, take out their personal staff, because one follows the other, at the moment I think that there are across the organisation about 132 people.

**MR STEFANIAK:** In both courts?

**Mr Bruce Kelly:** In both courts. Of those, I would suspect probably slightly under 100 are in the Magistrates Court. But if you would like the fine details, I am happy to take that on notice and give you the staff count as at this week.

**MR STEFANIAK:** If you could, please.

**THE CHAIR:** We move to 1.3 legal, services to government. Thank you, Mr Bruce Kelly.

**MR SESELJA:** Minister, just a quick one of clarification on 1.3. On page 338 of budget paper No 4, there is obviously a reasonable drop for next year. Mr Keady might need to answer this one. Does that drop represent the fact that you are not able to estimate what the costs for the coronial will be next year? That may well be an inaccurate figure in the sense that you cannot estimate, so you have not estimated, but there are likely to be some costs from the coronial? Would that go to those figures?

**Mr Keady:** I will call on Mr Hextell to explain the figures that you see in front of you.

**Mr Hextell:** Yes. That is correct. The cost for 2004-05 includes \$2.9 million of coronial inquest costs.

**MR SESELJA:** So, given that in one form or another there is likely to be a completion of the coronial, even though you cannot estimate what that cost will be, it is likely that that budgeted cost \$5.8 million is likely to go up reasonable substantially?

**Mr Hextell:** To some degree, yes, that will go up.

**THE CHAIR:** The next item is 1.4, legislative drafting. Are there any questions in relation to this area?

**MR SESELJA:** Can I just make a comment while Mr Leahy is here? I have been very happy with the services of the legislative drafters. I will give them a plug while they are here.

**MR STEFANIAK:** They do an excellent job, a consistently good job.

**THE CHAIR:** The next output class is 1.5, public prosecutions.

**MR SESELJA:** I understand that the budget for the Director of Public Prosecutions is to be cut by around \$742,000 in the 2005-06 financial year. Are you able, minister, to tell us about what effect that is likely to have, but also whether the demands of the services of the DPP are currently increasing or decreasing or staying steady?

**Mr Stanhope:** I will ask Mr Hextell to respond to that, Mr Seselja.

**Mr Hextell:** The reduction in GPO of \$742,000 again is principally made up of a reduction of funding from 2004-05 for the coronial inquest of \$700,000 and the Eastman case of \$200,000. That is slightly offset by some additional funding in the budget, both for the EBA of about \$100,000 and some additional funding for legal expenses of \$200,000. So there is a downward decrease of \$900,000 for coronial and Eastman, offset by an increase in \$300,000 in funding.

**MR SESELJA:** So there is no real cut, then, is what you are saying?

**Mr Hextell:** That is right.

**MR SESELJA:** Is it the same, then, as the figures we discussed in 1.3, that it is likely to be subject to change over the year?

**Mr Hextell:** That is correct.

**MR STEFANIAK:** Where will—sorry, Madam Chair—that money come from if you find, as often is the case—

**THE CHAIR:** Mr Stefaniak, please.

**MR STEFANIAK:** I said through you.

**THE CHAIR:** You did not even look at me.

**Mr Stanhope:** I will just respond to that, though. I did advert to this earlier. There is nothing unusual about this. This is precisely the circumstance that we faced last year. Members of the committee would be aware that, by way of example, in the second appropriation bill, which was introduced debated and agreed to by the Assembly earlier this year, there was an additional \$683,000 for the courts as a direct response to the coronial inquest. In that same appropriation bill, the second appropriation bill, there was an additional \$919,000 in relation to the Eastman matter.

That is how these issues in relation to extraordinary additional costs faced by the courts, the DPP or by the Government Solicitor's Office are traditionally handled. That is how they will be handled again. They will be handled through a Treasurer's Advance because at this stage we have absolutely no idea of whether or not there will be that extraordinary additional cost. In the event that there were to be an additional appropriation in the next financial year, if there are additional costs, and at this stage we do not know, then they will be dealt with through an additional appropriation, if one were pursued. At this stage we do not know whether there will be an additional appropriation. If there were a situation in which there were increased costs that could not be otherwise managed, then we would seek a Treasurer's Advance. I make the point that throughout the history of self-government we have proceeded in this way in relation to extraordinary one-off costs in the courts, in the DPP and the administration of justice, just as we did in the second appropriation.

**MR STEFANIAK:** Madam Chair, just on that, perhaps the director can answer this. How many professional staff, prosecutors and also support staff do you have at present? Are there any moves or plans to either increase or reduce that staff during the financial year we are looking at, that is, 2005-06?

**Mr Refshauge:** I should have realised that was the obvious question and I have not got the precise figures. We have got about 50 staff all-up and about 50 per cent professional staff, but I can provide the precise figures to you. In relation to future staff, that depends really on what happens. We have had to undertake to employ special staff to assist in the Eastman inquiry and the bushfire inquiry and if those inquiries require it next year then we may have to continue that. It may be possible to meet those needs, if not significant,



from within our own resources. It really depends upon need.

**THE CHAIR:** Mr Seselja has a supplementary on this.

**MR SESELJA:** Yes. I think it is probably another one for the director. Through you, minister, the costs in relation to the coronial, are you able to give us those? I may have missed them in the budget papers. If they are there, I apologise. Are you able to provide them, but also the specific cost in relation to the latest action to remove the coroner? Are you able to tell us the DPP's costs in relation to that?

**Mr Refshauge:** I would have to take that on notice, but I can provide that information.

**MR MULCAHY:** Minister—and again it may be for Mr Refshauge—can you indicate to the committee what percentage of matters referred to you by the police for prosecution you actually elect to proceed with? Could you give relative data for prior years and also your anticipated rate of progress with these matters in the year ahead?

**Mr Refshauge:** That is a complicated question because it implies a unity that is not there in this sense, that frequently the police commence prosecutions, charging one individual with a number of charges and, as a result of a review or of charge negotiations, some of those charges will be discontinued. That information in gross we can tell you easily. Where, however, the police charge someone and we then review the case as a whole and decide that no charges at all should proceed, that would be quite difficult to identify because we do not have the statistical capacity to separate that out.

So what I can tell you is the number of charges laid and the number of charges discontinued. But that would be gross and that would include a whole range of charges that would be discontinued for reasons quite other than that the police have not presented a case that is sustainable. It would include those where the police have charged, for instance, assault occasioning actual bodily harm and common assault. If the court does not view the injury seriously enough to justify an actual bodily harm, the charge of common assault can be considered.

Those back-up charges, as we call them, would obviously not both proceed. One of them would inevitably be discontinued in one form or another. So I understand the question in its multiple levels and it is difficult to give you an answer that might be helpful for what you are intending to understand.

**MR MULCAHY:** Well, just to assist you further with what my line of questioning really relates to, can you indicate to the committee if, in relation to matters you decide not to proceed with where you believe that there is legal basis for proceeding, you take into account sentencing practices and therefore choose not to proceed, or do issues of your own resources impact on your decision whether or not to proceed or is that not a consideration?

**Mr Refshauge:** Sentencing practices will come into account, but not in a direct relationship. So that, for example, if we take the view that the likely outcome of proceedings will be a non-conviction bond under section 402 of the Crimes Act, we would not say, "That is a waste of time. We will not proceed." The fact of the charge and the public denunciation of the offending activity would, in some cases, be sufficient.

However, if, for instance, someone had already received significant detriment, they have lost their job or something like that and the outcome is likely to be a no-conviction bond, it may be in the public interest not to proceed and add to prejudice to someone who has committed an offence where the culpability was not so high that the additional penalty would be warranted. That would be a rare case, but it can occur.

In relation to resources, no, on the whole. Well, I cannot say no and on the whole. No, resources do not come into play. Where we have had major cases that have required additional resources, we have sought those and sought a Treasurer's Advance, if that is appropriate, or tried to reallocate resources. For example, in some significant WorkCover prosecutions we have had to really consider whether to prosecute them and we have managed to find resources in other ways.

**MR MULCAHY:** So if police were to, say, refer matters of common assault to your office for action, you would not take into account what resources are needed? If you believe there is a case, you will proceed?

**Mr Refshauge:** Yes.

**MR MULCAHY:** Because I guess the concern I have is that if the police develop a sense of frustration on matters, if they feel that your office has got the view that people are not going to be receiving sentences for these matters, so why bother, they will be less inclined to bring matters forward.

**Mr Refshauge:** That is absolutely right, but I have to say that for matters like routine assaults, they are not the ones that create large resources, unless—and this is a challenge we have to meet—they choose not to elect for summary jurisdiction and, notwithstanding that it is a common assault punishable by two years imprisonment, they choose to take it to the Supreme Court. Then, of course, there are huge implications, but we proceed nevertheless.

**THE CHAIR:** I understand that there are no questions from Ms Porter, Dr Foskey or Mr Seselja on 1.7, electoral services and 1.8, regulatory services.

**MR MULCAHY:** I do on 1.7.

**THE CHAIR:** You do on 1.7. What about 1.8, regulatory services, which is the Registrar General?

**MR MULCAHY:** I do not, chair. Thank you.

**MR STEFANIAK:** It is also fair trading, isn't it?

**DR FOSKEY:** Yes, it is fair trading.

**MR STEFANIAK:** You have fair trading questions, but not the Registrar General.

**THE CHAIR:** We will move on to 1.6, protection of rights.

**DR FOSKEY:** I have a few questions in this area. I notice that in last year's Select Committee on Estimates report, there was a recommendation that the government amend the annual report directions to provide agencies with an external scrutiny function. There was a specific section on issues of significant concern regarding the performance of other agencies. This, of course, was a result of concerns of the Office of the Community Advocate about the failure of family services to comply with statutory obligations. Has this recommendation been adopted? That would probably be something that the Attorney General and Chief Minister would be able to answer.

**Mr Keady:** Dr Foskey, firstly, there are a number of agencies to whom that question is really addressed. They would have to respond to you individually because really they are independent agencies, independent statutory officeholders, and I think this really goes to their individual approach to their annual reports.

**THE CHAIR:** And I might also add, Mr Keady and Attorney General, that this might be covered in the revised annual report directions, which have been circulated.

**DR FOSKEY:** Well, that was the question, really. It has been, has it?

**THE CHAIR:** I do not know. We have got them but I have not gone through it.

**Mr Stanhope:** I would prefer to take the detail of the question on notice. I would want to look at the formatting and wording of that before responding directly to the question. There is an issue, of course, in relation to the particular point or particular recommendation. I would wish to refer back to the government's response to it so as not to mislead the committee in any way.

**THE CHAIR:** Attorney, those directions are before the public accounts committee. They have been circulated just in the last couple of weeks so we have not had a chance to get across those.

**Mr Stanhope:** I am happy to respond directly to the question that Dr Foskey has asked, though. Thank you, chair.

**DR FOSKEY:** I'm curious about the allocation of nearly a full year of funding to the commissioner for children and young people when it's obvious that that commissioner won't be in place for some time into the new financial year. Could you give a breakdown on how the allocated \$313,000 will be used in 2005-06, and suggest whether there's an indication of when the commissioner for children and young people will begin work, and indicate what needs to be done beforehand.

**Mr Stanhope:** Mr Phillips will give a rundown on the costs involved in this particular item.

**Mr Brett Phillips:** The policy development for the children and young people's commissioner is with the Department of Disability, Housing and Community Services, so I can't comment as to when the legislation is likely to be before the Assembly or when it will be passed. The funding of \$313,000 provided for the children's commissioner has been provided to the Department of Justice and Community Safety. At the end of the day, the commissioner will be part of the human rights commission and this agency will

have the portfolio responsibility for the commissioner.

The funding for the children's commissioner is in addition to the sum of \$100,000 for a president of the human rights commission for this year; the sum of \$275,000, which has been previously allocated for the disability commissioner; the sum of \$788,000, which is the discrimination and human rights commissioner's allocation; and \$1.1 million, which is the transfer of function from health complaints commissioner to this agency. So the total sum for the human rights commissioner will be around \$2.5 million for the next financial year.

Presently we're looking at accommodation and to co-location of the offices of the health complaints commissioner and the human rights commissioner. The children's commissioner function will be used, when the legislation is passed, to find a children's commissioner and to find supporting staff for the children's commissioner.

**DR FOSKEY:** In contrast, I notice that the Office of the Community Advocate has been allocated \$153,000 per year for the next four years. Is that amount additional to a core allocation? Could you explain the allocation to the Community Advocate's office?

**Mr Keady:** I think that is the continuation of the additional funding that was provided in the second appropriation bill that you might recall a short time ago.

**DR FOSKEY:** Yes. When does the government expect to appoint the president of the human rights commission?

**Mr Stanhope:** There are a number of aspects to decisions we're making in relation to the range of appointments that will be relevant to the finalisation of the human rights commission. In the first place, as you are aware, the legislation to establish the human rights commission has been introduced into the Assembly but is yet to pass. Something of a juggling act has taken place in relation to the personnel, staffing and appointment of commissioners to the human rights commission.

I think members would be aware, for instance, that upon the retirement of the previous discrimination commissioner, Ms Rosemary Follett, a temporary appointment of a replacement discrimination commissioner and, subsequently, a human rights and discrimination commissioner was made. Dr Watchirs was appointed to that position on an interim basis. Action is now in hand to fill that position on a permanent basis. The position has been advertised and a recruitment process is in place to fill permanently, or for a five-year term, the position of human rights and discrimination commissioner. The health services commissioner is, of course, a permanent appointee.

In the context of the commission overall, one of the commissioners has been appointed permanently, one of the commissioners is in the process of being appointed permanently, and they are commissioners who operate under existing legislation. As Mr Phillips has indicated, Ms Gallagher is in the process of developing legislation to allow the appointment of a children and young persons commissioner. Similarly, work is progressing in relation to the finalisation of issues around the role of a disability and community services commissioner. The role of the president is, of course, clear but the legislation has not been passed.

That is the range of issues. We're bringing all of these commissions together consequent upon the implementation of the recommendations of the FEMAG review, which is incorporated within the legislation before the Assembly. As a consequence of that, there is not four-year funding in this budget for the full commission because the legislation has not been passed. We won't be appointing a president until the legislation to permit that has been accepted by the Assembly.

**DR FOSKEY:** I just wanted to make a comment on the accountability indicators for the human rights commission.

**THE CHAIR:** Dr Foskey, is this a comment as opposed to a question?

**DR FOSKEY:** It's a question.

**THE CHAIR:** We are short on time.

**DR FOSKEY:** It's certainly a question that has a comment role in it, and it's about the indicators. The indicators range between 70 and 80 per cent for the various matters. I won't go into them. I'm just wondering why these percentages are so much lower than indicator percentages in other areas like legal services to government, and how you arrived at these indicators.

**Mr Stanhope:** Ms Kelly will respond to that.

**Ms Elizabeth Kelly:** These indicators were produced as part of our review of the performance management system undertaken in consultation with Treasury. They incorporate the human rights commission indicator at output 1.6. With indicator a, there's an element of uncertainty in the sense that the commission is not yet fully established. The percentage is intended to be a realistic anticipation of the result, acknowledging the uncertainties associated with it.

We were very keen to put a target in, in order to establish a benchmark. This year is very much a year of exploration to see how the new commission functions. The existing commissioners felt that that was a reasonable percentage. The indicator is for matters that were successfully conciliated. The nature of many of these matters is that they may not be able to be successfully conciliated. They're very complex matters; parties are in extreme distress, and there are very complex multiple issues involved. The existing commissioners felt that that was a reasonable anticipation, but there is an element of uncertainty because it's the first year. Until we have a few years of our new indicators we won't know just what those targets should be.

**MR MULCAHY:** Can we have information on the number of complaints the human rights office handled in its last year? I know their clean-up rate, or success rate, was around 70 per cent. Could the minister advise the proposed term of appointment of the president of the commission? Has there been any cost undertaken of the compliance by ACT government departments with the Human Rights Act so far?

**Ms Elizabeth Kelly:** As you'll notice with our indicators, we've removed a lot of the quantity information because the review was very much about focusing on the achievement of objectives, rather than on measuring activity. So the quantity information

isn't recorded in the budget papers. It is something we've reported because it was a previous indicator. It's in the appendix of budget paper 4. I might stand corrected, but I think it has the figure in it about the total number of complaints handled.

**MR MULCAHY:** Is that the 6,500 occasions of service on page 81?

**Ms Elizabeth Kelly:** Occasions of service. Those are interactions with clients, as I understand it, so perhaps that may not be in there. In any event, we can get that information for you. As a general trend in our performance information, we are trying to move more towards quality and objective success-based indicators, as opposed to measurements of activity. I am sorry; I have forgotten the other questions you asked.

**MR MULCAHY:** The other one—and the Chief Minister would probably be the person to answer this—is the term of appointment for the proposed president of the human rights commission. I think he mentioned a salary of \$100,000, or was that provision for the office?

**Mr Stanhope:** I have to confess I cannot recall the detail of the legislation in relation to the appointment of a president. I imagine it would provide for a five-year term, but that would essentially be a matter, perhaps, for negotiation in any event. My assumption is that the legislation would provide for the possibility of an appointment for five years but that would be, I assume, a matter covered in the bill before the house.

**MR STEFANIAK:** Do you know what the salary of the president is?

**Mr Keady:** The salary will be set by the remuneration tribunal. Of course, the position has not yet been established by statute. The remuneration tribunal will be approached once the position exists, or is created by the statute. The salary will be set independently.

**MR STEFANIAK:** How will the person be appointed?

**MR MULCAHY:** There's a third question there, Chief Minister.

**Mr Stanhope:** Yes. Mr Phillips referred to that and I was just confirming it. You will recall that Mr Phillips indicated earlier, in his summary of the allocation for this item, that included within this proposed appropriation is an amount of \$100,000 as a part-year payment for the president. The remuneration tribunal will ultimately determine an appropriate remuneration, but the department has made some assumptions that have led to the inclusion of a sum of \$100,000 within this appropriation as part payment of a president's salary.

**MR MULCAHY:** For what period of the year would it be?

**Mr Stanhope:** I'm not quite sure of the basis on which the department made the calculation, but I think perhaps half a year.

**Ms Elizabeth Kelly:** Some period in the second half of the financial year.

**MR MULCAHY:** My last question is whether you've ever done a cost of compliance with the act across the government agencies in ACT departments.

**Mr Stanhope:** There's not an across-agency audit of that, but I would imagine individual agencies would have a capacity to determine the expenditures, costs or resources they may have applied to issues in relation to, I guess most particularly, education or training of officers. I think that, in terms of compliance at this stage, the cost to agencies would be in relation to training staff in their obligations under the Human Rights Act. Is that correct?

**Ms Elizabeth Kelly:** In the policy development process there are obviously new factors to take into account. It wouldn't be possible to do an accurate or reliable costing of that in the sense that it impacts upon a range of things. As Mr Refshauge said when he gave evidence at the previous estimates, it's another factor that his prosecutors take into account. It wouldn't be possible to say the period of time, if any, by which that extended the preparation for any individual cases.

**MR STEFANIAK:** How will the president be appointed, and by whom?

**Mr Stanhope:** The president will be appointed by the attorney, on the advice of cabinet, through a merit selection process.

**MR SMYTH:** Chief Minister, this is a question on freedom of speech.

**THE CHAIR:** I should point out that Mr Stanhope is here as the Attorney-General, not as the Chief Minister.

**MR SMYTH:** All right. Attorney-General, this is a question about freedom of speech. We all know that it is, of course, the right of individuals to express their views, even when those views don't necessarily line up or coincide with one's personal views or the stated position of the government. Does this right extend to public servants outside of work hours?

**Mr Stanhope:** I'd defer to Mr Keady in relation to those aspects of the Public Sector Management Act that relate to the obligations of public servants. Public servants do have a range of obligations as a consequence of their employment. One of those obligations goes to their capacity to utilise information that comes into their possession or to their knowledge as a result of their employment.

Certainly this government, through the Human Rights Act, has formally legislated to recognise a right to freedom of speech but, as we know, almost all rights have a range of responsibilities attached in their execution. Very few rights are absolute. It might be that Ms Kelly can assist in relation to the nature of rights, and particularly those rights that have been legislated in our Human Rights Act. It's a question of the range of responsibilities that attaches to a right and the way in which those rights are exercised. It is an incident of public employment that ranges of responsibilities attaches to the acceptance of the privilege of being in public employment.

**Mr Keady:** To expand on that, I think it's accepted right across Australian public administration, in all governments and in all jurisdictions, that public servants don't have private rights to comment on government policy. The consequences of not adhering to that can create enormous difficulties between individuals and organisations in the

governments they serve. Fairly well understood protocols have long existed that bind people engaged in public administration about the acceptability of commentary on matters they're employed to manage or administer.

**MR SMYTH:** If somebody worked in urban services but, in their own time, worked in a mental health organisation, they would be free, though, to make a comment on issues outside their work responsibilities.

**Mr Keady:** I'm aware that that sometimes happens. I think it's very hard to take a theoretical example and say yes or no, that that's acceptable or otherwise, because there will always be exceptions. For example, someone who, individually, was quite prominent as a public servant who was commenting on matters outside that person's normal area of activity could cause quite a lot of difficulty and embarrassment for both himself and for others. I don't think there's a simple answer.

When these cases arise they are dealt with on a case by case basis. I'm aware that, in the past, people who have private involvements that are quite different from their normal range of duties will sometimes be quite active and will speak on those matters, and normally noncontroversially. The difficulty usually arises if someone wants to engage in dispute with or criticism of their employer, effectively. That's not usually acceptable in the private sector and it certainly creates enormous difficulties in the public sector as well.

**MR SMYTH:** So inside the protocols, public servants have the right, outside of their work and outside of the area they work in, to express their own views, participate in public debate and in the political process?

**Mr Keady:** Yes. There are a lot of public servants in this town who do just that, and quite acceptably; but I suppose there are limits.

**MR SMYTH:** This is a question for the attorney. Have you ever spoken to or written to the head of an ACT government department expressing your displeasure at the private views of an ACT government employee when they've chosen to express them in their own time?

**Mr Stanhope:** Yes, I have, particularly as those comments related to issues essentially within the direct responsibility of those officers and they involved a criticism of the government. As I indicated before, I operate on the basis that public servants have certain responsibilities and obligations as public servants. If they engage in party political comment in relation to issues relevant to their public duty, then those are issues that I think must be addressed by, appropriately of course, and within the constraints of the Public Sector Management Act.

I have today read the letters to the editor in the *Canberra Times*, where there was expression of opinion by an officer of the department of immigration that, as a member of the department of immigration, he finds the policies he's required to implement morally repugnant. I would imagine that there would be a response in the department of immigration today to a published letter from a member of that department that the activities, attitudes and policies in relation to the detention of children is morally repugnant. It does raise interesting issues in relation to our responsibilities as public



officials.

**MR SMYTH:** Sure, but we're not responsible for immigration policy here.

**Mr Stanhope:** No, but it's the same principle. There's a letter in the *Canberra Times* today from an officer of the department of immigration referring to the fact that he regards the fact that he's involved in the implementation of policies on the detention of children and the expulsion of Australian citizens to the Philippines as simply morally repugnant, requiring of him a certain response, including a public response. I must say I sympathise with the views and I share the repugnance, but I am not sure that I agree it's appropriate that the officer wrote that letter.

**THE CHAIR:** Order! I understand Mr Smyth has a supplementary question.

**MR SMYTH:** I have two more questions—parts one and two.

**THE CHAIR:** Mr Seselja has one final question on this area and Mr Mulcahy may have a supplementary question on this area as well. We'll try to get through 1.6, Mr Smyth.

**MR SMYTH:** Have you ever written or spoken to the head of an ACT department where the public servant was commenting on areas not relevant to their public duty?

**Mr Stanhope:** I'd have to go back to the specifics of the matter. I certainly recall a matter two or three years ago, but I can't remember the detail of it. I'm more than happy to provide that information and all the details around the issue—and the public servant concerned and the matter that caused me to write. I'm more than happy to table it, subject to advice on any privacy implications.

**MR SMYTH:** Was there any comment made in this—

**THE CHAIR:** Mr Smyth, we really do need to press on.

**MR SMYTH:** Yes, I know. This is the end of it. Was there any comment made in that correspondence or communications about the future employment or promotional prospects of that ACT government employee after you'd seen or heard of their activities outside of their work hours?

**Mr Stanhope:** Quite frankly, I can't remember the details. I'm more than happy to pursue the matter and to provide the information to the committee. As I said before, I have always felt and believed that the privilege of public employment brings with it a range of obligations and responsibilities. I think that's a fundamentally important rule in relation to the professionalism and integrity of the ACT public service, and it's something I take seriously. I believe that professionalism and integrity of the service and the importance of public servants acting in a genuinely nonpartisan and apolitical way are fundamentally important. I will always seek to ensure that public servants don't engage in overtly political or partisan activity.

**THE CHAIR:** Mr Mulcahy, I want your supplementary to be very quick.

**MR MULCAHY:** Chief Minister, do you have the view that, if a public servant is

expressing their own personal views out of hours and it doesn't relate to their position, if their career prospects were in any way threatened or questioned, that might not be a violation of the declared commitment we have here to human rights?

**Mr Stanhope:** It would depend on the circumstances. As Mr Keady indicated, it's very complex and there is range of responsibilities. They might just say, "Well, it's out of office hours; there's a policy, or a position, of the ACT government to which I object. I can state categorically that I don't believe it's got anything to do with my personal duties, so I'll say whatever I want."

It's a matter for some judgment as to whether or not a public servant can rationalise or distance themselves from a government position or policy and engage in a partisan or very political comment or response at all. It depends very much, as Mr Keady said, on the circumstances or particulars of the case. I remember an incident some years ago that caused me some concern and I'm more than happy to make the details of it available.

**THE CHAIR:** Mr Seselja, on the last question in this output class.

**MR SESELJA:** Under 1.6 there are a number of agencies including the Office of the Community Advocate, the privacy commissioner and the Ombudsman in particular. I'm happy to take it on notice. Do any of those agencies have policies whereby, if a matter is taken up in the public realm by, say, a member of the opposition, they will refuse to investigate whilst that's in the public arena? The reason I ask is because that's the feedback I've had to my office from certain officers—not necessarily high ranking officers—within some of these agencies, particularly the Ombudsman's office. Is there any official policy on that?

**Mr Stanhope:** I'm sorry. I don't quite understand.

**MR SESELJA:** Say an individual, who has a number of complaints about a government action or something, comes to me and they want me to take it up on their behalf: I might take it up in the Assembly, in the media or wherever. Is the Ombudsman, the privacy commissioner or any of these agencies, restricted from investigating their claims while that process is going on?

**Mr Stanhope:** Once again, I'm always nervous about questions that are broad and at one level hypothetical. My answer is no; I'm not aware of any inhibition on any of those statutory bodies.

**MR SESELJA:** There seems to be some confusion at least at officer level. It has been expressed to my office that they will hold off if we're going to take it up, so it's a one or the other proposition. It is of some concern.

**THE CHAIR:** Can I make a suggestion? This is an area that might be better canvassed via a briefing.

**MR SESELJA:** I'm happy to, but I would like an answer as to whether there is any policy, basically.

**Mr Stanhope:** I'm not aware of any such policy, other than to say that I know of some

statutory authorities or bodies, or regulatory agencies, that would say in relation to a particular matter, “Look, you’ve got another statutory process in place. I will wait for the outcomes of that before I pursue an alternative or additional investigation.” I’m aware of that practice, but I’m not aware of any practice—and I certainly haven’t given any direction; it may be that Mr Keady or Mr Phillips can assist you further—or behaviour within the service. I don’t believe it would be appropriate.

**Mr Keady:** It would depend very much as well on the nature of the agency. The Ombudsman, for example, will normally expect a complainant to have utilised the standard opportunities for pursuing redress before they’ll instigate their own investigation, and they’ll look at that first. I don’t know whether on occasion the fact that a complainant might be pursuing their grievance via a member of the Assembly would be regarded as an alternative means of achieving redress.

**MR SESELJA:** It would seem odd if it were. That’s my concern.

**Mr Keady:** These would be individual agency decisions. There’s no matter of policy as far as I’m aware. I could only suggest that, if something like that has arisen, you take it up with the relevant agency, whether it be the Ombudsman or whatever. For example, I can’t imagine that someone complaining of a discrimination breach would be dealt with in that way. They would be seeking private redress. Therefore, there’s a statutory procedure available to them and they’d be entitled to utilise it.

**THE CHAIR:** We might finish it there. Suffice to say we only have to finish up to output 1.6. We do have questions for 1.7, 1.8 and 2.1, corrective services. I also understand attorney, that in your capacity as Minister for the Environment, we have invited you to come back on recall day next week. Of course, I would never be talking about an inducement to witnesses to appear, but I understand date scones will be available next Wednesday! The secretary has assured me that that is the case.

**Mr Stanhope:** On that basis I will scour my diary all the more closely.

**THE CHAIR:** Hopefully we’ll be able to cover these issues next week.

**Mr Stanhope:** I might just make the point that I am genuinely struggling to find space within my diary for a recall on this, on environment and on Chief Minister’s Department. I have one more week. I foreshadow that it is virtually impossible for me within regular hours. I’m more than happy for my office to negotiate with the secretariat but, at this stage, if it’s the will of the committee that I attend, and not an acting minister, then I can only nominate evening sittings. My diary is simply full.

**THE CHAIR:** We’ll get the secretary to try to find some common time between us and your diary for next week.

**Mr Stanhope:** There will of course be ministers acting in these positions but, if it is the desire of the committee that these matters be completed next week, then at this stage it will have to be after 7.00 pm.

**Meeting adjourned from 12.37 to 2.03 pm.**

Appearances:

Mr John Hargreaves, Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services

Department of Justice and Community Safety

Mr Tim Keady, Chief Executive Officer

Mr Derek Jory, Director, Justice Planning and Programs

ACT Policing

Mr John Davies, Chief Police Officer

Mr Jason Cresswell, Coordinator, Finance, Exhibits and Logistics

ACT Emergency Services Authority

Mr Peter Dunn, Commissioner

Mr Greg Williams, Director, Corporate Services

**THE CHAIR:** I will read the card that must be read. 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. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

Can each witness, upon coming to the table, state their name and the capacity in which they are appearing. Witnesses will also note that there are name plaques at the side of the room on the table. If they could grab them on their way to the table it would help the secretary immeasurably. Please clearly identify when you are taking a question on notice. It is then your responsibility to check the transcript and respond to the question. Responses to questions taken on notice are required within five full working days. The transcript will be emailed to the minister and the departmental contact officer for distribution to witnesses as soon as it is available.

Proceedings are being broadcast to specified government offices and the media may be recording proceedings and taking visual footage. Can all witnesses and members please ensure that their mobile phones are not used in this room.

We will follow the order set out in the detailed daily program. As Chair, I will try to ensure that we adhere to time frames. Can I remind members and witnesses that we have limited time, so please refrain from entering into argument or debate.

Minister, do you wish to make an opening statement?

**Mr Hargreaves:** Thank you very much, Madam Chair. In the 2005-06 budget the government moved to increase police response capability. Government expenditure on policing during 2005-06 will be \$94.4 million. This is an increase of \$3.5 million on the 2004-05 estimated outcome. In addition, we are about to see significant improvements in policing infrastructure, with the opening of the much-anticipated Woden police station, and \$200,000 has been committed to a feasibility study for the Belconnen police station.

You would also notice that, as part of this budget, there is an allocation of an extra \$100,000 recurrently to help with the setting up and management of the child protection registry that will come online during the 2005-06 financial year. I think everybody here will agree this is an important policing activity.

A discussion of the policing portfolio presents an opportunity to inform the committee of some very positive trends. I would like to advise the committee of those trends and, in fact, to allay fears out there in the community that may have been put out there about perceptions of safety. People can feel an increased confidence in their police force and, as I said, an increased confidence because the community's confidence in our police officers has been at a high for many, many years. You will see, by these trends I am about to advise you, that the community out there can have an increased confidence in that police force.

Recent months have seen very solid reductions in a range of crime types, particularly in regard to property-related crime. Between January 2004 and April 2005, there has been a 13 per cent reduction in total offences reported in the ACT, a double-digit percentage reduction in total offences reported in the ACT. We have also experienced reductions of 41 per cent in reported burglary offences and 14 per cent in theft offences over the same period. Crime levels are also down significantly in a number of key areas, such as sexual assault, fraud, property damage and drug offences.

I look forward to providing the committee with further details on these successes during the afternoon. As you see, Madam Chair, there have been significant advances in the policing portfolio, and these will continue over the coming year. I am confident that the dedicated staff of ACT Policing will continue to provide the community with the high-quality services that they rely on every day.

The committee will note that the change in the way in which policing services are delivered in this town has taken us from a number-crunching exercise to positive outcomes in real time. Those percentage reductions I have just advised you of were all double-digit percentage reductions. I think this speaks volumes for the professionalism and dedication of the police officers in the field; it shows quite a lot of the professionalism and the visionary nature of our police management; and it shows how effective the policing processes are in this town. We do not have a police officer to match every letterbox in town; we do have effective, targeted, intelligence-driven police processes. We will discuss those figures further later in the afternoon.

Madam Chair, I am happy to launch straight into it if you are of that mind.

**THE CHAIR:** Thank you, minister. Would you be able to provide the committee with an update on the success of the ACT property crime reduction strategy?

**Mr Hargreaves:** Yes. Just bear with me. I will get some information about my person. The overall offence figures for the 2004-05 financial year to date—and I need to emphasise that it is to date—are down 22 per cent, compared with the 2003-04 financial year, another double-digit drop. Some of the variations occurred in the following offence types: total robberies are down 16½ per cent; burglaries are down 26.5 per cent; burglary in dwellings is down 32.2. I will say that one again: house break-ins, burglaries of people's homes, are down 32.2 per cent. Burglaries in shops are down nearly 15 per cent,

at 14.7. Other types of burglary are down by 10.8 per cent. Both fraud and misappropriation are down by 37.2 per cent.

Interestingly, handling of stolen goods, which is about property crime, is down 59.3 per cent—nearly a 60 per cent drop in handling stolen goods. Receiving stolen goods is down 78.7 per cent. Unlawful possession is down 30.5 per cent. These are huge numbers.

Motor vehicle theft, because of the operations policing have mounted, is down in that year 31 per cent. Shop stealing is down 27.9 per cent. Theft and burglaries in respect of dwellings, quite apart from the actual burglary, is down 39.5 per cent. With shops, it is 23.5 per cent. Total property damage is down by 11.8 per cent. Arson is down 43.9 per cent.

Madam Chair, with respect to property crime, you can see that the targeted activities of the police force have produced some incredible figures. I just want to cast a word of warning, however, to members. There will come a time when these figures will plateau off. You can't keep going at that kind of success rate forever because it will reduce down to nothing. I suggest to you that these figures, dramatic as they are, are an incredible achievement by the police.

We can look forward to a reduction in the percentage as we go on, as in fact our processes become even more effective. Then we will be able to address our intelligence, strength-led process to the spikes, as spikes will occur, whether they be in burglaries, whether they be because people are back out of jail, whether it be in relation to motor vehicles for the same reason or whether we get a visit from an interstate group of people bent on perpetrating crime in this town. There will be those spikes, but the nature of policing in this town is such that we will have the resources to attack that.

**DR FOSKEY:** I notice that there was a study—

**Mr Hargreaves:** On what page was that?

**DR FOSKEY:** It is not on any page.

**Mr Hargreaves:** That is good; I won't bother to look it up.

**DR FOSKEY:** That is why I am asking about it. Last year Bill Wood, who was I believe the minister for police at that time, announced a study into ACT's future policing needs. One of the issues that it would have looked at is the resources required to provide a dynamic and highly responsive police force. I believe that the report was meant to be released publicly in January.

**Mr Hargreaves:** No. It was due to be delivered in January, not released publicly.

**DR FOSKEY:** Could you please advise me as to the progress and status of this report, why it hasn't been released and if it is to be released? Then I have a supplementary.

**Mr Hargreaves:** I can answer it. You are not going to like the answer, but I can answer it. First one is: I haven't received the final copy of it just yet. We have to understand that this particular study is a very, very complex one. We have a different nature of policing

arrangements in the ACT than any other jurisdiction. We have an arrangement, as you know, with the national AFP and that has ramifications for the report.

I have no intention whatever of rushing that report. Further, when I do receive it, I have indicated, I think in the media already, that I will be taking it to cabinet. I will also be looking to see whether or not there are any security-sensitive issues contained in that report, and I will advise cabinet as to whether it should or should not allow its release, depending upon what is in it. I stress this: the final draft has not been given to me just yet.

**DR FOSKEY:** Thank you for that. Given that, I am just interested in the basis on which the government decided to provide for 10 additional police positions in 2007-08 and a further 10 in 2008-09.

**Mr Hargreaves:** Happy to tell you; happy to do that. The percentage increases that I have indicated to you in that opening address don't get particularly good coverage in the media when we put this information into the community. What gets put out there in the community is fear, perceptions of lack of safety, those shock-jock tactics.

I believe that our police force is doing a brilliant job. If they produce results like this, with the resources that they have, I take the view that, if I can increase the resources that they have, they will be able to deliver an even better service to the people of the ACT.

We need to understand, too, that the community not only needs to be safe—and I believe the figures I have demonstrated to you this afternoon show that we are in fact one of the safest places in the country to live; and if any body wants to dispute that, we will discuss it this afternoon and we will discuss it with some vigour—but we need to have a visibility out there. The one message that I have heard from the community is that they would like more visibility; they would like to see more uniforms—not as much as Mr Pratt; he would like to have one at the bottom of every driveway, one for every person, so that you have got your own police officer per household.

**MR PRATT:** A point of order, chair: I have never said that. For the record, could we just note that we don't require a policeman in every front garden, as the minister is—

**THE CHAIR:** All right, you two. I don't want to go through this every time the two of you are on the same—

**MR PRATT:** Let's cut—

**THE CHAIR:** No, Mr Pratt. Both settle down. I don't want to do this every time.

**Mr Hargreaves:** As I was saying, the issue is that we have allocated 10 extra, I have to say, full-time equivalents. Later on we may well want to talk about what is a full-time equivalent, for those members who are not familiar with the phrase. I will ask one of the officers to go down that track and explain it a bit, because it is different. The full-time equivalent is different in policing than it is in the general bureaucracy, which is a number, as it suggests, of the full-time equivalent in a workforce. But it is a figure roughly equating to counting the eyes and dividing by two and working out how many people. But it doesn't work that way in a service-response agency such as policing. So

we will explain that a little later.

But in the 2004-05 budget, I think it was—certainly in a previous budget to 2005-06—there was an undertaking to provide a full-time equivalent figure of 10 police officers in the 2005-06 year. It seemed to me that we could do with some more police officers in the force to service people of the ACT.

The government felt, in the context of budget deliberations, that 2006-07, being a financial recovery year, we couldn't provide that number. But the government did commit to provide 10 full-time equivalent positions. That is \$1.1 million in 2007-08 and a further \$1.1 million, which is \$2.2 million, in the 2008-09 year. Over that four-year period there will be 30 extra FTEs provided.

It was not something that pre-empted the study. It was merely something I considered in consultation with ACT Policing that we could employ to show greater visibility and to allow better targeting. When we talk about targeting things—we will talk about burnouts a little later, if you like—that is where community policing is applied, in the suburbs. If we can have more police officers around about doing targeting in the suburbs, it increases the visibility. It was my decision, in consultation with ACT Policing, not anything which was pre-empted by the study.

**DR FOSKEY:** I was just wondering whether some of these new officers will expand the capacity of the police force for community policing. Could you let me know what kind of community policing ACT Policing currently engages in?

**Mr Hargreaves:** What we tend to do is look at community perception and community reality in terms of crime within the community context, as opposed to within the territory-wide context. I indicate to ACT Policing the thrust that we would like to see in their activity, and that is contained in the subordinate documents to the policing arrangements.

When it comes to a day-to-day operational decision about the deployment of resources, I leave that to ACT Policing. That is their job and they do it particularly well. That is where you will find the difference between the way in which ACT Policing works and the way the bureaucracy does. Bureaucracy has a very predictable workload; so you can apply certain FTEs. Because policing is service responsive, then it is used in times of peak and trough. For example, there will be more officers around when Summerhats are on than are around this weekend. So it is service responsive. But I will get the chief police officer to give you a rundown on that sort of approach.

**Mr Davies:** Dr Foskey, I am not quite sure what you are searching for in your question but if it is to say where a particular officer is going, obviously, as partly indicated in the minister's response, the way we react in ACT is, yes, we do have crime types, crime areas. We obviously have our general community policing, which is the police stations throughout Canberra; we have traffic; we have crime prevention; we have investigations; we have communications; we have the specialist response; we have security area; and so on.

There normally is a level to which we work but that can be a fluctuating level. Currently we are going through a phase, the executive and the organisation, of doing our business



planning for the next financial year and we are looking at the bids from each of the areas about the resources they have, what plans they have, what are the strategies they have in place for the next financial year. We will allocate our resources, partly upon what is perceived within the organisation and, obviously, from the reality of the statistics and where our facts from around Canberra show that crimes are actually being reported.

That is not to say that areas go wildly up and down, but what it does allow us to do is move resources to where there are issues. The Halite process is a particularly good example of that, where we have drawn members from the various stations. We have got our crime prevention people involved; we have four people from crime prevention working with that particular team. They were, once upon a time, being reported to this Assembly as the suburban crime prevention team. They have now become part of Halite, as have some intelligence officers.

What you have really got is a whole-of-ACT-Policing approach to look at crimes being reported, where they are being reported, modus operandi, those that we believe might be behind it. We will not only just use the Halite team as it sits at a particular time, we will then add perhaps traffic, SRS, other patrols, surveillance, whatever we think we need at a particular time at a particular place. I believe that the move to breakdown, I guess, silos within the organisation—to move away from having very strict areas of traffic as general duties, as against investigation, to an area where we still have those capabilities but are prepared to have them work together far more often and look at the larger picture, instead of looking at issues in isolation—has led to the considerable decrease in crime that we have seen for this year to date from 1 July last year.

If you were to say to me, “If you had 10 police coming on board next year, what are you going to do with those,” I could not answer the question at the moment, until such time as we have finished our business planning processes, which are under way. At that particular point in time we will allocate staff across the range of portfolio responsibilities that we have. Even then, that would be flexible during a given year. I think the results that we have at the moment speak for themselves in regard to the effectiveness of that approach.

**THE CHAIR:** Thank you, Mr Davies. I understand Ms Porter has a supplementary on this, minister.

**MS PORTER:** You have just been referring to additional police numbers. I wondered about that reference on budget paper 2, page 26, where, if you work out from last year’s estimated expenditure, it looks like an increase of \$3.5 million on the 2004-05 estimated outcome. Part of that, I presume, is to pay for the additional police?

**Mr Hargreaves:** Yes, it does. The third dot point on page 26 indicates that there will be 10 additional police positions in 2007-08 and a further 10 in 2008-09. But what you do not see, of course, in this year’s budget papers is the 10 that will be provided in year one of this particular financial year grouping because the extra 10 full-time equivalents were actually provided for in the previous budgets in the outyears, which actually builds the base. The base, in fact, by the time 2008-09 comes along, will be increased by a full-time equivalent of 30 over that four-year period.

Maybe now is a good time to explain the full-time equivalent difference because it is

significant. It took me a couple of years to figure it out. I think it is worth while. Can I ask the chief police officer, Mr Davies, or perhaps your officer Jason to come up here and explain what FTE means in policing terms.

**Mr Davies:** While that is occurring, it shows in the papers as a \$3.5 million increase. Doing the preparation for this, when we looked at it, the actual increase in funding allocated to ACT Policing, as defined by the changes in budget outcomes for the financial year 2005-06, is \$4.67 million. That is made up of increased police numbers of \$1.1 million; that is, 10 FTE. The Belconnen station feasibility is \$200,000. The child protection register is \$100,000. The certified agreement indexation is \$3.27 million. The total is \$4.67 million. If I could just clarify that point.

**Mr Hargreaves:** In fact, just to further clarify: you notice it says \$3.5 million in budget paper 2. You need to add that to the \$1.1 million which is in the base. That is where you get your \$4.6 million from. Could I just ask Jason to explain, if you can, what FTE means in policing terms.

**Mr Cresswell:** My name is Jason Cresswell and I am the coordinator, Finance Exhibits and Logistics, ACT Policing. I will try to explain in the shortest period of time what an FTE is in terms of ACT Policing. Essentially, ACT Policing maintains a nominal budgeted staffing level, which is in accordance with meeting our policing arrangement KPIs. For 2005 to 2006, it is equivalent to 796 full-time equivalents—that is, 796 people available for policing duties at any time. It does not include people who are on long-service leave, leave without pay, those sorts of things. It represents a minimal staffing level.

Generally, we are able to provide more staffing than that. Essentially, one FTE is based on the premise of a constable being employed at three-quarters of the permissible experience band. That means we're budgeting on maintaining a level of experience within ACT Policing. For instance, with the 10 FTE that we've budgeted for next year, we will be able to afford more than 10 police officers next year if we go and hire junior police officers. In the lead-time, until they come up to their three-quarter experience, we may be able to afford 13 or 14 as they progress up through the ranks. Essentially that's the premise of us maintaining the FTE establishment. The FTE we use within ACT Policing is different from accounting rules that are used in the Productivity Commission's report on government services. The report on government services is not a pure FTE count, it's a FTE for the start of the financial year and the end of the financial year; so it is open to movements, depending on what your staffing is the end of the year.

To give you a quick indication of the difference, for 2003-2004 our budgeted staffing level was 770 and the report on government services FTE level is 809. That gives you an indication that there is a difference. There is a bit of an apples and oranges situation between the two. The FTE level is used by ACT Policing to manage its staff. It's quite a complex issue for us. We have a full-time workforce planner engaged in maintaining our staffing. Police staff do have a long lead time, so it important for us to have these long-term budgeted assumptions in terms of what we can afford and what minimum is required to deliver against our purchase agreement obligations. Does that make sense to everybody?

**Mr Hargreaves:** Everybody suitably educated?

**DR FOSKEY:** If it took you two years, you wouldn't expect us to fully grasp it, would you?

**Mr Hargreaves:** I don't, but I just thought you would like to know how complex the issue is and how dangerous it is to talk about numbers of police officers doing something on a certain day of the year. You can apply that very easily to the general bureaucracy but in a service response agency like this it bears no relationship. That is why we really need to be talking about outcomes and not numbers.

**MR MULCAHY:** I have some general questions but would like some clarification on this matter. In relation to your declared establishment of 796 FTEs, you said it excludes people on long service leave, leave without pay, et cetera. Does it also exclude those on sick leave or stress leave and does it exclude those who are on special assignments for the AFP in other areas such as overseas or on special matters that are required of the broader jurisdiction outside of Canberra?

**Mr Hargreaves:** Or the 20 that just came back?

**MR MULCAHY:** Yes, I'm trying to ascertain the exclusions from those numbers.

**Mr Cresswell:** The 796, to be crude, means the number of people we can conceivably line up out the front of the Assembly at any given time. It does not include people who are deployed on commonwealth operations. It includes people on short-term sick leave, with the exception of those on sick leave being covered by Comcare. It does not include long-term sick leave, as that would be in addition to those numbers. Essentially, it is an operational deliverer.

**MR MULCAHY:** Okay that's clear.

**Mr Hargreaves:** And, Mr Mulcahy, one of the traps for young players is to—

**MR MULCAHY:** I'm glad you consider me young.

**Mr Hargreaves:** I don't, and I'm deliberately addressing you, sir, because I know you are not ever described as a young player.

**MR MULCAHY:** Likewise.

**Mr Hargreaves:** Yes. One of the traps is to use the numbers from, say, the Productivity Commission's reports. Funnily enough there are at least four sets of numbers that I know of—the Institute of Criminology has a set, the ABS has a set, the Productivity Commission has a set and then we get a set out of the personnel systems that the AFP employ. The methodology employed by the Productivity Commission is to use a start date and end date. You then have two numbers.

**MR MULCAHY:** Yes, it was mentioned.

**Mr Hargreaves:** And that's a really dangerous thing to do. The formula that the AFP system uses is a particularly complicated one, as you've just seen. To compare those

numbers would be like comparing a bowl of fruit, not just apples and oranges! I just advise caution on that.

**MR PRATT:** Just by way of clarification on the 796 FTE, what are the proportions of sworn and unsworn police within that figure?

**Mr Cresswell:** Out of the 796 roughly 500, closer to 600, I think.

**Mr Hargreaves:** About 583 sworn. Again, it's a fluid figure but we can use that with the caveat that it is a fluid figure.

**MR SESELJA:** Can you clarify what you were saying with the 770 and the 809 figures?

**Mr Cresswell:** Essentially the 809 is the full-time equivalent count in the report on government services for the year 2003-04.

**MR SESELJA:** Is that using the same measure for FTE as this current 796?

**Mr Cresswell:** It's not the same measure. Because the report on government services actually counts people on long service leave in addition to being a start and end point, it is not a pure FTE count such as the way we do our budgets here.

**MR SESELJA:** And so the 770 was the beginning of the year for you, was it?

**Mr Cresswell:** No, sorry, 770 is our pure budgeted figure in terms of the number of staff that we budgeted to provide. The 809 represent the number that was delivered according to Productivity Commission accounting rules. This goes to show that there is a difference between a budgeted FTE and what appears in the report on government services. They're trying to count the same thing but in two different ways.

**Mr Hargreaves:** And what can happen, and it has happened in the past, is that the Productivity Commission will pick a number like 809 but there will be times during the year when, if you do the figure from the system that the AFP has, we might be at 820. Then there'll be another period in a quieter time of the year when we'll be at 780 or something of that sort. But when you do the full-time equivalency over a 12-month period, and remember that we resource it on a full-time equivalent expenditure over the year to match peaks and troughs, there is always the danger of saying, "Okay, at what point do we try and reconcile the two numbers?" When I was shadow minister for nearly four years, I attempted to reconcile it each time over the ABS figures, the Productivity Commission, and the policing ones, and never got there.

**MR SESELJA:** Just to round this out, the 583 sworn officers are those that, as you say, you could line up in front of the Assembly now and would be available as less sworn officers. On any given evening at any point in time are you able to quantify how many sworn officers are on duty, as an approximate?

**Mr Hargreaves:** No, and that's the point. If the AFP decides there is certain criminal activity going on in the town and they then wish to mount an operation, the figure is going to be well over 583. When we get down to a level that is sustainable, it will drop down again so you cannot say that at a particular time of year it will be X figure. It will

depend upon the operational attention at the time. We also need to understand that we have an arrangement with the commonwealth when—I think about 90 FTE come into play—a significant commonwealth or parliamentary triangle event happens. President Bush’s visit springs to mind. If there is a possible threat then a lot of ACT police officers are deployed to supplement it. Likewise, if at some stage of the year we need to boost the numbers because of a specific operation then those 90 are employed in ACT policing. If you were to ask me what the figure is for, say, next Thursday, and we calculated it for you, and then the following Thursday you asked again it would be a completely different number.

**MR SESELJA:** So you can pick a point in time but it’s going to fluctuate from week to week?

**Mr Hargreaves:** It’s going to fluctuate day by day and that’s why, when we talk about the contract between ourselves and the AFP, we have an outcome base. We talk about, in performance terms, what we expect out of it—certain percentages and reductions; that sort of thing. It might be a particular criminal activity or community engagement initiative or something like that. We’re not buying the numbers of police. We are advised of what number of FTEs might be applied to a certain range of activities and we base it on that, because you’ve got to base your budgeting on something. We talk about a full-time equivalent capability but we don’t talk about counting the eyes at any one time and dividing by two, because that doesn’t bear relationship day by day.

**MR GENTLEMAN:** Minister, while we’re still on numbers, I note the government’s ongoing commitment to increased spending on police numbers in this budget. I understand there is a commitment to increase numbers in the south district. Can you advise the likely impact of this expenditure and what will happen to community safety in the south district?

**Mr Hargreaves:** As you know, we have two districts, north and south.

**MR GENTLEMAN:** My electorate is in the south.

**Mr Hargreaves:** Well, not all of it—some of it belongs to Ms MacDonald, some of it belongs to me, some of it belongs to Mr Pratt and some of it is around Kingston and Manuka. What happens, and this is a pretty good example of what we were just trying to talk about with Mr Seselja, is that we have routine patrols around the various suburbs and town centres in the southern district. The additional police officers give the chief police officer additional capabilities so he can respond to particular incidents and particular emerging environments. We know that with the restaurant strips at Kingston and Manuka taking off like rockets that that brings with it antisocial behaviours, and it also brings with it certain risks to businesses.

In addition to the normal vehicle patrols that are in and around the area anyway, the chief police officer was able to put a beat patrol in the Manuka and Kingston area some two months ago. That resulted in 23 arrests. There were about 380 incidents, or thereabouts, in the two months. Because it was a proactive thing, because the CPO was able to put those resources into that initiative, because of the flexibility we give him under the context of FTEs, the reported incidents dropped 38 per cent in two months. When we get the feel that a norm has been established, and that normal patrols in community

partnership can cope, the chief police officer has the wherewithal to divert those additional resources to another part of town for another initiative, if he feels that it's necessary or warranted.

That's an example of how the availability of these extra 10 FTEs means ACT Policing can respond. In this case, there were people having fights in the streets, trying to break into premises, smashing windows and those sorts of things. We were able to deploy beat patrol and sort that out. If it continues on then a beat patrol stays there. If it doesn't continue, if it settles down for a fair while, and we find a similar thing erupts at Woden, then we can then deploy that resource to Woden. It may be Calwell or Chiefly or Isaacs or Wanniasa.

**MR MULCAHY:** Minister, I note the statistics on page 343 of BP4 dealing with achievements in the area of crime reduction and I commend the police service, in particular, for the reduction in motor vehicle theft. I think that achievement ought not be belittled, so congratulations with the outcome. I know from my experience in the hotel industry that having cars stolen was a major issue for hotels in Northbourne Avenue. I guess of more immediate concern are the areas where we are not getting this result. Where are you identifying increases in crime as opposed to those that are falling and what are you doing to tackle those issues?

**Mr Hargreaves:** I've got a list here, and I quoted predominately from it: sexual assault down 39, total assault, excluding sexual, down 10, robbery down 16.5, armed robbery—

**MR MULCAHY:** Chair, I'm not sure the minister—

**Mr Hargreaves:** You asked me to tell you which ones were up.

**MR MULCAHY:** That's right, yes, and I thought you didn't hear me.

**Mr Hargreaves:** No, I'm just telling you. If you settle down, I'll tell you. Armed robbery is up by 3.7 per cent, and the number is not high, but you have to consider that in the context that other robberies are down 29 and misappropriation is down 89. This list I have before me shows the overall offence figures for the 2004-05 financial year and out of 24 categories all of them are down except for that one. I'm happy to table the list, if you want me to.

**MR MULCAHY:** Yes, I've got no objection.

**THE CHAIR:** Yes, that would be good, thank you.

**MR MULCAHY:** In relation to the statistics, I understand, and tell me if I'm wrong, these are based on ABS recorded crime figures. Is that correct?

**Mr Hargreaves:** They attribute it down the bottom. If you have a look at the annual policing agreement indicators—

**MR MULCAHY:** Is it correct that they're from ABS data?

**Mr Hargreaves:** Look, if you read that very bottom thing there—

**MR MULCAHY:** Yes, that's where I am reading.

**Mr Hargreaves:** It says, "2004 figures provided by ACT Policing may vary slightly with the final ABS recorded crime series 2005 June and May."

**MR MULCAHY:** Right, so they're not the figures you're quoting; you're quoting from the policing ones?

**Mr Hargreaves:** That's right. But remember what I just said about the three sets of figures: we're talking about a fruit bowl here.

**MR MULCAHY:** Are you saying they'll produce a different outcome?

**Mr Hargreaves:** No. What I'm saying is that we treat statistics from all of them with a little bit of caution. By the way, Mr Mulcahy, I found one where we are up: counterfeiting is up 27.3. That just gives you another one to belt me with. I am not particularly concerned about 85 or 89.3; it is the relativity of its size that concerns me.

**MR MULCAHY:** This may be one for the chief of police about the way in which you compile the statistics. When you are unable to attend an incident or the people have given up or your resources are stretched on particular occasions, do those reports find their way into this data or does it require an attendance?

**Mr Hargreaves:** No. Interesting question because, if somebody reports something to the police, it gets counted. In relation to things that have happened in recent times, again, you've got to be a bit careful. We in this Assembly have a responsibility to the public to portray the perception of safety in the correct light when we talk about reports. I have been advised that some people have been considering incidents in the wrong light. We have to make sure that the reports reflect what actually happened. There was an accusation in the media recently that an offence was in progress but the police said they couldn't attend because there were no resources, that there were not enough people to attend, and this was during the commission of a crime. The incident reported was absolutely, 100 per cent wrong. It was false. Had the report been checked with my office or the police it would have been found to be incorrect. There was no report to the police during the commission of that particular crime, Mr Pratt, or for some considerable time later. I urge all members in this place to accept their responsibility for the creation and maintenance of a perception of safety out there. As community leaders, we have a bigger responsibility than others to be responsible about it. In recent times in the media, I haven't seen a lot of evidence of that.

**MR MULACHY:** Minister, you talk about perceptions, and I take the Manuka example you made reference to earlier. Do you think business leaders would group together for night time meetings to express their concern and would even go as far as hiring private security to patrol the suburb if there were no safety issues? I've inspected the security logs of one private security firm that has been hired. Do you think they're just imagining the problems, the broken windows, the violence and so on? Surely you can't keep ignoring—

**Mr Hargreaves:** Mr Mulcahy, you clearly didn't listen to me.

**MR MULCAHY:** I haven't finished, chair. Do you want to ignore these issues? I mean, these are serious issues and people have raised them legitimately.

**Mr Hargreaves:** You clearly didn't listen to me, Mr Mulcahy, so I'll spell it out in such simple terms that even you can understand. I have already indicated to you the relationship that exists between the AFP and businesses in Manuka. Where do you think the AFP got its information from to put an extra beat patrol out there? Where do you think Mr Pratt got his information from to call for an extra beat patrol, which, incidentally, had been provided two months earlier? I suggest to you, Mr Mulcahy, that the AFP have had far more conversations with people in Manuka and Kingston than you are aware of. Perhaps you ought to accept your responsibility by backing our police force, by going out there and engineering more conversations, through my office—I am happy to oblige—instead of indicating to shopkeepers and businesses out there that they have a lack of security. You know as well as I do, and you've been in business a lot longer than most people I know, that private security services are the thing of today. A lot of businesses have them. To suggest, even by implication, that our police officers are not providing an adequate service to Manuka is irresponsible in the extreme.

**MR MULCAHY:** Well it's a perception of the businesses—

**Mr Hargreaves:** It's a perception that you've got and are putting out there, Mr Mulcahy.

**MR MULCAHY:** I reject that, chair. I reject it.

**Mr Hargreaves:** You're getting a lot of mileage out of it and you should be ashamed of yourself.

**MR MULCAHY:** Minister, I don't raise these matters frivolously or lightly.

**Mr Hargreaves:** Yes, you do. Yes, you do!

**MR MULCAHY:** It has been raised with me—

**THE CHAIR:** All right. Okay, come on.

**MR MULCAHY:** No, let me respond, chair. It has been raised with me since November. It has escalated to the point where I'm receiving a large number of calls. People are grouping together and they have hired private security—

**THE CHAIR:** Order!

**MR MULCAHY:** Well, the minister said this is all fabricated, chair.

**THE CHAIR:** Order!

**Mr Hargreaves:** I didn't say fabricated; I said frivolous.

**MR MULCAHY:** Well, it's the truth; deal with it. Resolve the problem.



**THE CHAIR:** Both of you come to order, please. I remind everybody that, while we may have differences of opinion in this room and out of this room, yelling at each other doesn't help.

**MR MULCAHY:** Chair, my issue here is that business people in the area have been in touch with my office, with Mr Pratt's office. They have met together at night, and I'm not being critical of Mr Davies and his people—

**Mr Hargreaves:** Oh, yes you are.

**THE CHAIR:** Order, order!

**MR MULCAHY:** But the point of the matter is that obviously whatever is being done is not solving the problem at the moment. I acknowledge it may come in waves. There's even a suggestion of groups coming in from Sydney on the weekends, not every weekend, but it is a serious issue when people hire private security, not because its routine but to add safety to the suburb. That is what we are talking about. It is not just people looking after their own business. There are people paying to try and ward off trouble in the neighbourhood. That's the concern, and it is one I suggest the minister should take quite seriously.

**Mr Hargreaves:** I take it very seriously. As I've said, you and your colleagues have been embarrassed in recent times to discover that the very initiative you called for we had been employing for two months. We have achieved 23 arrests. We have had a 38 per cent down surge in activity in that region. You know the demographics change. You know that most of the places around town have private security companies engaged in one form or another, either through alarm back to base or patrols. Let me ask you this question, through you, Madam Chair. Mr Mulcahy has just said—

**MR MULCAHY:** A point of order, chair. The House of Representatives prohibits witnesses asking questions. I'm not interested in his questions.

**THE CHAIR:** Minister, I call you to order and I also call Mr Mulcahy to order. Mr Mulcahy, I'm getting quite annoyed with the supposed points of orders that keep—

**MR MULCAHY:** The point of order is based on House of Representatives practice.

**THE CHAIR:** Let me finish, Mr Mulcahy. I'm getting quite annoyed with the points of order that keep getting raised that are actually not points of order. But please make your point of order.

**MR MULCAHY:** My point of order is that under *House of Representatives Practice*, it is improper for witnesses to question members of the committee, and it's spelt out.

**THE CHAIR:** *House of Representatives Practice* does not take precedence. We have standing orders; we have Legislative Assembly practice and, failing all of those, if we need to refer to something else we can refer to the House of Representatives practice. What is your point of order Mr Mulcahy?

**MR MULCAHY:** My point of order is that the role of witnesses is to respond to

questions as defined under parliamentary practice. That is supported and recognised in our standing orders. It is not their role to start questioning the committee. I simply want answers to my questions.

**THE CHAIR:** I'm sorry I didn't hear the last bit—

**MR MULCAHY:** It is not the role of witnesses to question the committee. It is the role of witnesses to respond to questions from committee members. In other words, the minister's job is to respond to my questions and that's what I'm asking him to do.

**Mr Hargreaves:** Madam Chair, on the point of order. We are talking rhetorical questions. I don't expect the members of the committee to be quizzed by me. It is my way of responding to Mr Mulcahy. It was a rhetorical question.

**THE CHAIR:** Well, I am going to remind you all, as I have done on several occasions during these hearings, that it is up to ministers as to how they answer the questions. It is up to the minister as to how he answers the question, Mr Mulcahy. I would, of course, suggest that in order to make the proceedings run smoother it is not helpful to make antagonising comments, and that goes for both the minister as a witness as well as members of the committee and visitors to the committee. Shall we move on?

**Mr Hargreaves:** Madam Chair, I just want to respond to something Mr Mulcahy said, and do correct me if I am wrong. Mr Mulcahy has been to meetings—

**THE CHAIR:** You can be assured that I will correct you if you are wrong.

**Mr Hargreaves:** I could be wrong and *Hansard* will prove it or otherwise. Mr Mulcahy said that he had been to meetings with business people; business people had had meetings at night, which is generally when they are available to meet anyway; but that they had in fact been employing security guards or security firms—I have forgotten which you said; it matters not to me—to in fact patrol the suburbs. You said the suburbs.

**MR MULCAHY:** The suburb of Manuka.

**Mr Hargreaves:** The suburb of Manuka. Do I take that, Madam Chair, to mean that Mr Mulcahy is in fact encouraging businesses to have vigilante companies out there in the suburbs?

**MR PRATT:** Oh, come on!

**Mr Hargreaves:** I don't think so.

**MR PRATT:** Come on!

**MR MULCAHY:** No I'm not.

**THE CHAIR:** Okay, minister.

**Mr Hargreaves:** Now he is suggesting, Madam Chair, that—

**MR PRATT:** That is blatant sledging, chair. That's rubbish. He didn't say that.

**THE CHAIR:** Order! Come on everybody.

**Mr Hargreaves:** Madam Chair, Mr Mulcahy was suggesting that there is a very large problem in the suburbs of Manuka and Kingston because there is a constant visit of people.

**THE CHAIR:** Everybody stop talking for just a moment. You are all clearly not listening to what I am saying about antagonising each other.

**MR PRATT:** This is fast moving into a farce.

**THE CHAIR:** Mr Pratt, if you do not like the proceedings then you don't have to stay. Please do not interject.

**MR PRATT:** Well we are fast building into a farce, chair.

**THE CHAIR:** Mr Pratt!

**MR MULCAHY:** Chair, could I respond to the issue of vigilantes, which is not something I support.

**THE CHAIR:** No, I haven't finished. Could everybody please just calm down and refrain from using inflammatory and incendiary language that will antagonise one another. One would hope that you are all grown up enough to question the witnesses in a way that does not antagonise and that the minister can answer in a way that does not antagonise. Of course we have our differences of opinion, but that does not mean that we need to behave like we are in the school yard. I might also add that Manuka is not a suburb. You can check it in the street directory. It is actually a road and a shopping district.

**MR MULCAHY:** Chair, I want to correct one piece of information that Mr Hargreaves put on the record. I have indicated that private security has been hired in Manuka to deal with matters of the suburban area or district, whatever term we choose to use. I was not advocating vigilantes or people taking the law into their own hands. In fact, I have counselled people against that option and that is why I am appealing to the minister to ensure that people feel safe in that situation.

But I am just telling you the reality is that people have gone to those lengths, as a response to a traders' meeting recently, because they are concerned and are worried. I think that we ought to not dismiss people's concerns in Canberra. If they feel there are issues of safety, I am suggesting the minister and his officers look at them and take them seriously. He tells me they have. The concerns still exist; so obviously we have got a problem.

**Mr Hargreaves:** Madam Chair, the implication is that Manuka is a hive of criminal activity with personal danger and all that sort of stuff. It may be useful in fact if we have some facts from the Chief Police Officer about the rate of incidents in the Manuka—Kingston precinct. That might actually put some information in the public arena around

this issue of scaremongering. So I will ask the CPO to give us some information on that.

**Mr Davies:** Thank you, minister. Just in regard to the question of the Manuka shopping precinct within the suburb of Griffith, I only have a couple of selected offences in the facts I have in front of me, because they are the ones that draw the most attention. My briefing also tells me that the rate of offences in Manuka compared to other suburbs or other areas is actually relatively low. Now that does not mean to downplay the issue in Manuka and we don't downplay that issue. According to the entries in the PROMIS system of ACT Policing, between May 04 and March 05 there were five burglaries and 37 property damages within the Manuka shopping precinct.

**Mr Hargreaves:** Do you have any comparison figures there?

**Mr Davies:** No, unfortunately I have not but I am assured that in relation to other areas it is low. As I said, for us as police any crime is something we do not obviously subscribe to and we do our best to prevent any crime whatsoever.

I might just say that I think there is a danger, quite frankly, in looking at one suburb or one issue. Whilst we do not downplay them and we take them as serious issues, this can skew, I guess, the whole issue of policing. It causes us some angst, especially if there is a considerable amount of public attention drawn to a particular issue in a particular suburb. It really ought to be looked at in the context of safety and security and policing within the greater area of Canberra.

Can I just say that from a policing perspective, we do take Manuka seriously. The officer in charge of Woden station, which obviously oversees the particular area, has engaged with business group representatives and is committed to an ongoing consultation and strengthening of relationships between police and the business community.

In November of last year police crime prevention conducted visits to over 20 Manuka businesses distributing a booklet about "Be safe, be smart—how to make your business safe". Crime prevention contact officers are available to assist business operators with guidance and best practice to improve security.

As I say, this is a part of the south district patrol. Patrols are deployed across the zone, through all of the south district, and they are added to by teams out of specialist response and security, traffic and territory investigations. They are available to support operations if required. Obviously, operation Halite, which as you know is our serious offender program, has done targeting in that particular area. Operation Globin is the current activity against burnouts and irresponsible driving. Obviously, areas identified as hot spots are well targeted.

It has long been recognised that Manuka is an area for patrol priority of Woden police station and particularly the business district and surrounding sites. The patrols obviously aim to proactively deter a range of issues such as anti-social behaviour and vandalism by providing a visible police presence in the area. We also employ a visible intelligence-led approach where patrols are prioritised to target areas based on reports from the public.

Police communications dispatches vehicles or police members to ensure that the most urgent requests are answered first, regardless of the location of the incident. And as I said

previously, the OIC Woden station attends many local meetings, and not just of business owners, to try and work with local groups to keep people informed of emerging crime and community concerns.

We did take up a couple of issues in particular, and we try to do some flexible operations. We formed the south district community policing team back in December 2004 to address anti-social behaviour in areas, including shopping centres, licensed premises and parklands. The team focused on the Manuka area during the peak periods of Friday and Saturday nights by conducting liaison visits to licensed premises and monitoring compliance with prescribed standards, including non-service of intoxicated persons.

Operation Summersafe was formed to deliver high-profile beat patrols within selected areas, to target anti-social behaviour and compliance with licensed premises prescribed standards. Nine officers were deployed for an eight-week period from 24 February to 17 April of this year. The patrol worked within the south district patrol for five weeks. The operation produced significant outcomes, including the staging of a forum attended by 70 south Canberra liquor licensees in which police and other agencies, including ACT Liquor Licensing, outlined licensees' responsibilities under the Liquor Act of 1975.

The operation conducted 21 separate beat patrols in the Manuka area, apprehended a total of 49 persons and prepared breaches of the Liquor Act against seven licensed premises. Officers supervising the operation concluded that several minor incidents were contained by police presence in the immediate area. A strong police presence on the Friday and Saturday nights resulted in a reduction of alcohol related anti-social behaviour and a positive message was delivered to licensed premises that police were actively scrutinising practices in the service of alcohol. The significant outcome of Summersafe is the review phase. We are working with ACT Liquor Licensing and other industry representatives to review current legislation and preparing a submission for legislative amendment.

**MR MULCAHY:** Chair, I have a supplementary question of Mr Davies. Do you have assault figures and do you have any data since you withdrew the group on 17 April that you mentioned?

**Mr Davies:** No I do not. I can probably get you that but I will have to take it on notice.

**Mr Hargreaves:** Madam Chair, the Chief Police Officer has just given a very good run-down of how much involvement, how much connection, there is with the businesses in Manuka and how much extra attention it has received, and I think Mr Mulcahy is beholden to acknowledge that. He has suggested that there has been minimal attention in Manuka and I think he has just been given a counter to that and he should at least have the decency to acknowledge that.

**MR MULCAHY:** Chair, the issue I have raised is that I have received an escalating number of calls in the last four weeks. I acknowledge what Mr Davies said has been done, and it has happened since November when I first flagged this as a result of representations from business houses. He did indicate that some unit had completed its task on 17 April. I am aware of assaults. I am aware of someone even the other week, as reported in the *Canberra Times*, being beaten with a baseball bat and left unconscious.

These are issues that cannot be ignored. I am not saying that they have not made an effort. But obviously the fact that they put in those resources suggests there was a problem. There are problems, however, that are occurring now that people are raising. That is the issue. It is not saying that it was ignored.

**Mr Hargreaves:** No, it is not the issue at all.

**MR MULCAHY:** Well, it is an issue.

**Mr Hargreaves:** Madam Chair, it is another case of Mr Mulcahy trying to bully the police force.

**THE CHAIR:** No. Stop both of you.

**Mr Davies:** Can I just add that I would hope that these reports that you are getting are being reported to the police. You may rest assured that if there are matters of serious assault and other things occurring, the police would be responding.

I am not quite sure where we are coming from here because we have similar reports being received, not all over Canberra, at a particular point in time. But crime isn't localised in Manuka. I am not trying to trivialise the issue but, as I said, I am not quite sure what the issue is. We are dealing with reported crime, and I think our results show that we are dealing with it very well. But I simply make the point that we take, obviously, every call, particularly to assaults or crimes against the person, extremely seriously. We deal with those.

Can I say Manuka has been given a considerable amount of attention, as have all the major areas, particularly those that have a nightlife around nightclubs and so on. Obviously, it goes without saying that those particular areas are going to be the areas where there will be drunkenness, unruly behaviour, vehicle offences, assaults, and a range of issues. So obviously they are high on our targeted list, and that is part of the reason we also changed our rostering practice amongst stations so that we can actually try and match more people to the times of night of the particular days on which crimes are being committed.

**MR MULCAHY:** All right. I appreciate your response.

**THE CHAIR:** Okay. Ms Porter has a supplementary question.

**MS PORTER:** Minister, in the course of this discussion mention has been made of the initiatives with regard to incidence of burnouts. I wonder if we could have some more detail about that please.

**Mr Hargreaves:** The Chief Police Officer touched on this in terms of Operation Globin. ACT Policing proactively responds to burnouts and antisocial driving activities. Using an intelligence approach it targets known black spots and seeks to identify offenders and their locations. One recent initiative has been, as the Chief Police Officer just said, Operation Globin. It was created on 4 April this year to specifically target this issue and to provide training to other police officers.

The results of Operation Globin to 19 May include the seizure of 21 vehicles under the Road Transport (Safety and Traffic Management) Act of 1999. It is notable that 11 seizures relate to incidents not directly witnessed by police that have been effected using statements offered by residents. We have had a total of 26 prosecutions and the issue of 20 traffic infringement notices and nine cautions. In addition to operation Globin statistics, ACT Policing patrols seized five vehicles during the period 19 May to 23 May for street racing and burnout offences. Twenty-six seized vehicles are currently impounded in the police holding yard. If we have got a problem, Ms Porter, it is that the effect of operation Globin has been so good that we are running out of room to house these motor vehicles.

An important component of Operation Globin is the interaction between the community and the police in identifying offenders and their locations. The number of vehicles being observed by police in known offence locations has significantly decreased, and the number of incidents being reported generally has also decreased. Other ongoing initiatives are in place to support Operation Globin and to further address this issue from within district patrols. For example, in December 2004 a community policing team was formed within the south district to combat issues including antisocial behaviour surrounding licensed premises in public areas. We have had traffic operations doing work.

I want to make a point that Mr Gentleman and I attended a meeting I think two nights ago where I had received expressions of concern from some 30 residents around the Knoke Avenue/Jim Pike Avenue area of Gordon. This is representative of a spate of burnouts and street racing in the area. Mr Gentleman and I hosted this meeting for these residents with Sergeant Jeff Knight of Operation Globin and the officers who form the team. We were able to advise the community of how their particular street and the processes fitted into the global scheme of things and I think it is fair to say that most of the community do not know that. They are not aware of the way in which the global attitude of Globin actually works. They didn't realise, of course, that the police officer doesn't have to see the thing. They can in fact provide information to the police and as long as they are prepared to sign the statement that is sufficient for them to take action.

They also do not understand that police build up a body of evidence to predict where people are going to be and then wait for them to turn up. You can see that the size of the seizures is testimony to that. Mr Gentleman related an interesting story to me of how one fellow at this particular meeting was concerned that there was a particular motor vehicle that kept doing burnouts down a street. The motor vehicle was a certain colour, had a certain rego number and it had a big message across the back windscreen. The good sergeant asked, "Oh, was that a Holden Torana?" The answer was yes. He said, "Well, we've seized that one." They had seized it already. They had acted on the information this gentleman had given and had actually knocked the car off.

It would be a waste of police resources to get back to each and every complainant. But I would like to take the opportunity to use whichever media outlet is available to send the message that the success of Operation Globin is dependent upon an engagement and a partnership with the community. They cannot do it by themselves. People need to be encouraged to report incidents and, in fact, to sign documents indicating what the incident was. The police don't have to be there; they will take them on.

**THE CHAIR:** I think Mr Seselja has a supplementary on this one.

**MR SESELJA:** Thank you, chair. Are we then moving on to another issue?

**THE CHAIR:** I would like to, yes.

**MR SESELJA:** I spoke to residents in Gungahlin several months ago who had some concerns about burnout activity after hours up at the back of the Amaroo school. I think there is a lot going on but I have not had any reports recently. Are you able to give me an update whether figures show or whether anecdotally there has been less of that activity and, if so, has that been something that the police have done to actually—

**Mr Hargreaves:** It is hard at this particular point to say which areas have been targeted and which areas haven't. I am a little reluctant to actually say it publicly, Mr Seselja, for the reason that if people think we have been somewhere, that is where they go. So I would be very happy to give you a private briefing on that at some stage, if that is okay with you.

**MR SESELJA:** That would be fine. Just while we are on that, I have had different reports, different information, about when Gungahlin police station closes. Is it 6 o'clock or 10 o'clock at night that it actually closes.

**Mr Cresswell:** Eleven.

**MR SESELJA:** Eleven—there you go. It is 11 o'clock it closes every evening. That is seven days it is open till 11. Is that right?

**Mr Hargreaves:** That's right. Seven days, yes.

**Mr Davies:** Sorry, the actual office, no. There are staff working. There are two shifts that work out of there. If we actually break it down, you have got 10 staff working there—a sergeant and nine constables. They work two shifts, morning and afternoon, and the front office itself is open from 10 am till 6 pm.

**MR SESELJA:** So it is 6 pm. What is the level of activity generally in Gungahlin after hours? Would there normally be a patrol car covering Gungahlin or is it just Belconnen cars that occasionally go out to Gungahlin?

**Mr Hargreaves:** Mr Seselja, before I get the Chief Police Officer to respond to the question in detail, I need to make this point very clear. We have certain response times to incidents. As you would know, there are different categories: eight minutes, 12 minutes—this sort of story. Now if I have got an officer in a police station, sitting at the front desk, and somebody comes into that police station and says, "Come and help me please," that officer can't leave that police station unattended. So they can't do anything anyway and there is wasted time.

It is also the case that even if there were a number of officers in the station, the officers would then have to go and get their kit, because they don't walk around with their guns on all the time and that sort of thing. They would have to go and get their kit, they would have to go and get the keys, and by the time they are actually in the vehicle and moving,



and they may be no where near the incident, they have actually used up four minutes of the eight that we require as a standard reasonable response.

So I would prefer and it makes more sense to me—I have made this message loud and clear to Policing—to have people mobile in the area. Funnily enough, it is actually quicker to get to an incident if you are already mobile in the area. You have a number of cars and they will patrol the northern district. You can bet that there are cars in the Belconnen area and the Gungahlin area on a fairly scheduled and regular patrol. But remember that they also target I suppose what you could call hot spots—intelligence-driven locations. If we, for example, have reports of people doing burnouts in a particular series of streets in a particular suburb on particular nights then those cars will actually patrol that area quite deliberately. If in fact another incident occurs, they are actually in the car and moving.

So I don't have a difficulty at all with having a police station front desk unmanned after business hours. In fact, I am not all that sure I want it open during business hours either. I would rather, in fact, people have their conversations with the police through the telephone. I would rather have, for example, police officers on foot in shopping centres like they do at Woden; I would rather have that and in cars out and about so that the dispatcher can have people moved even more quickly than they would if they were in a station. They can't do much in the police station except write it down.

**MR SESELJA:** Yes. I think that is part of the point of the second question. In the northern district on any given night, say a week night, how many cars would be out on the road at any particular time.

**Mr Davies:** That would depend. As I informed you, which fitted in with your view, the patrol normally at Belconnen was due to finish at 11 o'clock. If we have reason to believe that there was a particular activity such as burnouts or a problem with burglary or some particular issue happening in Gungahlin, it may well be we would make other arrangements, either to extend the shift or bring in persons from other areas. Even if the Gungahlin car has gone off at 11 o'clock in the evening, you still have Belconnen patrols, you have patrols from other areas. It may well be that we have Halite vehicles or traffic vehicles that are available to attend.

Obviously, we are as conscious of the issue of people in Gungahlin as anybody else and we have that under constant review. We have a meeting of our senior executive and I include myself. The two deputy police chief officers and the superintendents and coordinators in ACT meet regularly on a fortnightly basis with reports from those who work for them on crime trends, what is actually occurring, to look at our resources and address these other issues and say, "Well, look, we seem to have an emerging problem," whether it be Gungahlin, Manuka, Fyshwick or somewhere else and we will tend to deal with it. So it isn't to say that there would or wouldn't be a car there. There would always be cars available obviously to respond between 11 pm and seven in the morning and it may well be that if we think there is particular activity we may already be there trying to target it.

Can I add that we are comfortable with that arrangement at this present time, because the crime stats out at Gungahlin—and, again, one burglary anywhere is too many—show that the reality is that the number or reported crimes in Gungahlin is considerably lower

than that in many parts of Canberra. In fact, if the graphs that I see are correct, at the moment the number of recorded crimes per 10,000 people in Gungahlin is running at about 50 per cent of what it is across the ACT in total.

**MR SESELJA:** There are very good people out in Gungahlin.

**Mr Davies:** The reason is because people in other areas of town are burgling Tuggeranong.

**THE CHAIR:** I was actually going to suggest that the burglars go to Gungahlin and they get lost.

**Mr Hargreaves:** Well, I think we can do that. Mr Seselja, can I just suggest that when you are thinking about this—and I say this quite sincerely—one of the outcome measures that we look seriously at when we ask whether the police are delivering things or not is the percentage of time in which they meet response times, because it really doesn't matter—

**MR SESELJA:** That was going to be my next question. Do you have area-specific figures like how the response times compare in Gungahlin to the rest of Canberra?

**Mr Hargreaves:** No, it is not area specific, Mr Seselja. But really we don't care whether the incident is in Banks or whether it is in Nicholls.

**MR SESELJA:** I understand that you don't care but I am trying to get an idea of whether the response times are the same in Gungahlin as everywhere else.

**Mr Hargreaves:** Well, they are responded to across the town. As I say, we don't care—

**MR SESELJA:** I understand you don't care but when—

**THE CHAIR:** Order!

**Mr Hargreaves:** We don't particularly care where it is. For example, if we had a spate of incidents in Gungahlin and in the normal course of events all the cars we had in the northern Canberra area were actually attending those jobs and another one appeared, it would still be a requirement for us to have that eight-minute response regardless of whether the car came from Woden, whether it came from Belconnen or whether it came from Gungahlin itself—it matters not to us.

**MR SESELJA:** But are there figures then to show how often that eight-minute response is met?

**Mr Hargreaves:** Globally, yes.

**MR SESELJA:** So there are global figures, but I wouldn't be able to get an idea of whether Gungahlin gets the same level of response as Woden or Tuggeranong or—

**Mr Hargreaves:** It does, it does.

**MR SESELJA:** Yes, but do we have figures that bear that out is what I am saying.

**Mr Davies:** No we don't.

**MR SESELJA:** So we don't; all right. So just finally then, if I can just go back to what we were saying before about the cars: you said that after 11 o'clock there would be cars in the northern area, which I imagine are around the Belconnen station, and if they are needed and there is particular intelligence they will go out to Gungahlin on patrol. What is the minimum number of cars in the northern area after hours that would be out on a given night? Would there always be at least two cars on the road, or is that not the case?

**Mr Davies:** There would be a minimum. I would have to take advice but we might be able to answer the question. A certain number might be available at the beginning of the shift but one of the things you have to realise also is that if we have already responded to one crime then we have one less car on the road to respond.

**MR SESELJA:** Of course.

**Mr Davies:** You could say that you had two cars, three cars, in a given area or a given district at a particular point in time in so much as that is the available resource to do a police response. But, as I say, it then becomes an issue of what type of work is allocated and how pressing and life threatening the matter is. Those are the sorts of considerations that we have to take into account. It may well be a car has to leave one incident at some point to go to one that is more pressing. That's the way we do business. We are able to meet our targets for the most important calls. In some of the lesser crime—and this, again, is not meant to be diminishing that crime—we may not always be able to meet the target.

**Mr Hargreaves:** Can I also make a point. If you take an area that I know particularly well and you translate it to the northern side, we have cars operating out of the Tuggeranong station. For example, if there are a couple of cars attending incidents there, then the range of the vehicles coming out of Woden is extended for the period of time that those people are attending incidents. So it is very difficult actually to put a number on it, because there is that process of coverage and as those cars come off those incidents the other ones retract. It is a similar sort of system of approach that we have with the ambulance service.

**MR SESELJA:** I take your point, Mr Davies, that they could be responding. They could be doing all sorts of things. It is not set in stone. But in terms of availability, whether they are out on a job somewhere and they are responding to a particular incident, would there be a minimum number in the northern area after hours at 11 o'clock on a weeknight?

**Mr Davies:** There would be, but I would have to take—

**Mr Hargreaves:** Also it might depend on the day of the week, too, and the time of the year.

**MR SESELJA:** Weeknights and weekends?

**Mr Hargreaves:** That is right, but also the time of year, for example, on the Queen's birthday long weekend, some ratbags are out with fireworks. So there is a bigger concentration on that. For Summernats, during that particular week, there are certain areas of town that are notorious for road issues. They get a bigger number of cars out.

**Mr Davies:** I just want to make sure I confirm my answer before I go. It is normally two cars per station, except Gungahlin, which has the one, which is also on restricted hours. Most other stations work on the premise of at least two patrol vehicles. But that does fluctuate. It does not take into account, then, what traffic might have going, what Operation Halite might have going or SRS or the territory investigation group.

**MR PRATT:** Is that standard by night, by day, regardless of other targeted taskforce policing operations?

**Mr Davies:** That should be the standard.

**THE CHAIR:** Minister, on page 353 of budget paper No 4 there is reference made to the new Woden police station. Could you give an update on the progress of the construction of the Woden police station?

**Mr Hargreaves:** Sure. Thanks very much, Madam Chair. One of the problems why it got delayed was they struck rock. We are talking about significant rock, such that the government had to put—wait for it—\$500,000 extra into the contract to get through that rock. It might sound silly, but it was not. We had to increase the price of the contract by \$500,000 and encounter the delay.

**MR SESELJA:** Are there additional costs, then, due to the delay itself, like escalating costs? You said \$500,000.

**Mr Hargreaves:** No. The \$500,000, purely and simply, was to address the issue of the rock that they encountered, which nobody anticipated at all when they did the geotech assessment on the block.

The existing station, for the record, was constructed in 1969 and was designed to accommodate 77 personnel. Due to the age of the design and growth in the number of staff based at Woden, the station has insufficient facilities, such as bathrooms and equipment storage, to meet the demands of staff and public. It also lacks sufficient interview rooms, no longer complies with Australian building standards, fails to make provision for members of the public or staff with disabilities and is generally showing its age and ought to go.

Following a feasibility study in 1997 and a facility condition survey in 1998, the government committed to replacing the station, with funding being announced in the 2002-03 budget. Following rather extensive delays, preliminary work eventually started in June 2004. We are still hopeful that the station will be completed at the end of October this year. It has actually been extended by a bit. The total cost, we are advised by ACT Procurement Solutions, including GST, will be \$8,771,275.60.

**THE CHAIR:** I note, minister, that you said that the current station was constructed in 1969, is showing its age, is no longer accessible, and fails a number of Australian

building standards.

**Mr Hargreaves:** It fails all of them.

**THE CHAIR:** I should note that I was constructed in 1969, and I also have the same problems.

**Mr Hargreaves:** Can I also suggest, Madam Chair, that I was married for the first time in 1969, and it too was a disaster.

**THE CHAIR:** There were some good things about 1969. I understand Ms Porter has a supplementary on that, and maybe Mr Pratt has a supplementary as well.

**Mr Hargreaves:** Just quickly, Madam Chair, the new station will accommodate up to 123 personnel, as opposed to the 77 that the other one did.

**MS PORTER:** I will not divulge when I was created. Minister, I just wanted to ask for some clarification with regard to the planning. You mentioned in your introductory remarks something about the Belconnen police station, but I did not quite catch where it was up to, the planning for the new—

**THE CHAIR:** So it is a supplementary in that it's about another police station, not the Woden one?

**MS PORTER:** That is right, not the Woden one. It is about another one being constructed in my electorate.

**Mr Hargreaves:** Everyone has got to share in these things sooner or later. It is either that or a pool. The Belconnen police station is about the same age as the remand centre. If my memory serves me correctly, the remand centre is going to go when the prison pops up. We have recognised that that police station is in a sad state and the government has committed funds for a feasibility study for its replacement.

There was some discussion some years ago about a joint emergency services centre. We put the kibosh on that and, if my memory serves me correctly, it kind of floated in the sky and nothing ever really happened. It was overtaken by conversations about Woden and conversations about the efficacy of Gungahlin, and actually the truth is that nothing ever happened. So now we decided something has to happen and the feasibility study will give us the information we need about whether to do something on site or whether we do something in conjunction with the Winchester Centre. Whether we need a police station at all in Belconnen might, in fact, be raised. The feasibility study will tell us that.

**MR PRATT:** Chair, can I return to page 351, please, on the issue of police numbers?

**THE CHAIR:** Only if you promise to behave.

**MR PRATT:** I presume I am being allowed now to ask my first real question after 90 minutes, chair?

**THE CHAIR:** I note that you are still not a member of the Select Committee on

Estimates 2005-06.

**MR PRATT:** But I am a shadow minister, chair.

**THE CHAIR:** We are not going back to this again.

**MR PRATT:** Chair, could I challenge that. As the shadow minister for this portfolio, I would have thought after 90 minutes I would have been allowed to ask a formal question.

**THE CHAIR:** Mr Pratt, do you want to ask your question or not? I suggest you stop wasting time.

**MR PRATT:** Thanks, chair. Minister, the assessment of police numbers to measure performance and capability is extremely important—

**Mr Hargreaves:** Is that a question?

**MR PRATT:** Can I ask this question without being interrupted, please?

**THE CHAIR:** Ask your question.

**MR PRATT:** Can I ask it without being interrupted?

**THE CHAIR:** Minister, please do not interrupt Mr Pratt, because it is obviously breaking his flow.

**MR PRATT:** Thank you very much, chair. Minister, the assessment of police numbers, contrary to what you have often said, is a measure of performance and capability. In terms of the confusion of FTE numbers versus Productivity Commission numbers versus also this floating figure of 90-odd AFP FTE in and out, is there not a better way of measuring police strengths that you can guarantee to the ACT? Can you come up with another system or another policy?

**Mr Hargreaves:** Mr Pratt, firstly, I reject your assertion that the number of police is a measure of effectiveness. I reject it out of hand. The reason I do that is because it is stupid. The thing is that if you have a look at the documents that underpin the arrangement, they talk about effectiveness measures. They talk about whether or not property damage is down by 11.8 per cent. They talk about whether assaults and sexual assaults are down. They talk about burglaries, fraud and misappropriation being down, all of these things being down.

I would rather see measures out there in the public arena telling people whether or not their service is delivering, not that we have a police officer at the bottom of every driveway. That is daft. What is not daft and what the public really want to know is whether they can feel safe in their homes. If they listen in the media to the utterances of the so-called shadow minister for police, they will find that they are dreadfully unsafe. But if they listen to these effectiveness measures, they will realise that they are safe.

I think the visitor to this committee is being quite irresponsible with his public

utterances. He is trying to manufacture some sort of straw man out of numbers so that he can attack it. But he cannot argue about burglaries being down 26½ per cent. He cannot argue about handling stolen goods being down 59 per cent, motor vehicle thefts being down 31 per cent and shop stealing being down 27.9 per cent. Offences against good order are down 20.9 per cent. Offences against order are these riots that are happening in Civic, Manuka and Kingston that he keeps yabbering on about. Drug offences are down 17.1 per cent.

Those are the sorts of measures and policies and processes we ought to be telling the community about, not whether they can count the Is and divide by 2, not having an argument about whether the ABS is right, the Productivity Commission is right or the policing accounting system is right. That is just garbage. But I would expect nothing less. Do you want to ask another one?

**MR PRATT:** Thank you, chair.

**THE CHAIR:** Can I just state, Mr Pratt, that I note your comment before about your having to wait for a lengthy period in order to ask a question. My point, as I said before, is that you are not a member of this committee and committee members get precedence in asking questions. The committee members have not asked all of their questions. If time allows, I will, as chair, make it possible for visiting members to ask questions. But I would also note that I, as chair, have been more than fair to visiting members to this committee in allowing them, sometimes, to ask question ahead of members of this committee. So I suggest that you do not complain about having to wait, Mr Pratt.

**MR PRATT:** Chair, I was simply making a point that a lot of time had elapsed.

**THE CHAIR:** A long time has elapsed, and there are still questions on my list, Dr Foskey's list, Mr Seselja's and, I am quite sure, Mr Mulcahy's. I know Ms Porter still has questions.

**MR PRATT:** Chair, if I can ask another question, please?.

**THE CHAIR:** Yes.

**MR PRATT:** Thank you. Putting aside this macro question on police strengths, can you please advise, therefore, because surely a true measure of our police capability is what strength our police stations are at, what your performance standard is for the number of police station teams we would have deployed on a given day to cover all our police stations across the ACT? What is the requirement to meet the ACT's needs in terms of numbers of police station teams?

**Mr Hargreaves:** Madam Chair, I have already told the committee my attitude on static police and police stations. I do not propose to dignify that with a response.

**MR PRATT:** So, in effect, minister, you do not particularly care whether police stations are closing when they should not have to or that perhaps, as has been reported, a lot of police station teams have to filled by overtime shifts? This is not a concern of yours?

**Mr Hargreaves:** Mr Pratt—through you, Madam Chair—I am concerned that you are

putting about information that is false. You say that people are reporting incidents of crime to the police and they are not responding when you know that that is wrong. I am concerned that the information that you put out into the public arena through the electronic media makes people feel unsafe in their homes. Mr Pratt, I am concerned, in fact, that the community perception of confidence in the police is compromised by your utterances in the media.

Our police officers are the best police officers in the country and have the best set of stats, as I read out today. Mr Pratt, if you wish, in fact, to have a police station where we can delay the response to people who need the police activity, then I suggest that you remain in your shadow position and we will see you at the ballot box.

**MR PRATT:** Chair, I absolutely agree that we have the best police force in the country and they are to be congratulated for the numbers of crime decreases.

**THE CHAIR:** Mr Pratt, get to the question.

**MR PRATT:** On the Narrabundah incident that you referred to earlier—

**Mr Hargreaves:** I did not say Narrabundah.

**MR PRATT:** For the record, let me say that there are a number of witnesses who will back up the claim—

**THE CHAIR:** Mr Pratt, is there a question?

**MR PRATT:** Yes, there is.

**THE CHAIR:** Get to the question, please.

**MR PRATT:** Minister, how far below the national average are we now for the number of sworn police per 100,000 ACT citizens? How far are you below that national average? When do you think you are going to achieve that national average benchmark?

**Mr Hargreaves:** Madam Chair, did we not just spend a great deal of the time Mr Pratt complains about explaining that I am about effectiveness measures and not head counts?

**THE CHAIR:** We did.

**MR PRATT:** You will not answer that? So you will not answer the question, minister?

**Mr Hargreaves:** Mr Pratt, I have answered your question.

**THE CHAIR:** I will deal with this, minister. Mr Pratt, I believe that the minister has given extensive answers on the issue of police numbers. He has previously—

**MR PRATT:** But not the question of national average and the ACT police strength against the national average, which he promised in 2001 he was going to achieve. We are still nowhere near it. When will he?



**Mr Hargreaves:** Madam Chair I have to challenge Mr Pratt's assertions. In fact, I ask him to withdraw. If he examines *Hansard* from 2001, he will not find a reference to my saying that I would achieve the national average. I said, in fact—and I am absolutely confident of this—that we would work towards the national average. I would assume that an increase of 30 police officers over four years is an attack on that figure. I would also suggest that Mr Pratt go back and have a look at the minimum number of police officers in the period that the Carnell Liberal government was in power versus the first Stanhope government—

**MR SESELJA:** Mr Pratt asked a specific question, chair.

**MR PRATT:** Chair, can I get an answer to the question?

**Mr Hargreaves:** and the second. He will see—

**MR PRATT:** What are you hiding, minister?

**THE CHAIR:** Order, Mr Pratt!

**MR PRATT:** Why are you avoiding the question, minister? What are you hiding?

**THE CHAIR:** Mr Pratt, come to order. I have said many times that it does not help to have debate backwards and forwards. I do not know how many times I have to say this before it actually gets through to you and your colleagues that it does not help.

**Mr Hargreaves:** Madam Chair, what I was trying to achieve—

**THE CHAIR:** No, do not—

**MR MULCAHY:** Madam Chair, you refer to orders. I am saying he is the only minister before this committee who has consistently and repeatedly refused to answer questions.

**Mr Hargreaves:** That is garbage and you know it.

**MR MULCAHY:** It has not been a pattern of other ministers.

**Mr Hargreaves:** Madam Chair, can I just say that I am answering Mr Pratt's question here when I say to him and to the committee—no, I will say it the other way; to the committee and then to him—that an examination of the policing numbers through the budgets over the last four years, particularly the last three of the Stanhope government, will see an increase. We have increased it in this budget by 30 police officers over four years.

When I said in 2001 we would increase the numbers as part of the 2001 election—which, incidentally, we won—we did just that. The Liberal government promised 10; we promised 30. We have delivered 30 in that particular time. We are delivering another 20 now. That is an extra 50. That is a growth. By anybody's measure, that is a growth.

Mr Pratt wishes to construct all manner of accusations that we are not doing the national average, and we have had a conversation about the differences in the methodologies of

these four types of counting. That is why we do not do it. I am more interested in going to the public. I will go to the election with the numbers in double-digit reduction. That is what the people really want to know about. They do not want to know about numbers. Mr Pratt wants to know about numbers because that is the only thing he thinks he can get a win on.

**MR PRATT:** Minister, in terms of the 30 police, or the 33—that figure I see is disputed—you have brought into the service in the last few years, what has been the resignation or absolute loss rate of police numbers for that same period of time?

**Mr Hargreaves:** The numbers provided in this budget and the previous budget in terms of the additional police officers, as promised from the election campaign 2001 and onwards, have been additional to the attrition rate loss.

**MR PRATT:** So you say that is a 30 net increase? Okay. With the 20 police that you had budgeted for in 2004-05 and the 20 that you have now promised again, that is, 40 over the next five years, will that meet the attrition rate that you plan for?

**Mr Hargreaves:** I need a tape recorder to replay what I just said, Madam Chair. I will say it again. The figures from the 2001 election campaign through to the figures contained in this budget are additional figures to the attrition rate. How many times do I have to say that? Would you like it in pictures?

**THE CHAIR:** I think that answers the question.

**MR PRATT:** And is that the case for the future, is it?

**Mr Hargreaves:** Do you want it in pictures or something?

**MR PRATT:** Will you please answer the question?

**Mr Hargreaves:** I will get some plasticine and make you a police officer out of it. You are a dill.

**THE CHAIR:** Minister, you are not helping.

**Mr Hargreaves:** I know. He is a dill, though.

**MR PRATT:** Could he possibly withdraw that comment, please, chair.

**Mr Hargreaves:** I withdraw the fact that he is a dill, Madam Chair.

**THE CHAIR:** Order! I think you are both being ridiculous now.

**MR MULCAHY:** I have one supplementary question, chair.

**THE CHAIR:** All right. Then I would like to go to afternoon tea because I think everybody needs some caffeine or tea or something in order to calm down, maybe a Bex.

**MR MULCAHY:** Minister, I am not sure if you can produce this data today, but it is an

important part of our process. Can you indicate the total dollar spend on overtime for the police service and the total number of officers that would have had to work overtime in the past 12 months?

**Mr Hargreaves:** I am not going to provide you with the second one, Mr Mulcahy. I will provide you willingly the dollar value. No, I withdraw that. I will have a look at the number of officers. Remember that we do not talk numbers of people. We talk full-time equivalents. So individual people getting the dollars is not a figure.

**MR MULCAHY:** Well, it is in terms of people working overtime.

**Mr Hargreaves:** It is not. It is not an efficiency measure at all. It is not an effectiveness measure at all.

**MR MULCAHY:** Well, can I make that decision? I would just like the data.

**Mr Hargreaves:** I will give you the dollar value. That is estimates related.

**MR MULCAHY:** No, no. I have asked two questions, chair.

**MR SESELJA:** Are you refusing to provide it or not?

**THE CHAIR:** Order, Mr Seselja!

**Mr Hargreaves:** I said I would have a look and see if the information is available.

**THE CHAIR:** Order, minister! Minister, let me deal with this, please. Mr Seselja, the minister did not refuse to provide the information at all. I think we all desperately need to have a break and a good calm down. Can I ask that, when we come back at five past four, everybody is a little bit calmer?

**Meeting adjourned from 3.50 to 4.08 pm.**

**MR MULCAHY:** Chair, I just want to table a document. Pursuant to my earlier questioning, this is a security log involving 62 incidents over seven nights, which I'm happy to make available to the minister and to Chief Police Officer Davies. I would like it included in the records.

**THE CHAIR:** All right.

**Mr Hargreaves:** Madam Chair, could I please ask the source of that log please?

**THE CHAIR:** Yes.

**MR MULCAHY:** I am happy to do that but I would prefer not to do it publicly.

**Mr Hargreaves:** Well, it has to go in *Hansard*.

**MR MULCAHY:** We made a decision earlier today that I probably cannot share but, in relation to the identification of people, the chair is quite strong that we do not. I am

happy to brief you privately but I will not name the people individually on the record.

**THE CHAIR:** I will seek advice on the document before we decide whether it should be tabled.

**MR MULCAHY:** I think the issue is whether we name the source, that is what—

**THE CHAIR:** Yes, and I will seek advice on that too.

**Mr Hargreaves:** Madam Chair, I can be of some assistance from my experience with this stuff in a previous life. If the source is on the document that would be fine because it is the prerogative of the committee as to whether to authorise that part of evidence for publication. If it is on the document, we do not need it read into *Hansard*. Right?

**MR MULCAHY:** Yes, it is not comprehensive enough to tell you the full detail. I am happy to provide it to the minister and to the committee but I do not think, in the interests of individual safety, we ought to be putting names on the record of people involved in security.

**Mr Hargreaves:** I need to know whether we are talking about a company, an individual or whatever.

**MR MULCAHY:** A company retained for private security.

**THE CHAIR:** The committee will hold a private meeting to deal with the matter.

**MR MULCAHY:** All right.

**Mr Hargreaves:** And you have tabled it and we will receive a copy of it. Do you need a specific request?

**THE CHAIR:** We will deal with it and we will let you know if it actually gets tabled.

**MR MULCAHY:** I am not sure what the status of the document is but I am happy if I am legally able to provide the minister and the chief with the document but I don't know whether I can once I present it to the committee.

**Mr Hargreaves:** I do not think you can.

**THE CHAIR:** Can I suggest that if you want to do that it might be best to deal with it outside these committee proceedings.

**MR MULCAHY:** Yes, I am happy to do that but I also want it for the committee's benefit.

**Mr Hargreaves:** Once you have given it to the committee, you cannot give it to me without the permission of the chair.

**THE CHAIR:** We will deal with it in a private meeting.

**MR MULCAHY:** Do you mean the authorship issue? I am tabling this document for inclusion, and we normally accept that. The issue really revolves around the disclosure of the person's name. I am not concerned about giving it to the committee or the minister. It is just that, pursuant to an earlier view, I am suggesting we do not put it in *Hansard*.

**Mr Hargreaves:** We cannot even get it until the committee has decided because now it is the property of the parliament and not the property of the executive, if that makes sense. It's a separation of powers issue.

**THE CHAIR:** My advice is that we should not accept it until we have had a private meeting of the committee and, until that time, it has not been accepted as such.

**MR MULCAHY:** Could you explain why we do not accept it, because we have at other times tabled documents?

**THE CHAIR:** No, not always in the Assembly and certainly not always in committees.

**MR MULCAHY:** There is no issue with the document being tabled. It is just additional information that is being sought.

**THE CHAIR:** Can you let us deal with it in private? I am not seeking to cause problems; I just want it dealt with properly.

**MR MULCAHY:** I do not have a problem with it being dealt with properly.

**THE CHAIR:** Okay. I would actually like to move on because the minutes are ticking by and we really do need to get moving on things.

**MR MULCAHY:** Well, I am not entirely satisfied with that, chair. I did ask for the document to be tabled and there is no reason to advance why it should not be, just that you do not feel like doing it. Are you objecting to me tabling the document?

**THE CHAIR:** We can deal with it now privately, in which case I need to clear the room, or we can deal with it after the hearing.

**MR MULCAHY:** Could you explain why we have to deal with it privately? I do not understand that.

**THE CHAIR:** The advice from the committee secretary is that if you are disputing the ruling of the chair it should be discussed in a private session.

**MR MULCAHY:** All right, I am happy to wait until we have our next private meeting because I do not want to delay these proceedings.

**THE CHAIR:** Okay, thank you.

**MR MULCAHY:** Pleasure.

**DR FOSKEY:** I have questions on three substantive areas. I will start with reducing property crime. I know it was talked about this morning with the Attorney-General but it

seems more appropriate to talk about it here.

**Mr Hargreaves:** I am not the Attorney-General.

**DR FOSKEY:** No, I know, but I believe it is appropriate to talk about it here.

**Mr Hargreaves:** If it is in my portfolio.

**DR FOSKEY:** He referred it to you.

**MR MULCAHY:** He told us to ask you.

**Mr Hargreaves:** He told you to ask me?

**MR MULCAHY:** Yes, he did.

**DR FOSKEY:** I am talking about it here because you are not the Attorney-General. The Attorney-General put out a media release on 4 May last year stating that the ACT government would provide \$5.3 million over four years to fund the reducing property crime program. I note that \$550,000 has been provided in this budget and also that the forward budget figures come to a total of \$2.5 million. How will that \$5.3 million be achieved? Also, the initiative is apparently to target 60 offenders and I am interested to know how you arrived at that number.

**Mr Hargreaves:** I am advised, Dr Foskey, and possibly Mr Stanhope was not aware, that it definitely is not an Attorney-General's matter but it is a matter for the minister for corrective services who is also the Chief Minister. This talks about corrective services programs.

**DR FOSKEY:** So we have to throw the ball back to him?

**Mr Hargreaves:** Yes, sorry about that. I only wish I were that minister and I would be happy to answer it.

**DR FOSKEY:** The Auditor-General's report of 24 May into the administration of policing services raised some concerns. It stated that the management of the policing arrangement covering the provision of policing services for the territory, and I am quoting, is "not effective" and that the government is unable to exercise "effective strategic oversight and financial control policing." It also stated that "outcomes and measures are relevant, but not complete" and "reporting is complete and reliable, but not timely." What has happened over the last financial year to address these situations and has any funding been allocated?

**Mr Hargreaves:** Happy to address that. Without agreeing or disagreeing with the Auditor-General's findings, the issues that the Auditor-General was pointing to are substantive issues subject to the negotiations of the policing arrangements—that is, the agreement struck between the ACT territorial government and the commonwealth through the Australian Federal Police. Those negotiations are currently being undertaken. They involve not so much talking about funding, because the amounts of moneys are reasonably concrete apart from EBA guarantees, but also the effectiveness

indicators, some of which the Auditor-General has referred to. It talks about exchange of financial information. If I said to the police, "How much does it cost to undertake Operation Global", and they were not able to tell me, that concern would be correct. But if they could tell me, it would not be a concern.

The arrangements, agreements and negotiations we have through the Department of Justice and Community Safety address those issues. I cannot go into much more detail than that because, as you know, we do not discuss the intricacies of contract negotiation midstream, and that is what it is. At the end of the day, it is a service contract between the ACT and the commonwealth to provide policing services. I cannot go into much detail other than to say that the types of issues raised by the Auditor-General are the subject of discussions. Once the arrangement and the agreements and all that are signed, I think we table it in the chamber. You will see then the underpinning documents talking about performance indicators.

**MR MULCAHY:** I am not familiar with the negotiating process for this agreement, and I am not asking about where things are at, but do the principals provide you with advice as to what resources are needed, and the AFP as part of that, or do you set those expectations based on departmental advice and then set the dollar figures and everything else that is required?

**Mr Hargreaves:** The dollar figure is an incremental advance. There are base figures and the base grows according to the initiatives that we pick up or the initiatives that we close down. I receive advice from the AFP on what is possible within the funds currently available. I receive advice from the Department of Justice and Community Safety on the type of wording involved in the agreement. That advice is in many forms and it is subject to contract negotiations so it's commercial-in-confidence. Having said that, those conversations go on all the time as part of the budget development. For example, you'll notice \$100,000 in there for the child sex offenders register. We had conversations with the AFP on how that amount would be deployed. We had discussions with JACS on how that would be approached, as the money is embedded within the overall budget of the Department of Justice and Community Safety. When we go to budget cabinet, I have carriage of those particular parts, although the JACS are essentially the budget post office for that.

**MR MULCAHY:** Do you have an independent way of measuring? Let us make it theoretical and say you were hiring the South Australian police force to do the job here on Canberra.

**Mr Hargreaves:** Yes.

**MR MULCAHY:** I know we're not allowed to raise our own police force, but have you got a measured benchmark where you know whether we're getting good value for money in terms of what you're being charged by the commonwealth for these provisional services?

**Mr Hargreaves:** Yes, but I preface it by saying that this is my first encounter with this. This five-year agreement was I think struck by Mr Humphries when he was police minister. It was at my urging that it happened because before that it was a really dreadful contract. He readily accepted that view and we had a bipartisan approach to getting

a better contract and a clearer indication of our relationships. It's an evolutionary thing. The first one was our first pass that we needed to sign off on, and it was a five-year agreement. This is the second one. I imagine the third one would be even more refined. I've been the minister for seven months. Mr Wood had involvement at the beginning and those negotiations continued. That agreement finished in March but there are transitional arrangements in place so that the existing agreement continues until such time as the new one kicks in, which is not unusual.

**DR FOSKEY:** I'm a little confused about the child protection register on page 181 of budget paper 3. In last year's budget there was an agency-funded initiative to establish a child protection register. That saw \$213,000 allocated in the current financial year plus approximately \$45,000 per annum for the following three years. This year's budget has \$100,000 for each year from 2005 to 2009 to establish and maintain the child protection register. Is this register the same as the register for child sex offenders or is it something different?

**Mr Hargreaves:** When we went down to Tasmania for the Australian police ministers conference there was a move by Victoria to only have a sex offenders register. We sided with those jurisdictions that decided we needed to have a child sex offenders register as an independent quite separate issue. The need to keep track of child sex offenders is much more acute than keeping track of the others. We know that the propensity for people to continue to offend, even when they get out, against children is highly likely. The programs to address recidivism aren't very efficacious at the moment. With adults they are efficacious, so that people are unlikely to re-offend so it is more important that we have a separate register. This is a national approach and that will prevail. What you're seeing here is the developmental phase of that register.

**DR FOSKEY:** So it's a register of the offenders rather than of children who are at risk?

**Mr Hargreaves:** Correct, it's the offender.

**DR FOSKEY:** And there is no separate one for children at risk?

**Mr Hargreaves:** The one we are talking about here is the register for the paedophile.

**DR FOSKEY:** Okay. And the one that was set up last year?

**Mr Hargreaves:** Same thing.

**DR FOSKEY:** Okay, that clears up my confusion.

**MR SESELJA:** Minister, are you able to inform the committee whether there is a policy whereby when an offender is apprehended they have to call their employer and let them know they have been arrested?

**Mr Hargreaves:** When significant public figures are likely to receive media attention because of a police incident, it is common practice for this to occur. I presume you are referring to the incident where the Chief Minister was contacted by the Chief Police Officer. I can categorically assure you that that approach was the most appropriate thing to do. The Chief Minister was assured that the process would continue, that there would



be no involvement by him. He indicated, I assume, because of the information I have, that that was great and that was the end of it.

Had it been the Leader of the Opposition, there would have been a phone call to the Leader of the Opposition to indicate exactly the same thing. I would not expect that to be so for me or for you but for our leaders, absolutely, because they are significant public figures. They are advised that one of their staff or a family member has been apprehended and that is the end of conversation. In that way they are not sprung with a doorstop the next day without having some personal preparation. This happened with prime ministers Fraser and Hawke.

**MR SESELJA:** So it is a standard practice for significant public figures? That was what I was getting at.

**Mr Hargreaves:** It is not a policy. It is not a process but it is a convention. It is a courtesy, that is all it is, and I applaud the application of that courtesy.

**MR SESELJA:** When you say “significant public figures”, how is that defined? Would it be the Leader of the Opposition or the leader of the government but not an MLA or a minister?

**Mr Hargreaves:** It’s up to the Chief Police Officer’s discretion. I would not personally expect it, and my position I suspect would attract more public attention than your own. You will recall that there have been other significant members of parliament whose families have been in a bit of difficulty in recent times, and the courtesy was extended to those people just to let them know that this action had occurred. It is not to receive instruction, nor to do anything. It is merely as a courtesy to say that something had occurred. And I would expect that courtesy, quite frankly.

**MR SESELJA:** Are there any privacy issues around that or is that taken care of?

**Mr Hargreaves:** No.

**THE CHAIR:** Okay, we will now move to emergency services. Thank you to the Chief Police Officer and officials.

**Mr Hargreaves:** Madam Chair, just for the benefit of Mr Seselja, when Mr Duby, the urban services minister at the time, was arrested for drink-driving I know his wife was notified, as was the Chief Minister of the day.

**MR SESELJA:** While we are on that, it reminds me of something: you and I had an exchange yesterday that was quite jovial but someone drew my attention to the fact that it would not look all that good in *Hansard*.

**Mr Hargreaves:** Let us correct the record, shall we?

**MR SESELJA:** Yes. When we were discussing the drink-driving lists in the paper, I mentioned that my wife used to read them and you mentioned that she might want to see if she was on them. I have no doubt that you did not mean that seriously.

**Mr Hargreaves:** Let me correct the record: that was a frivolity and the comment bore a similarity to why I constantly look at the obituary column—to make sure I am not in it! It was in that same vein.

**MR SESELJA:** I understand, but Hansard often does not.

**Mr Hargreaves:** So now *Hansard* is duly corrected.

**THE CHAIR:** All right, now that that is cleared up, we will move to emergency services. Minister, would you like to make an opening statement?

**Mr Hargreaves:** You bet your sweet life, Madam Chair. Show time guys. I do thank you Madam Chair and committee members. Firstly, could I congratulate the ESA on the development of a first-class budget, particularly as they have had less than a year of operation as a stand-alone department. We cannot overstate this at all. The Emergency Services Authority, with all of the focus on it protecting our urban and rural areas, is in the throes of establishing itself as a fully-fledged department within our bureaucratic structure. That has its challenges, and we need to recognise it. The executives in that authority have tackled the challenges particularly well.

In a tough budget year, the Stanhope government has continued its commitment to delivery of top-class emergency services to the people of Canberra. This budget sees the Emergency Services Authority continuing to grow. Since the 2003-04 budget, the Stanhope government has invested historic levels of funding into the emergency services with over \$130 million in funding for new initiatives in the emergency services portfolio. Some of the new initiatives for the fire brigade include 35 new firefighters, 750 trained community fire unit volunteers, 28 community fire units—no doubt we will talk about that a little later—two new pumpers, four new compressed air foam tankers to fight fires on the urban fringe and two new four-wheel drive command units. For the Rural Fire Service there have been 71 new volunteers, a new tanker, 21 slip-on water units for the brigades and three new compressed air foam tankers to come on line in August. I was out at the Tharwa depot when the slip-ons were commissioned and you should have seen the faces on those rural lessees when they carted those things off to their properties. They were just absolutely over the moon. I was really grateful that Commissioner Dunn and his management team have actually got that relationship going between the rural lessees, the rural fire fighters and his organisation. It is brilliant.

Further, the state emergency service will get 50 new volunteers and seven new command vehicles and the ambulance service will have 16 new ambulance officers, a new operational support vehicle for mass casualties and a new patient transport vehicle. Does not sound like we have done much; does it? Additionally, this year, the Emergency Services Authority, in its capacity to respond to incidents in the territory, has been boosted with the allocation of \$17 million over the next four years, with \$4.5 million allocated for the coming financial year. Initiatives in this year's budget include an additional \$14.4 million over four years for the operation and maintenance of all ESA communication systems, a \$7.3 million four-year vehicle replacement program, including seven new intensive care ambulances and several new firefighting appliances. I would like the committee to note that we received congratulations from the United Fire Fighters Union about the provision of those vehicles: fact: Mr Mulcahy, fact.

**MR MULCAHY:** Pretty good.

**Mr Hargreaves:** The budget also includes \$1.5 million for improved urban search and rescue capability, conditional on agreement with the commonwealth funding of \$1.5 million commencing in 2006-07. There is \$1.32 million for new state-of-the-art cardiac monitor defibrillators and patient-care stretchers for the ACT Ambulance Service, \$390,000 for repairs and maintenance of ESA facilities including fire and ambulance stations and \$100,000 for the Snowy Hydro SouthCare rescue helicopter.

It's also worth noting that the ACT government has chosen Hume as the location to build a new Emergency Services Authority headquarters and outdoor training facility. Detailed planning will now commence. There are two significant issues with the headquarters, and no doubt we'll have conversations about it later on, and they go to whether the government is committed to having it. The answer is yes, positive, affirmative. The site will be at Hume, next door to the correctional facility and adjacent to the helicopter base. The \$954,000 in the budget has been rolled over from last year for further design work. I reckon telling people we've got a site for the headquarters and training facility and leaving \$1 million in the budget in rollover funds is a commitment to having the headquarters. In anybody's money, \$1 million is a decent sign of commitment.

The Stanhope government has now acted on or fulfilled all 61 recommendations of the McLeod inquiry. The primary focus of ESA over the next year will be to continue to provide the best possible service to the people of Canberra by protecting life, property and the environment. I welcome this opportunity to further expand on this and am happy to take the committee's questions.

**THE CHAIR:** Thank you. Minister, it's been the topic of discussion in this week's media and generally, and you referred to it in your opening statement, about the training of volunteers for the community fire units as well as the establishment of the community fire unit program. I'm aware of a bit of information about this, having been around in the last Assembly when the community fire units were established, and having been with you to one of the training days of the CFUs.

**Mr Hargreaves:** That's right. It was at Kambah, Madam Chair.

**THE CHAIR:** It was indeed.

**Mr Hargreaves:** And it was Chapman Unit No 1.

**THE CHAIR:** That is correct, minister.

**Mr Hargreaves:** Second time we've seen them in public.

**THE CHAIR:** While I have a bit of information about that, I think it might be beneficial for you to explain the establishment of the program and what the community fire units do.

**Mr Hargreaves:** Yes. Thanks very much, Madam Chair. Commissioner Dunn can give you some of the finer details of the program including how it's decided where the units go, for example how people are notified, how they're trained and where they fit into the

jigsaw of our emergency services response. The community fire units program was instituted by the Stanhope government following the fires of 2003. It's modelled on a similar program in New South Wales where members of a street or community train in firefighting techniques and are equipped with protective gear and firefighting equipment. Examples of this include protective overalls, helmets, goggles and gloves, and equipment such as hoses, nozzles, backpack extinguishers and portable pumps. In the ACT, this is delivered and kept in yellow trailers. I'm sure you will have seen one parked outside premises in Ammon Place at Kambah. You can see it as you go down Sulwood Drive. Four members for Brindabella will see it as they go down Sulwood Drive. The fifth lives in Isaacs and wouldn't know where Sulwood Drive is anyway.

The government initiated and supported this program and believes that it's an excellent one. It seeks cooperation between members of the community and emergency services, in this case the fire brigade. It also brings neighbourhoods closer together. Again, I have connections with the community at that part of Kambah known as Mt Taylor Estate and I have seen the way in which that community has melded together as a response to the fires, and how the CFU they have there has contributed to that closeness in the community. It's brilliant.

Since its launch in July 2003 the government has provided about \$.75 million in capital and recurrent spending to establish 28 community fire units. These units are in Hall, Bruce, Campbell, Cook, Dunlop, Aranda, Curtin, Uriarra, Torrens, Hawker, Duffy, Farrer, Kambah, O'Connor, Fadden and Chapman. The Stanhope government in this budget has committed \$232,000 in recurrent funding to maintain these 28 units. This includes making sure training equipment is up to date. The indications in the media that we have stopped funding, gutted the program and all that sort of thing, are factually incorrect. We have \$232,000 recurrent funding in the budget to support those 28 units. Any suggestion to the contrary is nothing short of malicious. The further expansion of this program will be considered in the 2006-07 budget. I now hand over to Commissioner Dunn to expand on the technicalities of the CFUs and how they fit into our bushfire response.

**Mr Dunn:** The community fire units are established on the basis of risk assessment. That risk assessment is conducted all around the built-up area of the ACT. It is based on traditional fire runs, or historical fire runs; data built up over many years reflecting weather conditions, particularly on the extreme end of the scale of fire weather conditions; and also on the ignition history of areas around the ACT. We have detailed records over the years of the points of ignition of fires and the areas into which those fires tend to run. That is of course dictated by population frequency in those areas, as the majority of fires are lit accidentally by humans. Some are of course lit deliberately but, generally speaking, it is accidental ignition or caused by a lightning strike.

That data, when blended together, allows us to do a risk analysis of each of the urban edge areas. If you measure the detail, there are some 1,200 kilometres of urban edge in the ACT. Among the capitals or large cities around Australia, that puts us among the cities with a higher level of urban edge to protect. We are intensely interested in the risk assessment because otherwise, if we simply went carte blanche, we would put units and fire brigade elements everywhere, and we would have an unaffordable and unnecessary force to fund.

When we look at the fire history, fire patterns, we are then able to look at the types of terrain over which they run. That allows us to prioritise the areas of the urban edge that we would consider to be most at risk. That is where we have started to place the units. We're up to number 28, having started with number one, which is in the highest area of risk—the Chapman area. Tragically, coming out of January 2003, we have vivid proof of the risk that areas, particularly on the western edge, face.

Once we've done the risk analysis and decided to place a unit into a particular area, the fire brigade conducts a letterbox drop to all the residents in that area who are likely to be involved in fighting a fire, should one occur at the interface near their properties. That letterbox drop contains some brochures that include information about what community fire units are, and invites people to attend a street meeting where further information can be given.

At the street meeting you typically get a very large response. Operational fire brigade officers themselves arrive there and give members of the community who have gathered there a briefing on the whole concept of community fire units. They then outline the training they are required to undertake, should those members of the community wish to join a community fire unit. Having done that, they then advertise the dates on which the training will commence.

There are always some people at the gathering who are there just for general interest and others who, although keen to join, realise that there is a considerable commitment to be entered into if they do join a community fire unit, because other neighbours will be relying on those individuals. Some people will elect, either because of physical health, physical wellbeing, or indeed their employment conditions, to say at that stage, "No; I don't think I can commit to this."

Those who are prepared to commit then undergo a three-session training course. The first two sessions are conducted in the evenings, for about three hours. They cover subjects such as fire behaviour and fire weather. In particular when looking at fire behaviour, there is a concentration on fuels, fuel hazards, fuel loadings and aspects of structural behaviour in a fire situation.

The third part of the training is a full day of practical activity. People are trained by operational crews at one of the fire stations to fit standpipes to fire hydrants; to roll out hoses; to use the hoses when they are under pressure, with different sorts of nozzles; to use pumps; and to use all the equipment that is on the truck. Of course, as the minister indicated, they are taught how to wear their personal protective equipment and personal protective clothing. Once people have completed those three sessions, they are qualified community fire unit members. Out of each of the groups, 14 are selected to be, if you like, the frontline members.

Usually there are a lot more than 14 people who attend the training. The practical training comes at the end, quite deliberately. After that practical training there are some other members, or potential members, who will elect—perhaps because they are not strong, have an age issue or some other issue—not to be uniformed members of the community fire unit. We do it that way to encourage as many as possible to go through the theoretical training, to understand fire behaviour and weather conditions and the impact thereof. They become valuable members of the community because they

understand the way in which we will respond to a fire threat. Once that is completed and 14 are selected there are forms issued, they go about getting their uniforms issued, and the routine training commences. Typically, a unit will be required to do about three training sessions a year. Many of them do a lot more than that.

Again, operational firefighters will attend those sessions. Prior to the sessions, in consultation with the leader and deputy leaders of the unit, a series of different exercises will be planned and people will go and use all the equipment. They will also, for example, put pumps into swimming pools where the owners have given consent, use that water and shift from one residence to another. They go through all the things you would expect them to do, in conjunction with the fire brigade. I might add that there is a close relationship between these units, which are part of the fire brigade, and the rural fire service. The final comment I would make is that, in preparing these units for a fire, communications are established with them. They have their own telephone trees, email and door-knocking arrangements. These are tested regularly within the communication structure they operate in.

**THE CHAIR:** Thank you, commissioner. On the issue of CFUs, earlier this week the comment was made that we need to increase the numbers because if we faced another fire event like January 2003 we would need them. My thought at the time was that we did not have any of the 28 units in January 2003. Obviously this is purely speculation but, had we had those 28 units in January 2003, how do you think that would have assisted in fighting the 2003 bushfires?

**Mr Hargreaves:** Before the commissioner answers that, I think I need to put something on the record about things that have been in the media about CFUs. As I said before, this program has not been gutted; it has not been withdrawn; it has not been killed off. Mr Pratt, in his media statement on 23 May, said, "This is not just a vacant promise, it is the killing off of an essential emergency initiative." It is not the killing off of one. As I mentioned before, they have \$232,000 to sustain the 28 that are there. I note that the scare campaign out there is saying that there are not enough urban firefighters to deal with this. We need to understand that nowhere in the media statements has the shadow emergency services minister acknowledged that we have a rural fire service at all.

We have quite a number of hundreds of volunteers—fully equipped and fully trained professional volunteers—to respond to a bushfire threat to the city edge. Further—and we have spoken about this in the chamber so there is no excuse for being ignorant of the fact—we have a memorandum of understanding with New South Wales, which did not exist prior to 2003, about operational cooperation. That will ensure that the sorts of fires that came screaming at our borders don't occur anywhere to near that extent again.

To partially answer your question, it needs to be in context. We are considerably better off with the 28 CFUs there; we have the compressed air foam which is sitting up on the city edge; we have hundreds of RFS and SES volunteers, if we want to kick them into play; we have additional firefighters; and we have additional machinery. So the dire picture painted by the shadow minister is factually wrong. Knock yourself out, commissioner.

**Mr Dunn:** There is no doubt about it. We would not be undertaking this program to create these units if they would not give us a significant advantage in a catastrophic

bushfire event. The reality is that the bushfire fronts of many cities are wide. We are no different from, for example, some parts of western Sydney. You would never have enough vehicles in the fire brigade or the rural fire service to attend to all of those incidents in the early stages of a fire. This gives us the capacity to protect the households of those community members.

They are not aggressive firefighters; they are a defensive force, but they can protect their property, themselves and their neighbours until such time as the professionals, either from the fire brigade or volunteers from the rural fire service, are able to attend the fire. That time is invaluable. By being properly trained they are able to stay in conditions that might otherwise require evacuation. If you can achieve that, then you have a huge advantage towards the chances of reducing the cost of fire damage and therefore shortening the recovery time of the community. That is where we intend to keep going.

**MS PORTER:** In your introductory remarks you mentioned additional volunteers in other areas. Where are those additional volunteers being located? Are they in the rural areas?

**Mr Dunn:** We have additional volunteers in the rural fire service. In this last year and into the next year we will be adding a total of about 200 rural fire service volunteers to that service. There are 71 additional fully qualified rural firefighters in the service now. That is growing at exactly the rate we would like it to. Similarly, we are increasing the number of volunteers in the state emergency service. That is growing by 150, again over a two-year period. I say a two-year period because, clearly, we want to make sure people are properly trained and properly positioned into units, rather than a large group recruited and scattered around. You would be only too well aware of the disincentives that would come with that. That two-year program is going exceptionally well.

Within the community fire units, I mentioned that we start with a very large number in the community street meetings and that the numbers—I will not say dwindle—reduce as you go through the various stages of training. There are people who complete the training, as I said, who are also volunteers to assist the community fire unit. For example, I am aware of a number of people who, after completing their training, decided that they didn't want to get the uniform and become a front-line community firefighter. They have elected to either operate communication telephone trees or assist in the evacuation of elderly, disabled or very young people from the area, or indeed pets. We are seeing quite a little army of people growing. Because they understand the fire behaviour and understand the operation that is going on, they are able to contribute markedly to that. The volunteer force we now have, and count among us as front-line people in the Emergency Services Authority, has more than doubled in the last two years.

**MR PRATT:** Minister, having the level of RFS and SES personnel that you have just outlined, plus the nine fire brigade units that you quoted as being a significant force—which seems to justify your sudden lack of interest in continuing to grow the CFUs—why did McLeod strongly recommend the introduction of CFUs to augment the fire brigade bushfire operations at the vulnerable suburban bushfire interface? Why was that important? How can we suddenly postpone the program?

**Mr Hargreaves:** I don't have a lack of interest in the program. If I did, I would have supported the reduction of the thing by \$232,000 a year, which did not happen. It is

contained within that. I would have asked the commissioner to reduce the amount of training provided to those volunteers, but I have not done that. I am surprised that you speak about the McLeod inquiry; you should be reasonably embarrassed about that. I would like to quote from a speech by Mr Pratt from *Hansard* for week six of 22 June 2004 at page 2341. He seems to say that I am not achieving things, or not going along with the McLeod inquiry. I don't know if he was here when we said that we had fulfilled predominantly all 61 recommendations of McLeod. He said:

What about the McLeod inquiry? We now know from the very useful work done by the new emergency services authority—

That is a big tick to you blokes—

and the very useful work done by the men and women of the emergency services, including the volunteers of those services—

They are part of the Emergency Services Authority, by the way. This is a big bit—

that significant elements of the McLeod inquiry, including significant recommendations, have been quite rightly shunted to one side.

This is the salient point—

Mr McLeod's report...was a frightful waste of time and money.

That is a quote out of *Hansard*—I tell you again—of 22 June 2004, week six, page 2341, if you want to get your office to check it. The other thing is that, in his media release of Monday, 23 May—11 months later—he said, “Instead, the government has ignored the recommendations of the McLeod inquiry and ignored community safety as a key priority.”

On the one hand he is saying it is a total waste of time, and on the other hand he is saying, “Why haven't you picked it up?” On the third hand—because we all have three hands—he was not even in the room when I advised the committee that we had picked up 61 recommendations and all but achieved all of them. We only have a few things to do on the ESA headquarters—and I say a few things to do—and we have done the lot. If I were you, Mr Pratt, I would leave now, grossly embarrassed. If I were you—and I'm glad I'm not—I'd bolt.

**MR PRATT:** Chair, I would make the point that that is a selective quote.

**THE CHAIR:** Questions, not points, Mr Pratt.

**MR PRATT:** Indeed, *Hansard* will record that I also said that McLeod was very useful—

**THE CHAIR:** Order, Mr Pratt! I just said questions, not points.

**MR PRATT:** You don't allow members here to refute issues that are not correctly raised by the minister, or are raised out of context? That is not allowed, chair?



**MR SESELJA:** If the member has been misrepresented, he is able to clarify it, surely.

**MR PRATT:** I thought that, if you were misrepresented, you were allowed to clarify the position for the record.

**THE CHAIR:** I suggest we move on. If you have a question to ask of the minister in relation to the CFUs, could you please ask it?

**MR PRATT:** Okay, chair. Perhaps we can take that other issue up privately later. Minister, what has changed in the bushfire risk analysis to justify your postponement of the program to introduce to service the other 58 CFUs?

**Mr Hargreaves:** What part of “economic responsibility” don’t you understand?

**MR PRATT:** Can you answer the question? What has changed in the bushfire risk analysis?

**Mr Hargreaves:** The simple fact of the story is that we consider at any one time the total operational capability response of the emergency services to the people of the ACT. We look at it in the context—which you have not acknowledged publicly—that we have a rural fire service. We actually have one, and it is deployed on the urban edge; we have additional volunteers out there; we have additional equipment out there; we have extra PTEs out there now.

We have a total operational capability. You have to have a look at how much money was in fact achieved in this budget for the Emergency Services Authority and consider it, if you will, in the context of a \$130 million allocation to this new department. You have to consider it in the context of the 28 being fully supported, with a recurrent \$232,000. This is a responsible budget. You know that; you have seen my press release.

I will take another submission to cabinet to see if I can get the additional units we have promised. You will recall—talking about selectivity—that, when we said we would provide them, we said we would roll them out when funds were available; and we will do just that. What we won’t do, of course, is contradict ourselves terribly. We don’t regard McLeod—and you have criticised us for not picking up this element of McLeod and we did—as you do, as indicated by this quote on page 2341, as being a frightful waste of time and money. You said that it was valuable time lost. I don’t think so.

**THE CHAIR:** Minister, come to order please. You might like to finish up now.

**Mr Hargreaves:** I certainly would. You said that time was needed to urgently come to grips with fixing the emergency management system. That is exactly what these people have done, Mr Pratt. We have responded incredibly well to any bushfire threat, and we have used risk analysis. You know. You portray this thing as an imminent bushfire on our borders. You forget about the back-burning that we have done; you forget about the community education that we have undertaken; you forget about the significant training involved.

**MR PRATT:** You are right, minister; these people have done a marvellous job. I have one more question.

**THE CHAIR:** Is it on CFUs?

**MR PRATT:** Yes.

**THE CHAIR:** All right. That will be the last question on CFUs, and we will get back to the committee.

**MR PRATT:** Did you advise, or will you be advising, the association of members of the CFUs in advance—and will you now be explaining the rationale as to why—that you had decided to postpone the program?

**Mr Hargreaves:** Did I advise them in advance that I was going to postpone the program: no, I didn't.

**MR PRATT:** Thank you.

**Mr Hargreaves:** You know that as well as I do. That was a bit of a leading question. You asked whether I would now do so. I haven't been approached by any member of any CF unit to talk to them about it—not one.

**MR PRATT:** And you won't be going out to see them?

**Mr Hargreaves:** How many times do I have to say this? This is the third time. I have not been approached by any community fire unit to speak to them.

**MR PRATT:** Thanks, minister.

**Mr Hargreaves:** If you want to arrange an invitation, we can talk about it.

**DR FOSKEY:** I think Mr Pratt and his colleagues have covered the CFU issue.

**THE CHAIR:** To be fair, it was me.

**DR FOSKEY:** How about I ask questions about new communication information management capability?

**Mr Hargreaves:** That's a great idea.

**DR FOSKEY:** On page 369 of budget paper 4 under highlights, it is noted that the Emergency Services Authority will maintain the new communication and information management capability for operational services. It states in budget paper 3 on page 159 in the initiatives summary that between \$3 million and \$4 million is to be spent on communication information management capability per year over the next four years. I'd like you to expand on what the program involves, indicate any problems experienced to date, and explain why it will continue to cost \$3 million to \$4 million a year in four years time. Does that refer to maintenance costs, or will new programs be coming on board at that time?

**Mr Hargreaves:** Thank you for the question. I know it is of interest to the community

out there. Commissioner Dunn will give you some detail on it, but you've got such things as licence fees, maintenance fees—you're quite right—maintenance of infrastructure, training and a whole stack of things that go along with that. We will get the detail for you. The government is committed to first-class communication systems for the ESA. It has already commenced operations with the trunk radio network—that was late last year. We'll refer to that as TRN from now on.

An additional \$14.4 million will be spent over the next four years for the operation and maintenance of all ESA communication systems. This includes an additional \$3.9 million on the TRN radio project. The project will enhance the delivery of support for operations in the field by all four ESA services throughout the ACT and over the border. That's the significant bit—all four ESA services. Interoperability within the ESA and other agencies remains a key objective of the project. This requires considerable planning, appropriate training and the establishment of standard operating procedures. The innovative application of affordable technologies will greatly enhance flexibility of the ESA and services to meet new challenges.

Phases 1 and 2 will see the expansion of coverage into some of the more rural areas of the ACT and surrounds, and further enhancements to the system. They will be completed within two years. Some of the criticism levelled at the system has been that it hasn't had the coverage, or that it doesn't get the coverage in the first hit. The coverage will be completed after the conclusion of phases 2 and 3. The network uses state-of-the-art technology developed and maintained by Telstra and Motorola. The new network is a much more effective and efficient communications system with a remarkable growth potential for the emergency services. I'll hand over to Commissioner Dunn, who will give you an expansion on the radio project and a bit of technical information.

**DR FOSKEY:** Not too much technical information, please!

**Mr Hargreaves:** You can handle it; you're a PhD.

**DR FOSKEY:** Not in that.

**Mr Dunn:** Dr Foskey, the communication system that we are bringing in completely replaces the existing system, although we will hold what are known as legacy components of that system in place for a while. They are there to give us some redundancy and also to allow us to transition to the new system smoothly and with that back up in place if it should be needed temporarily.

We have a very fortunate situation here in the ACT now in that the communications system that existed in 2003 has been entirely replaced. We are replacing it with a single system that allows us to talk to all of our emergency services on the one system. In a sense this is the Holy Grail of emergency management. I am sure everyone in this room would be aware that communication failures have dogged many of the major emergency responses that the world has seen. It is a particular lesson learnt out of the 911 disaster and we have moved to place all of our services on the same system.

When we introduced the system it was expected that coverage would improve in the metropolitan area. In particular, not only would we increase coverage and reliability, but we would remove a number of black spots. These are areas where people are not able to

communicate out of when they use either their portable or their vehicle-mounted radios.

This project went from contract signature to actual operation in the vehicles in 15 weeks, which has to be some form of project management record. Certainly it has received accolades in terms of project management. The team that undertook this received accolades within the communications or the ICT community for doing it so fast. When the system went live, the projections of coverage were in fact exceeded and we have virtually eliminated all black spots within the metropolitan area. Not only that, we have also provided this coverage, in phase 1, over the bushfire abatement zone and to many areas further out into the bush. That is with our existing infrastructure. So the system is particularly effective.

We move to phase 2 and then phase 3 in the next financial year. That will see the establishment of infrastructure, towers and the like, upgraded in some sites and possibly one or two new sites, to give us coverage with this same system over the entire ACT and the surrounding New South Wales area. The system gives us interoperability with over 40 New South Wales emergency service or government, agencies. It gives us interoperability with the ACT police and with emergency services from Victoria, South Australia and Queensland.

We are able now to bring supporting elements into the ACT. Indeed, we are able to go to their support, as happened recently in New South Wales, when we supported the New South Wales Rural Fire Service and National Parks and Wildlife Service in a fire down in the Tinderies. We are able to communicate with all of those people. The radio project, however, is not just a single voice system, although it is digital and can take a huge volume of traffic. It also includes the ability to transmit weather data, to provide, through other systems, automatic vehicle location in remote areas, and this is a first for us—

**DR FOSKEY:** Is that GIS, using a GIS system?

**Mr Dunn:** It is a GIS. It is a GPS-based system. We use GIS, geographic information systems, all of the time and we are able to transmit data as well as voice over our system of systems. All of this, of course, includes our new computer aided dispatch system, which does make extensive use, as an aside, of geographic information systems, and all of these systems are linked together. The money that we have now been provided with in the budget allows us to operate all of these systems effectively for the forthcoming years: proper contracts, proper maintenance and property logistic support, should that be necessary.

**THE CHAIR:** There was a supplementary on that from Mr Mulcahy.

**MR MULCAHY:** Are the funds part of this communications budget for the FireLink program that you secured?

**Mr Dunn:** Yes, they are. Part of that figure is the recurrent funding necessary to run FireLink. It is FireLink that I referred to that provides us with the remote area automatic vehicle location plus also the capacity to transmit meteorological data to the fire ground directly.

**MR MULCAHY:** Yes. I am fairly familiar with the facility. That contract for \$3.2 million, was that last year, in the last fiscal year? Was that provided for?

**Mr Dunn:** Yes, it was.

**MR MULCAHY:** Mr Dunn, can you explain to the committee why a request from Mrs Dunne under the FOI to produce all the documents relevant to the project—

**Mr Hargreaves:** Could I ask you to repeat that question, please, Mr Mulcahy?

**MR MULCAHY:** Yes, minister. I am asking why the ESA has failed to comply with a request from Mrs Dunne under the FOI Act to provide all documents relevant to the FireLink project.

**Mr Hargreaves:** That is a question that I think is not relevant to this particular budget process.

**MR MULCAHY:** It is very relevant, minister. It is \$4 million here that we want to explain.

**Mr Hargreaves:** I have to say, Madam Chair, that that is a matter of communication between the commissioner or the delegate, the FOI delegate and Mrs Dunne.

**MR MULCAHY:** Chair, the matter of the budget is very much part of the committee.

**MR SESELJA:** It is not for the minister to determine what is relevant here.

**THE CHAIR:** No, but it is a matter for me to determine.

**MR SESELJA:** Yes. Will you make a ruling?

**THE CHAIR:** Can you explain to me, Mr Mulcahy, why you are asking this question and the relevance it bears to the scrutiny of the budget?

**MR MULCAHY:** Yes, happy to, chair. It goes to the cost and processes involved in securing this facility, which we have been asked examine as part of the budgetary process. So it is a budgetary item, which is now a cost incurred, and I obviously want to get some answers about the processes employed in committing the territory to these expenses.

**THE CHAIR:** Minister, I take Mr Mulcahy's point in terms of the financial implications. I would ask that you assist Mr Mulcahy in answering the questions as much as you possibly can.

**Mr Hargreaves:** As far as I can, Madam Chair. I believe that the FOI request was made by Mrs Dunne and not by Mr Mulcahy. If Mrs Dunne seeks an answer to that question, we will provide it.

**MR SESELJA:** The committee can seek answers to whatever it likes. It is not limited by what Mrs Dunne has done or what the minister thinks is appropriate.

**Mr Hargreaves:** Yes, true, and I can answer the questions any way I like.

**MR SESELJA:** We are seeking information here about a process and the minister should be directed to answer.

**MR MULCAHY:** Could the minister inform the committee when those documents are going to be made available, given the obligations under the FOI Act related to these questions?

**Mr Hargreaves:** It is my understanding, Mr Mulcahy, that the extent of the request under FOI was significant and requires an enormous amount of duplication of an enormous number of documents. I will respond to Mrs Dunne with that when she asks me the question.

**MR MULCAHY:** When she asks you the question?

**Mr Hargreaves:** When she asks me about why there is a delay, we will give her a detailed response.

**MR SESELJA:** Well, we are asking you now.

**Mr Hargreaves:** Well, you did not ask me about the FOI, Mr Seselja.

**MR MULCAHY:** I am asking about it.

**MR SESELJA:** Mr Mulcahy has—

**THE CHAIR:** Order!

**Mr Hargreaves:** I am sorry. I will answer the questions to Mrs Dunne. She put the FOI request in.

**THE CHAIR:** Order!

**MR MULCAHY:** Minister, I am sorry but I am asking you: when are you going to comply with the act? This is an examination of the agency.

**THE CHAIR:** Mr Mulcahy, you have—

**MR MULCAHY:** It is to provide information that is relevant to the costs.

**Mr Hargreaves:** Madam Chair, just to help you out a bit, the FOI request was about the entire communication system. It was not about a little portion of it. It was about the entire system. So it is a very extensive thing.

**THE CHAIR:** Can I just ask that the antics that are going on in the gallery stop. Minister, proceed. If you want to have a conversation with Mr Seselja, then I suggest you go outside and have the conversation with him properly. Minister, proceed.

**Mr Hargreaves:** Yes, Madam Chair. The FOI request was about the entirety of the communications system. The extensive response takes time.

**MR MULCAHY:** Do you have any idea, minister, when that will be forthcoming?

**Mr Hargreaves:** No, I do not, Mr Mulcahy.

**MR MULCAHY:** Minister, can you confirm that the cost was \$3.2 million for this particular service program?

**Mr Hargreaves:** Yes, I can, Mr Mulcahy.

**MR MULCAHY:** Minister, can you tell me: out of the \$3.9 million budgeted for in the communication and information management capability, how much of that relates to the FireLink project?

**Mr Hargreaves:** How much it relates to what?

**MR MULCAHY:** To the FireLink project, the ongoing provisions? Are there ongoing costs?

**Mr Hargreaves:** We do have the information, but not about us. We will take that on notice and get back to you. It does exist.

**MR MULCAHY:** Can you or Mr Dunn explain to us why the FireLink project was the subject of a single select tender process, on what basis it was considered that there were reasonable grounds to dispense with standard requirements of ACT government Procurement (Quotation and Tender Thresholds) Guideline 2003, No 1?

**Mr Hargreaves:** Yes, we can, and I object to the implication that there is some impropriety, Mr Mulcahy.

**MR MULCAHY:** I have not said anything about impropriety.

**Mr Hargreaves:** Mr Mulcahy, even I am not so thick as not to pick that implication. I will ask the commissioner to give you the reasons why that particular process was undertaken and the—

**MR MULCAHY:** Point of order, chair.

**Mr Hargreaves:** I would like to underscore this by saying I have every confidence—

**MR MULCAHY:** Point of order, chair.

**THE CHAIR:** Order, minister! What is your point of order, Mr Mulcahy?

**MR MULCAHY:** Point of order, chair. Under Standing Order 47, I wish to ensure that the record reflects that I have not alleged impropriety on anyone's part. I have asked why a single select tender process was applied, given the prevailing guidelines of the ACT. If the minister wants to take more to that than I have said, that is his sensitivity, but it is in

my view not the question and I would appreciate an answer.

**THE CHAIR:** I take your point of order, Mr Mulcahy. I ask that the minister try to answer the questions that Mr Mulcahy puts to him with as much forbearance as he can possibly muster.

**Mr Hargreaves:** I thank you very much for that, Madam Chair. I am sorry I reacted because Mr Mulcahy has such form in this regard. Before I get the commissioner to answer, I want to express my confidence in the financial management of that authority, just in case somebody reading *Hansard* may take an inference that is incorrect.

**Mr Dunn:** Mr Mulcahy, the initial requirement for the radio communication system, the initial business case, constructed in 1999 and 2000, contained in it a very wise statement, and I quote, “It must provide mobile data and automatic vehicle location equipment for front line bushfire and emergency service personnel.” The bushfire and the front line are two very important elements here, and that was in the initial project requirement.

The radios themselves do not do that, because they do not provide mobile. In order to meet the business case and, as I said, I totally agree with the requirement to do this, there had to be a system of systems. What was required was the voice communications plus also—and this is where FireLink comes in—a requirement, as I mentioned earlier, to provide automatic vehicle location in remote areas for safety of fire fighters, data transmission to allow us to monitor, if necessary, for example, fuel holdings or water holdings in tankers and the conditions of any other equipment that we wish to monitor. We also needed to transmit meteorological data, which of course was one of the areas of significant consideration by McLeod in his report and led to the subsequent establishment of an automatic weather station up at the Brindabellas. Fire ground weather is particularly important.

With those requirements we looked at what systems were available to provide that type of communications capability. We looked at three systems. There was the system that is known as FireLink Mach 2. There is a system produced by Australian Defence Industries, now a French company, Thales, and a system produced by a Western Australian oceanographic-focused company.

Of those three systems, only the FireLink system actually met all of those requirements. Because of that and taking cognisance of the procurement guidelines and also taking cognisance of the economic white paper, we looked to actually conducting a trial, and this is quite a different approach, and we sought and obtained through the full procurement process approval to conduct a trial of the FireLink system. At first blush, and not just first blush, on technical desktop examination and physical examination, given that this system had been used during the January 2003 fires, we decided that what was needed was to conduct a physical trial to see that the excellent technology that was purported to be an ATI actually existed.

We went through the procurement process for that trial, and it was slightly over \$97,000, that trial, but that allowed us to have our people undergo training, to physically use the equipment for an extensive period of time, deploy it into the field and have some modifications made to the equipment. That is where the cost came. We commenced that trial. Part way through that trial, we had a major fire commence through a campfire that



was not properly extinguished in May 2004. That fire started down in the south of Namadgi National Park. It is known as the Lone Pine fire.

As the trial was under way, we deployed the FireLink system to that fire—remote area, extended distance away from the Canberra area and used the FireLink system. The system absolutely met its technical specifications, and indeed exceeded them. I mention that we had the operational chance to use it. It was not a manufactured trial. We actually did physical testing in certain locations, but we also now had the opportunity to see it used for over a week down in a remote area. At the end of that trial we concluded that not only were the specifications and the claims accurate, but the system far exceeded those classifications, those specifications.

As the ADI system and the Western Australian system could not do all of the tasks anyway, we were faced then with the situation of moving to sole selection, a single select tender process or not procuring an item at all. It is fortuitous that that company is here in Canberra because, quite clearly, for us to purchase that would be a benefit to Canberra as well. But the decision was made to purchase that on a single select process after that extensive exercise had been gone through, which fully involved Treasury and Procurement Solutions, et cetera. So we then went ahead with that single select.

At the last estimates discussion on this—I believe it was estimates—there was some concern expressed that the Royal Australian Navy had, in fact, looked at this system and a statement was made that they had rejected it. I said at the time that was not true. I can now advise that the ATI FireLink Mach 2 system has been purchased by the Royal Australian Navy for use around Australia for security and emergency management in harbours. In particular, I would note that that contract was also awarded as a sole source contract because of the unique capability possessed by ATI.

The reality is we have an excellent company here in Canberra. There are no other companies, nationally or internationally, that provide this capability. Added to all that I have said, this system contains within it self-replicating infrastructure, that is, mesh network technology. This is the latest technology that is being trialled in some parts of the United States. We now have this coming into service here in the ACT. What that means is that with self-replicating technology we do not need to place towers down in the national park. We do not need to clear areas to place towers and put power, for example, into those towers, and this is unique.

**Mr Hargreaves:** That will interest Dr Foskey.

**Mr Dunn:** Frankly, since we have made the purchase, the navy has made a purchase, not because we did, but we now are fielding visits and inquiries internationally—Canada, the United States, China to name but three. There are more. We have quite an excellent piece of technology that is going into service here.

**MR MULCAHY:** Thank you. I have just one last question. I suspect that I am the only person on this committee who has actually had a live demonstration of the equipment, and I do not doubt the impressive nature of it, although I have no qualification to pass that assessment. The issue, though, that has been raised with me that is the focus of the committee's work, I guess, is the appropriate expenditure of funds and process.

So the last question I would ask you in relation to this tender process is: notwithstanding the specifications you laid down, which made ATI the only company that would qualify in terms of a product, and I am glad the money is going into Canberra from that point of view, what were the things that the other two prospective or possible tenderers could not provide with their technology that you considered were vital to your needs?

**Mr Dunn:** Neither provided mesh technology or self-replicating technology. That is the key. Work is going on in the States, particularly by the Motorola Corporation, and several months ago I attended a huge presentation in Adelaide for the Australasian Fire Authorities Council on the work that Motorola are doing. Neither of those two companies, nor the trials in America has actually got to the point where they have this self-replicating technology.

What happens in this is that not only don't you need infrastructure established out in the bush, but every installation in every vehicle will receive a message. Then it seeks out the area to which it is directed and it will go through a dozen or an endless number of stations and actually take itself to the destination that you want that message to go to. That is unique and that is what is being recognised internationally now as actually being in production here in Australia, fortuitously manufactured in Canberra.

**Mr Hargreaves:** One of other things that you might note, Mr Mulcahy, just by way of an observation, is that in not having to do that infrastructure out in the bush, we do not have to mow down stacks of trees and make the same mistake that Transfield did. Putting up towers is an expensive exercise, as you would know, and the opportunity cost for that actually has to be taken into consideration in terms of the efficacy of the tender.

**Mr Dunn:** Mr Mulcahy, if I could just add one point? We may still seek to erect one, or possibly two, towers down the south. That will not necessarily be for FireLink. That will be for the TRN, to make sure that we have that capability as well. But we will not need those towers for FireLink.

**MR MULCAHY:** That covers my issue.

**MR SESELJA:** I seek to table that document now.

**THE CHAIR:** Can you hold on a moment please, Mr Seselja. We will deal with Ms Porter's question first.

**MR SESELJA:** Is it the process now that we have a long consideration every time we seek to table a document? Is it a new process?

**MR MULCAHY:** Is this a new practice that started today, chair?

**MR SESELJA:** The document is the FOI request, which was referred to by Mr Mulcahy and Mr Hargreaves. Mr Hargreaves referred to it as being particularly wide and I would just like to table the document for the record.

**THE CHAIR:** Mr Seselja, I would prefer to have a look at it, with the entire committee having a look at it.

**MR MULCAHY:** I object to that.

**MR SESELJA:** That has never been—

**MR MULCAHY:** It has never been—

**MR SESELJA:** You seem very defensive on everything.

**THE CHAIR:** In all your years of experience in this place, that has never been a practice? In all of your years of experience in this place, Mr Seselja?

**MR SESELJA:** It has not been a practice in this committee.

**THE CHAIR:** Order!

**Mr Hargreaves:** It has in my seven.

**MR MULCAHY:** Chair, I would like to move that we have a private conference.

**THE CHAIR:** You want a private meeting now?

**MR SESELJA:** Yes.

**MS PORTER:** Now?

**THE CHAIR:** I am sorry—

**Mr Hargreaves:** I will not be back if I leave now, Madam Chair.

**THE CHAIR:** You guys are pushing it. You really are pushing it.

**MR MULCAHY:** You are changing the rules, chair, because you do not like things being tabled, it seems.

**THE CHAIR:** I am not changing the rules, Mr Mulcahy.

**MR MULCAHY:** We have had documents tabled in these proceedings. I am just finding it staggering.

**THE CHAIR:** There is nothing to say that I have to accept this immediately or that the committee needs to accept it immediately.

**MR SESELJA:** If you are rejecting it—

**MR MULCAHY:** Are you rejecting it?

**THE CHAIR:** I am not rejecting it. We can consider it in private.

**MR SESELJA:** I am moving that it be accepted. It is either accepted or it is rejected.

**THE CHAIR:** The committee cannot actually vote on an issue at a public hearing.

**MR SESELJA:** That is why Mr Mulcahy—

**MR MULCAHY:** That is why I suggest we go into conference.

**THE CHAIR:** I am sorry, but three out of five members of the committee do not want to go—

**MR SESELJA:** Ms Porter has not spoken yet. You are just making decisions for the committee.

**MS PORTER:** I did. I said that I move that—

**MR SESELJA:** Therefore you are not accepting the document? That is your thinking?

**THE CHAIR:** No.

**Mr Hargreaves:** Madam Chair, for Mr Seselja and Mr Mulcahy's benefit, there was a convention established in the chamber that members would actually see a document for a period of time before accepting it for tabling. That was the process that I employed for most of the time when I was the chair of the CSSE committee.

**MR MULCAHY:** It has not been the practice in this set of hearings. They have been changed this afternoon.

**THE CHAIR:** Mr Mulcahy, it is a common practice. I am actually trying to get through the public hearing by 6 o'clock. Your actions and those of Mr Seselja are not being helpful in this instance. Ms Porter has been waiting for the last 20 minutes to ask a question. I would like her to be able to ask a question as a member of this committee, Mr Mulcahy.

**MR MULCAHY:** You were asked something simple, chair, to table a document. You have accepted documents being tabled in these proceedings last week, because I have tabled documents, and now you have created a new arrangement that you are applying from today. Let the record show it.

**THE CHAIR:** We are moving on, Mr Mulcahy.

**MS PORTER:** Thank you, chair. Minister, I noted that you mentioned a couple of times, firstly in your introductory remarks, the rollover funds for the headquarters and joint emergency service training centre. It is shown on page 375 of budget paper No 4. I was just wondering if you could let the committee know whether the current ESA headquarters can continue to operate at the Curtin site in the foreseeable future?

**Mr Hargreaves:** Thank you, Ms Porter. I will hand over to Commissioner Dunn to answer the question. But, firstly, I can draw the committee's attention to the fact that the government has committed to the Hume site. That has been the big quantum leap forward in terms of assuring the community that we are going to get one. Secondly, the committee can see on page 375 of budget paper No 4 the \$954,000 rolled over from last

year unspent. That is for forward design work to commence on that site.

We will be taking the opportunity in the context of the next 12 months or so to decide whether or not it is appropriate to have a headquarters unit—a JESTA, a joint emergency services training academy—or have both at the same time in the context of the economic situation and operational imperatives. The current headquarters station at Curtin can continue to function as a result of upgrades that have been made to the building. The joint emergency services training academy has been established now. In fact, I went to the award of some certificates of it as a registered training authority and participated in that ceremony only last week, I think it was, at the Canberra Hospital. Sixty people or something of that order received certificates II in governance, which training was delivered by the JESTA.

So the JESTA is actually fronting and there were fire fighters and volunteers and all sorts of people. The JESTA training academy is actually functioning, and it is functioning out of the Department of Urban Services site at 255 Canberra Avenue, Fyshwick. The provision of the further training facilities at Hume will include facilities that are not available at Fyshwick, for example, hot fire facilities and off-road four-wheel drive and heavy vehicle training courses. That is just to mention two. We are limited to theoretical training in a sense at Fyshwick, and even that has some limit on it. But in terms of the headquarters operating from Curtin, yes, it is. I will ask the Commissioner to explain to you just how that is so, because there are some people out there who think it cannot.

**Mr Dunn:** Thank you, minister. Ms Porter, the headquarters has undergone significant improvements since January 2003. We have established an emergency coordination centre in that building. That did not exist before. That gives us the capacity to plan and conduct operations at what I will call the strategic level. That is interfacing with government. It allows us to position liaison officers, for example, from the Australian Federal Police, ACT Health, Environment ACT, et cetera, in the headquarters. They are provided with their workstations and the like ready to operate.

The headquarters has also now a rudimentary emergency information centre. That is where the press will gather and operate from, should they need to, during an emergency. It will give them access to internet, email, et cetera. That space is separated from the main operations area, which is a requirement under those circumstances. We have also improved significantly the communications centre. That has come about through physical improvement and also the introduction of the computer aided dispatch system that has allowed other changes to occur in the centre as well.

In regard to another major problem that beset the building, an independent power supply, we now have a fully functional 350KVA independent power supply. That is in addition to a smaller independent power supply that we have for our defined critical infrastructure within the headquarters. So not only do we have that covered, we now have the 350KVA generator, diesel powered, which can operate the entire building for prolonged periods of time, should that be necessary. There have been other improvements in the headquarters itself. They are the installation of additional offices and things of that nature, which are creature comforts, but which do not necessarily add to the operational capability of it in an emergency. Very necessary on the day-to-day, though.

What is particularly important, however, is that we have changed fundamentally the

command and control arrangements that will operate in a major emergency. I have devolved command and control out of the building. Previously it was the centre where all communications were received, dealt with and relayed back out to operational units. We now have introduced fully within the fire services the Australian incident management system. That was also, by the way, a recommendation of McLeod. There has been extensive training in that very important capability throughout the whole of the authority, and this allows us now to conduct the truly strategic activities—

**THE CHAIR:** Commissioner, I interrupt you for a second to say to Mr Mulcahy that maybe, if he listens to the answer, he will not need to ask a supplementary question.

**Mr Dunn:** That allows us to set up control centres external to the headquarters. If we had, for example, three or four control centres set up, as we would have in a January 2003 type of situation, it would be the radio traffic and data traffic to and from three or four centres that we would be dealing with in Curtin, rather than thousands of individual vehicles and firefighters that would necessarily be reporting back through the communication centre. Those deployed headquarters that are equipped—we have what we call fly-away kits to move them out to two or three centres at this stage—are able to operate remote from the building.

The other advantage of doing that is that, should for some reason or other the Curtin building go off line temporarily, one of those headquarters can be designated to take the function off strategic command and control for a period of time. It could not do it for an extended period of time, but we would not experience what was experienced during January 2003; that is, a “collapse” of communications.

All of those things put together, with an emphasis on the training of our people on how to run operations at all levels, is what gives me confidence to say that we can operate there. We are in preliminary discussions with the owners of the commercial childcare facility that is located in the same building. It is separated from the Emergency Services Authority headquarters, but it is part of the school complex and it is possible that that space, subject to the owner being successful in some of their plans, may become available to us.

The reason we are having that discussion is that an emergency services facility is a facility that does need to be locked down—that is, secured—in an emergency and our discussions with that owner are that from a security point of view, from our perspective, to operate the headquarters effectively, to know who is inside the building and what they are doing and control that type of movement, we really need to be able to lock that facility down. So we are actually in discussions as to how we might achieve that with that commercial operator.

All in all, it is a very different building from what was there on January 18 in terms of its functional capacity. However, when it comes to priorities, I do have to say that, of all the high priority things we have before us, the lowest in the high-priority list is the bricks and mortar of a new headquarters. I have said publicly before and I will say it again tonight that I would have the headquarters operating out of a tent if need be in order to make sure that we had the equipment—such as FireLink, such as the TRN radio system, such as the new CAFS tankers—and training facilities for our people. I would have those over and above a building to give me a comfortable office, and my staff, any day. I am

also confident that the building will work for some time yet.

**THE CHAIR:** Mr Mulcahy, did the commissioner's very extensive response answer your supplementary?

**MR MULCAHY:** I do not think so. We started this, as I recall, under additional establishment and other unforeseen expenditure. That was the question, was it not, that you asked, Ms Porter?

**MS PORTER:** The question was about the fact that the minister had mentioned the headquarters rollover in his introductory remarks and I wanted to know about the Curtin centre and its function.

**MR MULCAHY:** Yes, but was that in relation to that line item for \$5.449 million on page 375?

**MS PORTER:** No.

**MR MULCAHY:** Okay, it is separate. All right, I will hold on until we get to the issue of the additional establishment and other unforeseen expenditure. I heard you mention unforeseen expenditure.

**DR FOSKEY:** I want to talk about some of the indicators. I have some concern about the strategic and accountability indicators that are used.

**Mr Hargreaves:** Can I have a page reference again, please, Dr Foskey?

**DR FOSKEY:** On page 372 of budget paper 4, for instance, there is a graph with no relative figures on the X and Y axis. Therefore, it is very difficult to know what it is about. That is the first one. On page 373—

**Mr Hargreaves:** Do you want me to answer that question now? It would be a really quick answer. That is a concept. It is a conceptual graph between response and recovery, and prevention and preparedness. It is not a graph based on figures. It is a conceptual plan in strategic planning terms.

**Mr Dunn:** What we are saying now in the Emergency Service Authority is that, if we invest in prevention and preparedness, we will reduce the amount of response and therefore the length of recovery required. That is the concept that is there. The traditional response to an emergency has been just to get more operational people at the front end. The strategic bush fire management plan that we have launched in the ACT is an example of us doing prevention and preparedness work that will pay big dividends in time.

**DR FOSKEY:** As a geography teacher marking that, I probably would have said that it got very few marks for clarity because it is not clear that that is what it is about. Also, it does not translate back well because both lines look quite similar.

**THE CHAIR:** I have to say that you would not want to know what my comments would have been as a primary school teacher.

**Mr Hargreaves:** All right, we will take a fail mark on that matter.

**DR FOSKEY:** No, five out of 10; there are several criteria.

**Mr Hargreaves:** All right, we will take that as a satisfactory result.

**DR FOSKEY:** I am sure that next year you will have a better explanation.

**Mr Hargreaves:** What was the next one you had a problem with?

**DR FOSKEY:** You should be able to explain this one away. I refer to the accountability indicators on page 373. Output 1.1, relating to preparedness and prevention, refers to community satisfaction levels and an increase in community awareness, with targets of 90 per cent and 60 per cent. However, from what I can see, the result is measured in terms of the percentage of the community surveyed rather than how many of the people surveyed had expressed satisfaction. Please explain that one to me.

**Mr Hargreaves:** We take the point, Dr Foskey. Please understand—you have probably seen it throughout the estimates hearing—that these indicators are a new way of presenting the position and we are quite happy to learn lessons as they emerge out of the thing. We are quite happy to rejig the descriptors and make sure that you get an effectiveness indication out of them, not just an indication of the workload, which is what you appear to receive there. I am happy to take that on notice.

**DR FOSKEY:** No, I am very happy with the feedback on those indicators. On page 375 there is a whole line of savings over 2006-07 to 2008-09 of \$1.81 million. I want to know where those savings are to be gained, please.

**Mr Hargreaves:** Predominantly, they are the savings that we will achieve through the transfer of responsibility to InTACT for some of our IT service provision. The government announced that it will make lots of savings in rationalising its IT service, its procurement service and that sort of stuff. It will also include savings from a change to an Optus contract.

**DR FOSKEY:** I turn to page 369 of BP4 and the reference to counter-terrorism in the highlights. I could not find any other reference to it.

**Mr Hargreaves:** I draw your attention to the national urban search and rescue initiative on page 375. It is a joint venture between us and the commonwealth, at a cost of \$500,000 in 2006-07, in 2007-08 and in 2008-09. There is also some stuff in there relating to hazardous material.

**DR FOSKEY:** Is it a program with which you are working with the Australian government?

**Mr Hargreaves:** The federal government has offered all of the states and territories a partnership in the program. It would be better to use our case as an indicator. We have been offered \$1.5 million—I think it is over a couple of years, but it is basically an up-front cost—to provide us with initial training and the actual materials to conduct



urban search and rescue, provided we match that \$1.5 million over three years and that we pick up the recurrent costs of that urban search and rescue. For example, if the foreign affairs and trade building were to receive the attention of a terrorist group and be dropped on its footprint, a bit like the Thredbo disaster, we would need to have a completely different capability to get people out of that building. That goes to all manner and things on which the fire brigade will need specific training. It will need sensors, lights, cameras, all manner of things. Basically, the commonwealth government is providing us with their share of the money up front and they buy the stuff and we provide the ongoing personnel and the capability. We have already done that with chemical, biological and radiological warfare.

**DR FOSKEY:** As to the hazardous chemicals component mentioned in the fourth dot point from the bottom of page 370, I am interested in how it will actually work. Is the ESA now the body that does this work? Can you tell us for whom the ESA primarily provides the inspections? Are their clients unable to inspect? Have there been any breaches of this standard or cases of concern over the last year?

**Mr Hargreaves:** We are happy to do that. Commissioner Dunn is raring to go.

**Mr Dunn:** The responsibility for consequence management—that is, after an incident—falls to the Emergency Services Authority and the recovery agency within ACT. The prime responsibility is carried out, at the front line, by the ACT Fire Brigade and the ACT Ambulance Service. They are well-equipped and well-trained to operate in a chemical, biological, radiological and nuclear contaminated area and they will operate if it is a terrorist incident under the overall control of the Australian Federal Police—in the ACT, of course, ACT Policing—as the act would be a criminal act.

We have the capability now for CBRN, as it is known. This uses similar techniques to the techniques we have to use for normal hazardous material but clearly takes in some particularly dangerous substances and requires us to do atmospheric monitoring, assessment, plume modelling, and the like. That capability exists now in the ACT and was recently demonstrated to the commonwealth, to the Attorney-General and other members of the commonwealth, to show the level of capability that we have in the ACT Fire Brigade. We do not have an extensive capability in urban search and rescue. As the minister said, if a large building were to be demolished, that would exceed our capacity. It is that capacity that we are now building, and building it very rapidly.

In regard to incidents, we routinely respond to incidents of a hazardous material or CBR nature. Fortuitously, we have not had live incidents of a CBR—chemical, biological, radiological—nature. However, we do at times get called upon to respond to an incident that could be one of those. That happened quite recently. With regard to managing the materials, the ACT is tied into national controls and regulations on particular materials. We have not had cause to investigate any major breaches, to my knowledge, in that area over the last year.

**MR PRATT:** Supplementary, if I may?

**THE CHAIR:** No, Mr Pratt.

**MR PRATT:** I beg your pardon?

**THE CHAIR:** No, we have two minutes left and Mr Mulcahy has been waiting to ask a question.

**MR MULCAHY:** I'm happy to yield to Mr Pratt.

**THE CHAIR:** No.

**MR MULCAHY:** You won't let him ask a question?

**THE CHAIR:** No, I've ruled on that.

**MR PRATT:** Chair, I think that's a most disgraceful decision on your part. In fact, I've got to say this is the most disgraceful performance I've ever seen of any committee chaired in this place, allowing a filibustering minister protection all day long to carry on with outlandish answers.

**THE CHAIR:** Have you quite finished, Mr Pratt?

**MR PRATT:** This is a poor reflection on the ACT Assembly, chair, and you ought to be ashamed of it.

**THE CHAIR:** Mr Pratt, I refer you to my letter—

**MR PRATT:** So much for a committee of inquiry. I'll take it up with you separately.

**THE CHAIR:** Mr Pratt, I refer you to my letter of 25 April. Mr Mulcahy, do you have a question?

**MR PRATT:** Sorry, Mr Commissioner; sorry, officers.

**MR MULCAHY:** Minister, my questions relate to the additional establishment and other unforeseen expenditure of \$5.4 million. I'm familiar with the budget notes explanation that this relates to personnel and other unforeseen expenditures. I would like to ask about the additional establishment size during your tenure, Commissioner Dunn; what it has grown by. I'm also interested in knowing what the unforeseen expenditures were, in the main, and if you could assure the committee, Mr Dunn, that the Public Sector Management Act has been observed in terms of recruitment of staff in that the positions were advertised; if not, could you indicate why and in what instances?

**Mr Hargreaves:** What was the last bit about?

**MR MULCAHY:** About advertising positions in accordance with the Public Sector Management Act. Has it been adhered to? If not, could we get an understanding of the number of occasions and what the reasons might have been?

**Mr Hargreaves:** Mr Mulcahy, with respect, I'm not going to allow the officer to go into the detail of the last part of your question because it is actually the subject of a question on notice at the moment and I am prevented from doing that, but I can assure you that globally, with the recruitment of all staff within the ESA, all proper Public Sector

Management Act and related legislation has been adhered to. I don't want to go into specific details with you because it's the subject of a question on notice.

**MR MULCAHY:** Could I get advice, chair? I don't think the fact that you're dealing with a question on notice will preclude you from providing that information to the committee.

**Mr Hargreaves:** I'm not going to do it to you, simple as that.

**MR MULCAHY:** You won't provide it the committee.

**Mr Hargreaves:** Mr Mulcahy, you've been at these hearings before and I have taken this position before. I believe that when a member puts a question on notice it then becomes a parliamentary matter. I maintain the same position that I've maintained all the way through these hearings that where a question is on notice I'll provide the answer to that question to the member. For your information, it is to Mrs Dunne and I have no difficulty if she shares the information with you.

**MR MULCAHY:** I don't think though, chair, that we are constrained—

**Mr Hargreaves:** I'm not going to go into the specific issues of it, but I have given you the assurance you sought in your question that all recruitment processes with the Emergency Services Authority have complied with all statutory obligations and legislation.

**THE CHAIR:** Mr Mulcahy, the minister is perfectly free to do that. He is not refusing to answer the question. He will provide the answer.

**MR MULCAHY:** I thought he said he wouldn't.

**THE CHAIR:** He will provide the answer to the member who asked the question.

**Mr Hargreaves:** To the parliament.

**MR MULCAHY:** Yes, but I'm interested for the purpose of this committee's reporting process.

**THE CHAIR:** It is unfortunate, but that is the way it is.

**MR SESELJA:** Is there a procedure?

**THE CHAIR:** He is entitled to do that. It is already under consideration.

**MR MULCAHY:** Let me ask you the reverse, chair. I take it that there is nothing that in fact precludes the minister from complying with giving the information to the committee; he is just choosing not to give the information. You are not saying that there is a particular standing order of which I am not aware, are you?

**THE CHAIR:** It's not under a standing order; it's by convention, I believe. Just a moment, Mr Mulcahy. Because the minister has undertaken to the parliament to answer

the question as put to him by Mrs Dunne, he is already dealing with it. So, while it may not be something that is done normally, it is something that it is open to him to do, because he is actually dealing with it and he is not refusing to answer the question.

**Mr Hargreaves:** Madam Chair, for Mr Mulcahy's benefit, I will just give you the reasons. I don't know whether you were here when I said it the first time—you may or may not agree with this; we can take the matter up in a duel somewhere else—but I have to say that I believe that that committees are, in fact, creatures of the parliament, of the Assembly at large, and I have an obligation to answer a question on notice to the Assembly at large. I believe that I have that primary responsibility and I am more than happy to do that. Indeed, if you look at the record that I have achieved so far with the avalanche of questions on notice—a record number of questions on notice have been put in this parliament over any other—you will see that the questions on notice that I have not delivered in the time frame may feature in one or two instances. I am going to go with the higher authority and that's it.

**MR MULCAHY:** My point, though, is that I don't think the committee is precluded from asking these questions.

**Mr Hargreaves:** You can ask the question. I'm not going to answer it.

**THE CHAIR:** I accept that, Mr Mulcahy. My point to you is not that you are precluded from asking the question but that the minister is entitled to deal with it through the higher authority of the Assembly.

**MR MULCAHY:** But he is not precluded from assisting this committee in its deliberations.

**THE CHAIR:** I don't believe that he has failed to assist this committee. I don't believe that he is avoiding assisting the committee.

**Mr Hargreaves:** Madam Chair, I also need the committee to know that I gave that explanation to Mrs Dunne on another question in another forum and she accepted that position. I have given the same thing to Mr Pratt and he has accepted that position. I am just being totally consistent with the position I've taken.

**MR MULCAHY:** I think Mr Dunn was going to answer the original part of the question.

**Mr Hargreaves:** We will answer that for you, yes.

**Mr Dunn:** Mr Mulcahy, the sorts of things that have occurred in the last financial year in setting up the authority are exemplified by, for example, the legislation being passed to set up the authority after the budget had already been delivered and as a consequence, for example, in the legislation we were required to undertake the work of the strategic bushfire management plan. That was not in the original budget and that had not been foreseen at the time the budget was being prepared.

Similarly, with the establishment of the organisation of the ESA as a standalone department that the minister referred to in his opening remarks, the structure was

something that was under a lot of discussion as the budget was already being brought down and there were changes made which led us to adopt a slightly different structure which increased the costs to create the standalone department.

When we created the authority, we also undertook with a great deal of rigor the reassessment and then rebuild of our asset register. I certainly was not satisfied, nor my senior leadership team, that the asset register bore any real relationship to that which we did actually hold on the ground.

**MR MULCAHY:** You are not losing tanks, are you?

**Mr Dunn:** No, and we certainly were not looking for aircraft carriers down in Lake Tuggeranong, but it was quite obvious that the asset register was inadequate for an organisation of our type, of any type, and I certainly was not satisfied with that. As we rebuilt the asset register, so too did our general insurance premiums rise. That was a fact of life because I wanted to ensure that those items that we did have there that we should have been insuring were insured. That was a progressive cost that no-one liked but it was a fact of life.

**MR MULCAHY:** How much of that is in the \$5.4 million?

**Mr Dunn:** I don't have the specific breakdown now but, with Treasury, we will take that on notice. It is a considerable sum and all adds to that.

**MR MULCAHY:** You'll take that on notice, will you?

**Mr Dunn:** Certainly. Another point that I would make by way of indication of the sorts of things we faced was that after the bombing of the Australian embassy in Jakarta, which may seem a remote event, there was a requirement for all emergency service organisations to increase the physical security. This was already under way within the ACT in terms of work being done within justice and community safety. That accelerated that process. Obviously, that was unforeseen. It was intended that it would be either this financial year or next financial year that that would occur. Those are some examples.

**MR MULCAHY:** How about the establishment numbers? That was the first bit I asked you.

**Mr Dunn:** The establishment number is the subject of the other question.

**MR MULCAHY:** No, the other question was about recruiting. My question was about the size of the establishment, FTEs.

**Mr Hargreaves:** When the organisation commenced?

**MR MULCAHY:** How many there are now; what is the standing now, the total size.

**Mr Dunn:** Mr Williams has the figures there.

**Mr Williams:** The figure at the moment is 513.74; that's the current FTE. At the end of last financial year, it was 459.96, which means an increase of 53.78. Within those figures

there are 35 additional fire brigade people and 16 new ambulance people, which take up 51. I must say that there was some increase in my area prior to 1 July as part of the new establishment. That was part of the set-up costs. But those are the current figures.

**MR MULCAHY:** All right, that's good enough.

**THE CHAIR:** Minister, Commissioner Dunn, Mr Williams and other officials, I thank you for your attendance today. The committee will need to meet for a private meeting at 9.15 tomorrow morning before the public hearing at 9.30.

**Mr Hargreaves:** Madam Chair, just before you do adjourn the meeting, I wish to express my appreciation to both Chief Police Officer John Davies and Commissioner Dunn and their officers for the sterling support they have given us in the compilation of not only the budget documents but also all the supporting paperwork. It has been a great effort. Thank you.

**Mr Dunn:** Madam Chair, if I could just read something into *Hansard*. I was asked a question about the recurrent costs for FireLink. For 2005-06, \$523,000; 2006-07, \$393,000; 2007-08, \$405,000; and 2008-09, \$416,000.

**THE CHAIR:** Thank you, Commissioner.

**Mr Hargreaves:** Thank you, Madam Chair.

**The committee adjourned at 6.10 pm.**