



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2007-2008

(Reference: Appropriation Bill 2007-2008)

Members:

MR M GENTLEMAN (The Chair)
MR B STEFANIAK (The Deputy Chair)
MS M PORTER
DR D FOSKEY
MRS J BURKE

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 19 JUNE 2007

Secretary to the committee:
Ms G Concannon (Ph: 6205 0129)

By authority of the Legislative Assembly for the Australian Capital Territory

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

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The committee met at 9.31 am.

Appearances:

Corbell, Mr Simon, Attorney-General, Minister for Police and Emergency Services

Department of Justice and Community Safety

Leon, Ms Renee, Chief Executive

Carter, Mr Robert, Deputy Chief Executive

Goggs, Mr Steven, Deputy Chief Executive

Crowhust, Ms Moira, Chief Finance Officer, Strategic Finance

Gadsdon, Mr Rob, Finance Manager, Strategic Finance

Kennedy, Ms Sandra, Finance Manager, Strategic Finance

Garrison, Mr Peter, Chief Solicitor, ACT Government Solicitor

Clifford, Mr John, Parliamentary Counsel, ACT Parliamentary Counsel's
Office

Joyce, Mr Phil, Executive Director, Strategic Planning and Support

Office of the Director of Public Prosecutions

Refshauge, Mr Richard, Director of Public Prosecutions

Office of Regulatory Services

Phillips, Mr Brett, Executive Director

Quiggin, Mr Jon, Senior Director, Compliance

Krajina, Ms Danielle, A/g Registrar General

Hart, Mr Steven, Acting Occupational Health and Safety Commissioner, ACT
Workcover within ORS

Ryan, Mr James, Executive Director, ACT Corrective Services

Paget, Mr John, Deputy Director and Director ACT Prison Project, ACT
Corrective Services

Johnson, Mr Michael, Court Administrator, ACT Courts and Tribunals
Administration

Human Rights Commission

Watchirs, Dr Helen, ACT Human Rights and Discrimination Commissioner

Crebbin, Ms Linda, Commissioner for Disability and Community Services,
Commissioner for Children and Young People

Moss, Mr Phillip, Health Services Commissioner

ACT Electoral Commission

Green, Mr Phillip, Electoral Commissioner

Legal Aid Commission of the ACT

Crockett, Mr Andrew, Chief Executive

Bayliss, Mr Peter, Finance Manager

Independent Competition and Regulatory Commission

Logan, Dr John, Principal Policy Adviser

Faulbaum, Dr Susan, Manager

Public Trustee for the ACT
Taylor, Mr Andrew, Public Trustee
Gillespie, Mr Doug, Deputy Public Trustee

Public Advocate of the ACT
Phillips, Ms Anita, Public Advocate

THE CHAIR: Welcome to the 2007 estimates committee inquiry into the ACT budget. This morning we will be hearing from the Attorney-General, Mr Simon Corbell; Renee Leon from the department of justice; and other officials. I remind everybody to turn off their mobile phones. If witnesses are coming to the table, could they grab their names from the side table. We will have a break between 10.30 and 10.50 this morning for some morning tea, but we have the attorney for the whole day. I will just read the card out for you.

The committee has authorised the recording, broadcasting and re-broadcasting of these proceedings in accordance with the rules contained in the resolution agreed by the Assembly on 7 March 2002 concerning the broadcasting of Assembly and committee proceedings.

Before the committee commences taking evidence, let me place on the record that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee in evidence given before it. Parliamentary privilege means special rights and immunities attach to parliament, its members and others necessary to the discharge of functions of the Assembly without obstruction and without fear of prosecution.

While the committee prefers to hear all evidence in public, if the committee accedes to such a request the committee will take evidence in camera and record that evidence. Should the committee take evidence in this manner, I remind the committee and those present that it is within the power of the committee at a later date to publish or present all or part of the evidence to the Assembly. I should add that any decision regarding publication of any in camera evidence or confidential submissions will not be taken by the committee without prior reference to the person whose evidence the committee may consider publishing.

Minister, would you like to make an opening statement?

Mr Corbell: Thank you for the opportunity to present to you this morning. The initiatives in the Justice and Community Safety portfolio have been outlined in the Treasurer's speech and in the various budget papers, which I am sure members are familiar with by now. Rather than make any comprehensive opening statement this morning, I simply thank you for the opportunity to be here. I and officials of my department will be more than happy to assist you with any questions you may have.

THE CHAIR: Thank you. We will start off with the overview questions and then move to output classes 1.1 through to 1.7; this afternoon we will start on output class 2. Questions for the attorney?

MR STEFANIAK: How will the services for victims of crime be administered?

Mr Corbell: The new initiative for victims of crime involves about half a million dollars of additional expenditure which will be raised through a fee on court-imposed fines and traffic infringement notices with the exception of parking infringement notices. It will be administered by the Victims of Crime Coordinator. She will be identifying where that expenditure in particular should be directed, but the primary focus is on improving counselling and support for victims of crime and basically making sure that we have a more timely response in terms of giving support to people who are victims of crime. There have been some pressures and some waiting periods that victims face before they are able to get access to support or counselling. I am committed to improving the level of support for victims of crime, and this is an important mechanism to start achieving that.

MR STEFANIAK: Is any of that money going to the Victims of Crime Assistance League? Also, in relation to that, I understand that there have been a number of reviews and there have been some problems with how the service coordinates with the Victims of Crime Assistance League, VOCAL. How is that going? I would be very keen to see some of that money go to the Victims of Crime Assistance League.

Ms Leon: The additional funding is for the delivery of the counselling service through the victims services scheme and the case management and coordination of assistance to victims throughout the justice process. The Victims of Crime Assistance League does receive an annual grant from the government; there has not been any change to that grant arrangement.

MR STEFANIAK: How much is that?

Ms Leon: I would have to take that on notice.

MR STEFANIAK: Yes, if you could.

DR FOSKEY: It is unusual for the government to have a hypothecated charge like this. I would be interested if you could tell me of others. I would like to know what the decision-making process was in choosing this particular direction for the money to go. There are, of course, many groups who claim many pressing concerns which we could be assisting. I am interested in the decision-making process which led to this hypothecation and directing it again to victims of crime.

Mr Corbell: There was a very convincing and compelling argument in the budget cabinet, Dr Foskey. It is as simple as that.

DR FOSKEY: From you.

Mr Corbell: Indeed, yes.

DR FOSKEY: You could practise it here. How about rehearsing it?

Mr Corbell: I am not going to disclose the processes of budget cabinet, but the reason this particular methodology was chosen for this area was that it drew on the experience of other jurisdictions who fund their victim schemes, either in part or in

whole, through a levy on fines, particularly court-imposed fines as well as other types of fines in the community. The people who are breaching the law at a particular threshold are paying for the support provided to the people who are victims of people who breach the law.

It is a well-established methodology in places such as South Australia. In fact, the entire South Australian victim support scheme is funded by a hypothecated levy on fines. It is a more comprehensive regime than the one we have introduced here in the ACT in terms of the number of instances and types of infringements that attract this penalty fee. It is a very good way of directly linking the incidence of infringement of the law with support for victims. In that respect, cabinet was convinced that it was a good way to go—an effective way to go and an effective way to raise revenue to provide better support for victims of crime.

MR STEFANIAK: There was some confusion, but I understand that the fines are traffic infringement notices, not parking infringement notices.

Mr Corbell: That is correct.

MR STEFANIAK: Because they are victimless.

Mr Corbell: Not parking infringement notices, no.

MR STEFANIAK: And also court-imposed fines.

Mr Corbell: That is right.

MR STEFANIAK: So most of your money is going to be from traffic infringement notices. That is millions and millions of dollars. I note that, sadly, court fines stay static at about \$250,000.

Mr Corbell: Yes, that is right.

DR FOSKEY: Is there thought of extending this regime? You have said that other states have a more complex regime.

MR STEFANIAK: New South Wales have, haven't they?

DR FOSKEY: Is it going to be evaluated in any way?

Mr Corbell: I am keen to see this issue further explored over the coming 12 months. The government has not agreed to any expansion or made any assumptions about expansion of the regime, but, as Mr Stefaniak says, the focus is very much on issues around traffic infringement notices. People who speed and people who run red lights are putting other people at risk, and that needs to be recognised. That is the reason we have speeding fines. It is not a victimless crime. All too often people are injured or killed as a result of speeding. So that is a very reasonable thing to have in place. I remember a former member and former minister in this place once saying, "It is a voluntary fine. Don't speed; don't pay the fine." It is as simple as that.

MR STEFANIAK: Have you got a list—

Mr Corbell: That is the approach that we want to adopt. Obviously there are also all the court-imposed fines. The courts impose certain financial penalties, and this captures those as well.

MR STEFANIAK: I do not know if you have it now—take it on notice if you do not—but have you got a break-up of what applies interstate in terms of an additional payment which an offender pays which goes to a scheme like the victims of crime support service scheme?

Ms Leon: From other jurisdictions?

MR STEFANIAK: Yes. You mentioned South Australia.

Ms Leon: I do not have that.

MR STEFANIAK: I understand New South Wales do it.

Ms Leon: I do not have that with me, but I can provide the interstate material.

MR STEFANIAK: Could you get that for the committee?

Ms Leon: Yes. Coming back to an earlier question that you asked, I can now advise the committee that the grant to the Victims of Crime Assistance League is \$166,000 per annum.

MR STEFANIAK: Has that remained static for a number of years?

Ms Leon: It is CPI-ed. It is indexed in line with all the other community grants.

MR STEFANIAK: My next question is in relation to another initiative, which on the face of it looks to be a start—a feasibility study into the expansion of the CCTV network. You are allowing \$245,000 this coming financial year, \$105,000 after that and then nothing after that. As I say, the CCTV scheme is a particularly useful scheme. A lot of criminals are caught as a result of it—criminals who would otherwise not come to justice. It does seem to provide a significant deterrent.

Late last year I looked at the scheme as part of going around Civic with the police. I noticed that a lot of the cameras were not working. I have heard that at the bus interchange the cameras are fine but they focus on the bus and they do not focus on what is happening around the interchange. That happens especially at Woden—especially in recent times. But people have been assaulted at other interchanges—in some instances, quite badly. Also, in terms of some suburban areas, it would be a very good crime prevention tool there.

Why are you only doing a feasibility study? Do you have any intention—if you do not, I would encourage you to do so—of ensuring a proper expansion of these very useful crime prevention tools in other areas and ensuring that they are working?

There are a few questions there. Firstly, are they actually working in Civic? Could you indicate what you intend to do with this and why there is no money in the outyears. I would hope that you would be looking to expand the scheme and put in a number of cameras where they are needed.

Mr Corbell: First of all, it is important to remember that there was funding in the budget last year for an expansion of the CCTV regime.

MR STEFANIAK: Yes.

Mr Corbell: That has been partly expended, and there will be some rollover into this financial year to complete that project. That expands CCTV coverage to a range of locations—at Bruce Stadium, Manuka Oval and also the Jolimont bus interchange. Those three sites in particular were identified as critical assets or places of mass gathering that warranted that level of surveillance—or some level of surveillance.

MR STEFANIAK: What about Woden?

Mr Corbell: To answer your next question, which was in terms of whether the existing cameras are operating, the answer to that is yes, they are.

MR STEFANIAK: All of them?

Mr Corbell: All of them.

MR STEFANIAK: So you fixed them?

Mr Corbell: Yes.

MR STEFANIAK: Good.

Mr Corbell: There were some maintenance issues with the contractor who provided the maintenance for the system, and some contract management issues as well. That has now been resolved. The government has also taken a decision recently to consolidate responsibility for the CCTV network and any expansion of the network within the justice portfolio. I am now responsible: there is now a single minister responsible for coordinating and overseeing the delivery and ongoing operation of the CCTV network—with the exception of those cameras on the ACTION bus fleet.

MR STEFANIAK: You do not operate those?

Mr Corbell: Bus cameras are within the ACTION bus fleet. I am not talking about the interchange; I am talking about the buses themselves. That will remain the responsibility of the minister responsible for ACTION, because it is just part of the fleet. But I am now responsible for all the other elements of the CCTV network and for ensuring that the government's commitments are met in that regard.

In relation to the interchanges, the interchanges are being examined as part of this feasibility project. Some work has occurred to date on improving the operation of the existing cameras at the bus interchanges, but essentially the cameras at the bus

interchanges, as you identify, were put in place primarily as a management tool for the operation of the interchange—not as a security or safety regime. We are looking at measures to improve the coverage of the security camera network in the interchanges—that will be done as part of this feasibility study—and in other parts of the town centres. We will also be looking at other areas in the town centres in Woden, Belconnen, Gungahlin and Tuggeranong.

It is not just the interchanges; it is also the other areas of high people gathering, mass gathering and people movement. We will also look at potential for further expansion at Manuka Oval and Canberra stadium—and also at EPIC, at Exhibition Park in Mitchell. Those are all areas that will be subject to further consideration—along with expansion in the city centre itself. The city centre coverage is limited to a particular area; the feasibility study will allow us to fully understand the scope and the potential cost of an expansion. That will allow the government to make some decisions in next year's budget about what sort of expansion can be funded.

MR STEFANIAK: How much does it cost to put a camera in operation? And, whilst at least you are doing a study, I would have thought that in some instances—like Woden interchange, city interchange and Belconnen interchange—it really is a no-brainer; obviously we do need security cameras there now.

Mr Corbell: It is not about whether there is a need for security cameras; it is about how they fit into the rest of the network, how they are monitored and, in particular, issues around linking them up with the network more broadly. There are some fairly complex technical issues that need to be addressed, and that is really the purpose of the feasibility study. It is not just about what is the suitable location; it is much more than that. It is about the technical issues that need to be addressed.

MR STEFANIAK: I would certainly hope, though, that you would do that as a matter of urgency. With the level of violence we are seeing around the interchanges, let us face it: they are the sort of places where you do need a very strong presence by police, but it is quite clear that you also need things like cameras. It is really important to do it as quickly as possible, to get that up and running. I am concerned to see that there is no money in the outyears to implement wherever you get to with your feasibility study.

Mr Corbell: The whole point of the feasibility is to work out the cost.

MR STEFANIAK: Are you going to issue—

Mr Corbell: Once you know what the cost is, you can make some decisions about how much you can fund.

MR STEFANIAK: Can you assure this committee—the Assembly—that, after your feasibility study, you will in fact be putting in extra cameras?

Mr Corbell: There is absolutely no doubt that there will be further expansion of the CCTV network. The government has a strong commitment to this, and it has been identified as a crucial issue.

Ms Leon: Can I just add one item about the existing Civic safety camera network?

MR STEFANIAK: Yes.

Ms Leon: The cameras in place are all working after we have revitalised the work of the maintenance contractor.

MR STEFANIAK: Good.

Ms Leon: With the exception of two cameras that are not in place at the moment because they have been temporarily removed while the Canberra Centre extension is being constructed.

MR STEFANIAK: Yes.

Ms Leon: Those two cameras are physically not in their expected location because—

MR STEFANIAK: When will they be put back? I take it they are going to be put back.

Ms Leon: In October this year. They will be put back when the construction has ceased in the location where the cameras are to be sited.

MR STEFANIAK: And the other cameras are all working?

Ms Leon: The other cameras are all working.

MR STEFANIAK: How many do we have in Canberra overall, and where?

Ms Leon: There are 15 in Civic. In terms of the number of cameras in Canberra, there are a very large number in both public and private hands. Part of the—

MR STEFANIAK: I am talking about public ones.

Ms Leon: Part of the mapping process that we will be doing as part of the feasibility study will be looking at the extent to which one can tie in the public and private CCTV networks so that they are all able to be used in the event of reacting to an incident.

MR STEFANIAK: I am still concerned that there is not any money provided in the outyears. The concern there, minister, is that some other pressing contingency might come up: you might be overruled in cabinet, and the people of Canberra will be put at some risk because your plan to expand the CCTV network, which is quite laudable, will not come to fruition. What assurance can you give us that this plan is going to lead to more CCTV cameras where they are most needed?

Mr Corbell: I think I just said to you, Mr Stefaniak, that in my view there is no doubt there would be further expansion. The government treats public security and safety very seriously. There is a committee of cabinet that meets regularly to oversight and monitor these matters specifically and to receive reports from respective agencies,

both ACT and, where appropriate, external agencies, on security issues facing the Canberra community. CCTV is considered to be an important tool, one that we want to expand. The Chief Minister has a strong commitment to this also. In my view, there is no doubt that we will see further expansion in the coming budget and budgets after that. But it is important to note as well that it is a normal part of the budget process that feasibility is the first step before you move to committing public funds for construction. In that respect, it is no different from any other capital works activity.

MR STEFANIAK: I am concerned, though. It sounds from what you are saying that we are not going to see these cameras in the coming financial year. You do your feasibility and you have to go back for more money. You seem to have indicated then that we would not be seeing these cameras until 2008-09, which is a concern given the level of crime, especially around some of the interchanges, in recent times.

Mr Corbell: It is important to remember, Mr Stefaniak, there is already an expansion of cameras underway. That was funded in last year's budget and that implementation is continuing.

MR STEFANIAK: When will that occur, minister?

Mr Corbell: That is happening at the present time.

MR STEFANIAK: Are any going into Woden?

Mr Corbell: That is occurring at Canberra Stadium, at Manuka Oval and at the Jolimont Centre at the public transport infrastructure there. Those were identified as the immediate priorities. The reason for that is that they are places of mass gathering and they are places that are more likely to attract the attention of those who wish to cause harm to the community through terrorist or other activities. So that has been identified as a priority.

MR STEFANIAK: So are bus interchanges.

Mr Corbell: It is important to acknowledge too, Mr Stefaniak, that bus interchanges already have a level of security surveillance in place. It is not optimal; that is accepted.

MR STEFANIAK: No, it is just in relation to the buses themselves.

Mr Corbell: No, there is an existing security camera network in place at interchanges, at all interchanges.

MR STEFANIAK: But it is not optimal.

Mr Corbell: But it is not optimal, and that is the work that the government is now doing to identify how that can be improved.

MR STEFANIAK: Sure. Apart from perhaps greater police patrols at places like Woden, the other big issue is that we need optimal coverage by cameras, which they do not have. There have been serious incidents there. It just seems from what you are saying that, whilst you are doing some improvements, Woden is not going to get

optimal security camera coverage; nor is, say, the Belconnen interchange, where on occasions you have problems as well. They are places where lots of people gather. They are places where often gangs gather. They are places where people have been assaulted. It is not rocket science.

THE CHAIR: Is there a question in there?

MR STEFANIAK: It would just seem to me that that should be a priority. What are you going to do? When will we actually see optimal coverage for Woden?

Mr Corbell: I think I have answered that question.

MR STEFANIAK: Not this coming year, it seems.

MS PORTER: I have a general question. Page 231 of BP4 mentions, under the priorities, an integration of agencies within the department. I was just wondering if you could tell the committee what that integration will involve and what improvements will flow from that.

Ms Leon: That dot point refers to the continuing work to integrate the parts of the department that came into the department in last year's budget, specifically the Emergency Services Agency and the incoming units of the Office of Regulatory Services. The work to ensure that they are fully part of our strategic planning and our management of the department will be an important continuing focus for us this year.

MS PORTER: How has that been going so far?

Ms Leon: Well. Of course, we will speak about emergency services tomorrow. In relation to the Office of Regulatory Services, there has been considerable work done to integrate the incoming parts of the agency. There is a new structure now for the Office of Regulatory Services that brings together the previously disparate licensing and registration parts of those incoming units into one stream and the compliance parts into a second major stream in the office. That enables very good synergies to be developed in terms of what used to be separate operations.

For instance, we had inspectors from the Office of Fair Trading going out to businesses and conducting compliance activities in relation to the requirements on business for one set of purposes and a separate set of inspectors going out to conduct inspections and so on for other purposes. Now we are able to undertake multiskilling and joined-up visits so that businesses only need to have that kind of compliance visit occurring once from the agency rather than, as would previously have been the case, two or three separate visits from separate parts of the government.

That kind of bringing the work together is enabling the office to operate more efficiently, but it is also delivering a better service to the Canberra community. There is still some work to be done in relation to the integrating of business systems in the Office of Regulatory Services. We are investigating and trying to bring together our business systems so that databases and online access can be made more efficient and more joined up. That is work that will continue over the course of this year.

MS PORTER: Output class 1.7 on page 236 of BP4 talks about a decrease in spending on regulatory services. Is that because of what you were just saying about the fact that, now you are joined up, you can actually multiskill people and use them in different areas?

Ms Leon: That is right. When the various previously separate parts of regulatory services were brought together in the budget last year, the government's intention was that by having those different services brought together we would be able to deliver the same service in a more efficient way, and by multiskilling and providing a one-stop shop and removing duplication between our business systems and our practices we would be able to deliver the service at less cost.

MS PORTER: Page 231 mentions skill development. Would that skill development tend to be in this particular area or overall? I refer to the last dot point on that page about investing in skill development. One presumes this is across the board.

Ms Leon: It is. The department has identified as a priority for the coming year the need to invest in the training and development of all of its staff. We are, as are all employers I am sure, very conscious of the skills shortage that all workforces face at the moment and the need to ensure that we attract and retain skilled staff and that we grow the talents of our staff so that they are able to grow with us. So we are investing significantly in ensuring that we have good in-house and external training arranged for all of the staff of the department.

DR FOSKEY: I would like to ask some questions about the Human Rights Commission.

MR STEFANIAK: That is a program.

DR FOSKEY: Pardon?

MR STEFANIAK: Sorry, it is one of the output classes.

THE CHAIR: I will chair it.

DR FOSKEY: I am talking about the 2007-08 priorities. I hope you have got a whole list of questions, too, Mr Stefaniak.

MR STEFANIAK: I do.

DR FOSKEY: Excellent. The Human Rights Commission has gone through some changes and permutations since it was first mooted by this government. Certainly, it looks very different now from the one that was promised when you came to government. I was wondering if you could tell us how it is working in light of the downsizing, the consolidation, of some of the commissioners' roles and how that spirit that was going to be required, an extremely collegiate spirit, for success is going in the absence of a president.

Mr Corbell: I will ask, I think, the commissioner for—

DR FOSKEY: There are a couple of commissioners here.

Mr Corbell: Are they both here? Are they all here? I am delighted with the quality of the people we have as commissioners. Dr Watchirs, Ms Crebbin and Mr Moss are all excellent candidates in terms of their ability to do this work and come with very extensive experience. I think they can talk for themselves about the way the commission is operating but, from the government's perspective, I am very pleased with the progress to date in the establishment of the commission.

Yes, there was some uncertainty in terms of how the commission was to be ultimately constituted. That was a result of the government needing to make some decisions to more efficiently use funding to deliver what is a very important service in terms of rights protection, but I think we have achieved a good outcome. The commission is now bedding itself down well. You would be familiar with the commencement of it. I note that you were there showing your support for the commencement of it and I thank you for that. I am very pleased with the progress to date. I invite Ms Crebbin, Dr Watchirs or Mr Moss to talk further about it.

DR FOSKEY: I am interested in the kinds of issues that are coming up as well. I hope you do not mind giving a fairly fulsome response.

Ms Crebbin: Perhaps I might start off answering Dr Foskey. My name is Linda Crebbin and I am the Commissioner for Children and Young People and the Commissioner for Disability and Community Services. The commission commenced operation formally on 1 November 2006 and I joined my colleagues Dr Watchirs and Mr Moss on 29 January 2007. We have been working together for about five months now. We were conscious from the outset of the fact that we would need to work in a collegiate fashion, as indeed the legislation requires us to do, to make sure that we were not falling over each other or ignoring important things that needed to be attended to. So we put in place at a very early stage a fairly rigorous strategic planning process which is focused on corporate elements and we have reached agreement between us as to how we will work together.

We meet once a week on a formal basis so that we can discuss the work that each of us is doing individually. We make decisions that are relevant for the whole commission and we consider each of the complaints that had come in during the course of the previous week to work out which commissioner should take responsibility for running with that. I think we have managed to work together quite well so far. We have, as it fortunately turns out, complimentary personalities—

DR FOSKEY: Complementary.

Ms Crebbin: Both of those. We are not having any difficulty working together without a president. Certainly the absence of a president means that each of us is probably spending more time on administrative work than we would ideally like, but I guess that comes with a senior management role.

DR FOSKEY: Shared services does not apply to you.

Ms Crebbin: Yes, it does. We are using their assistance with recruiting and other HR

matters at the moment. So, yes, we have had some involvement with them, and the department provides us with corporate support in relation to financial matters and also some aspects of human resources work.

MR STEFANIAK: Good morning, commissioners and all the little commissioners.

DR FOSKEY: Sorry, I do not believe all my questions have been answered.

MR STEFANIAK: Oh, you are still going. I was going to pop in on one of them.

DR FOSKEY: But I did ask quite a string. I am hoping for information on the kinds of issues that have come up for you in your role as commissioner for children, community services and disability.

Ms Crebbin: All of those other things.

DR FOSKEY: Yes, that is right. I am concerned about that. I am concerned about the workload.

Ms Crebbin: Perhaps I could answer that in relation to my two roles. I was also concerned about that initially. I am halfway through a recruitment process for two staff and I have focused on those staff in a way that addresses that workload problem. I am employing one person who will be an expert in the children and young people field and another who will be an expert in the disability sector. I am going to rely very heavily on those staff to ensure that issues are fed up to me. Because of the way in which the commission works, I have received assistance also from the staff working with the other commissioners, of course. A number of the administrative functions and our community education roles will be shared roles amongst the commission.

The issues that have come up for me so far in relation to children and young people have all been fairly public ones, focused on issues of bullying, violence. In terms of complaints received, at the moment there has been very little formal complaint in relation to children and young people. There have been two formal complaints, both relating to the provision of education services, that I have had to date. I cannot give you any more detail on those because that would not be appropriate, but—

MR STEFANIAK: How many—

THE CHAIR: Mr Stefaniak, your colleague Mrs Burke has a question.

MR STEFANIAK: Sorry.

DR FOSKEY: But there was an interruption.

Ms Crebbin: But I have had many informal inquiries which I address by speaking to the service providers that have been the subject of those inquiries. I am finding that I am spending somewhere around two to three hours on informal inquiries which I have been able to head off to stop them becoming a more formal complaint. One of the things that I have been really pleased by is the enthusiasm and support for my role and for me personally that I have seen consistently from the government and

non-government sector providers of services to both children and young people and in the disability field. I have been really struck by the willingness of those services to give me assistance, to give me briefings about what they are doing, and to come to me to say that they are really looking forward to the opportunity to work with me. So I have been very strengthened by that. I think that that will go a long way to assisting to deal with the workload.

DR FOSKEY: I just wondered if Dr Watchirs could add anything before we go to you, if you wouldn't mind, Bill, just around the questions that I asked about which issues are coming to you and how you find the new structure, because you already had an existing structure and you have had to adapt. I do not know if you would mind speaking frankly about that.

Dr Watchirs: Sure. I think the commission has been operating well. The commissioners have definitely got a commitment to human rights and we have been working as best we can. There has been a slight challenge in joint consideration of complaints, and we are still working on that. An example would be that some health complaints have a discrimination aspect and it is very difficult to have a joint process. At the moment it is more a parallel process and, of course, they end in different areas. Our complaints end in the discrimination tribunal if they are not resolved and with various medical boards with a health complaint. That is still work in progress, I think, but we are gaining more experience the more often we do that.

We have done the audit on correctional services with some input from health complaints and Linda's experience from her legal aid background. That has been very valuable practical experience and a very good example of the commission operating with three people. The audit is a commission decision. Similarly, we have an exemption application, which is something that the three commissioners work on together.

It has been a challenge. I am not denying that. We have had to change work practices and change our letterhead and template letters. It is not just because of the commission. It is because the Human Rights Commission Act now calls investigations consideration. There has been a lot of administrative work to do in the last 12 months.

There has been a drop in discrimination complaints. I cannot tell you the exact number. We will know that at the end of the financial year. That is partly caused, I think, because we are in temporary accommodation and I hope that will be resolved by more long-term accommodation later this year. On the other hand, health complaints have increased so it is not as though we are without work. In fact, there would have been more of a challenge if we had our normal caseload in terms of adjusting to a new structure and, of course, recruitment of new staff.

DR FOSKEY: Do you think you have administration in hand now in a way that—

Dr Watchirs: We have a commission secretary-manager and that has made a big difference. She only started work last month.

Ms Crebbin: Yes, about four weeks ago.

Dr Watchirs: Before that administrative work was divided between the three commissioners, which was challenging.

MR STEFANIAK: How many staff are employed by the commission now in the various subcommissions? Do you have a break-up of that? How many staff are employed in each area?

Ms Crebbin: I am talking to some extent off the top of my head. We are currently recruiting, Mr Stefaniak, and when we are fully staffed, including commissioners, there will be 20.6 full-time equivalent staff. At the moment we are probably five positions short of that. So our full complement will be 18 full-time equivalent staff, or a bit more than 18, and the three commissioners. I hope that will be in place within about three to four weeks. I think we will finish the current recruitment processes by then.

MR STEFANIAK: Thank you. I have some other questions, but I will wait for the relevant output class.

MRS BURKE: Thank you, chair. Good morning. Thank you for coming this morning. I am not sure if this is your area, but it is a general question regarding capital works, particularly in regard to disability access and accommodation improvements and occupational health and safety equipment upgrades. One is new capital works and the other is simply capital upgrades. I am referring to page 253 of budget paper No 4. The third part of my question is: does this include works done or to be done at 12 Moore Street in Civic to improve access for people with a disability?

Ms Leon: Yes, it does. There is a range of works that we will be doing for people with a disability. Part of it will be in 12 Moore Street, with the installation of ramps and handrails in places where they are needed and also motorised opening doors. A disability access toilet will be provided on level 4, which is where the Human Rights Commission will be accommodated when it moves into its permanent accommodation in a few months, to ensure that people coming to see the commissioner for disability have access to facilities on the floor where the commissioner is. That area will be the subject of particular attention to make sure that Human Rights Commission's facilities are fully accessible by people with disabilities.

Dr Watchirs: Can I just clarify that our temporary accommodation does have a disability toilet. Disability was using that floor.

MRS BURKE: I am pleased to hear that.

Ms Leon: There will also be modifications to the Magistrates Court and the Supreme Court to improve public access, including for people with a disability.

THE CHAIR: Just while we are on 12 Moore Street—

MRS BURKE: I will need to follow up on the second part of my question.

THE CHAIR: is there private parking accommodation for disabled people at

12 Moore Street or is it all public?

Ms Leon: There are three public disabled parking spaces on the street. The underground car parks are not open to public parking. They are only tenanted parking.

THE CHAIR: But for staff of the office?

Ms Leon: The executive staff of the department are entitled to a car park as part of their remuneration. Some of those parks are in the underground car park of 12 Moore Street, but not all of them. Obviously we do not control the car park so we access that car park under commercial arrangements with the building owner.

MRS BURKE: Page 253 refers to works due for completion in September 2007. What other works are being done in regard to that \$550,000 amount of funding shown there?

Ms Leon: That is all part of the capital works to be done in that time frame in the first few months of the financial year.

MRS BURKE: Right. So all that money, \$550,000, is actually going to Moore Street? There is no other work?

Ms Leon: Some of it is for the Magistrates Court and the Supreme Court.

MRS BURKE: I beg your pardon; you did say that. The second part of the question was about the capital upgrades that have already been completed. I understand that some \$462,000 was budgeted for occupational and health and safety equipment. Can you explain what that was used for or spent on?

Ms Leon: Are you referring to the current financial year?

MRS BURKE: Obviously it is works completed. It is capital upgrades that would have been completed. This again is on page 253 of budget paper No 4.

Mr Corbell: Under which category is it, Mrs Burke?

MRS BURKE: Under “capital works program”, minister.

Mr Corbell: New capital works or—

MRS BURKE: No, capital upgrades, \$462,000.

Ms Leon: That refers to the body of work that will be done across the whole portfolio for OH&S issues as they arise during the year. For example, during the year that we have just had, we spent money on fire stations that needed improvements to their ventilation for OH&S reasons.

MRS BURKE: So that will be ongoing for the whole financial year?

Ms Leon: That is right.

MRS BURKE: But what sort of thing—I am sorry. You just did say—

Ms Leon: That is the kind of thing that it is used for. We can certainly provide that to you, if you would like to know, for the year completed.

MRS BURKE: Yes. It would be good for the committee to know where that money is going.

Ms Leon: We can take that on notice.

MRS BURKE: Yes.

Ms Leon: But it goes to that kind of thing. Whenever occupational health and safety issues are identified, such as work that needs to be done on electricals or on ventilation or whatever, there is always a standing budget to ensure that we can undertake that work.

MRS BURKE: It just sounds a very precise amount of money. If we could have some detail, that would be great.

Mr Corbell: It is our share of the money that is divvied out from Treasury. They divide it up.

MRS BURKE: You fought hard, minister.

Mr Corbell: Indeed.

MR STEFANIAK: I would like to ask you a couple of general staffing questions, minister. Firstly, at page 226 of budget paper No 4 of 2006-07, the budgeted employment level for 2006-07 was 1,382. However, in the budget that we are looking at now—page 233 of budget paper No 4 of 2007-08—the estimated employment outcome for 2006-07 is actually 1,263. How do you explain the difference of 119 between the budgeted employment level and the expected outcome? Could you tell me the main areas where the employment—

Mr Corbell: Stefaniak, I do beg your pardon. Could you please repeat the page numbers where you are making these comparisons? I am sorry. We missed those.

MR STEFANIAK: It is page 226 of budget paper No 4 of 2006-07. It is last year's budget.

Mr Corbell: We do not have that.

MR STEFANIAK: I can give you that, if need be.

Ms Leon: I am told that the difference between last year and this year is largely attributable to the fact that last year the system that was used was head count and this year the system is FTE.

MR STEFANIAK: Sorry, head count?

Ms Leon: Last year the system that was used for the budget papers was head count; this year the system is FTE. So the figures are not directly comparable. As you would know, head count only tells you the number of people you have got on your books, whereas FTE translates that into the number of full-time equivalent positions.

MR STEFANIAK: So you are using full-time equivalent now and you will continue to use that?

Ms Leon: That is the system for the budget papers. That is correct.

MR STEFANIAK: All right. In this year's budget, then, across JACS you have a projected increase from the 1,263 FTE, as opposed to head count, to 1,310. What classes—

Ms Leon: What page are you on?

MR STEFANIAK: It is page 233 of budget paper No 4. An increase of 47 is projected.

Ms Leon: There are two main reasons for the difference between our estimated outcome and our budgeted figure for next year. One is that, as you will see from the budget papers, there is some increase in staff as a result of budget initiatives.

MR STEFANIAK: Yes.

Ms Leon: That will slightly increase the staff of the department. But the estimated outcome does not reflect necessarily our budgeted outcome. It reflects the actual people in positions, and we have some vacant positions across the department for which we are in the process of recruiting. As the commission just gave you by way of example, their budgeted level of staff is nearly 21, but they are four or five short of that. So there is not any particular class of employees where there is an expected increase. It is just that that reflects recruitment lag across the portfolio.

MR STEFANIAK: So those 47 extra are basically positions you have got? You do not have staff there at present? You are going to fill them?

Ms Leon: Most of them are just vacancies. Some of them are because they are new positions created for these initiatives in the budget papers.

MR STEFANIAK: Perhaps you could tell us how many new positions there will be?

Ms Leon: The increased ambulance resourcing has 16 staff. The increased staff for the government solicitor's office has four. There are two additional staff for victims of crime, two additional staff for legislative drafting and publishing and the balance is vacant positions.

MR STEFANIAK: Thank you.

THE CHAIR: I think that probably completes the overview questions. We should start moving onto output classes. You have just one more question, Mr Stefaniak.

MR STEFANIAK: Thank you for your indulgence, chair. I have a question on a couple of programs which the government implemented through legislation. Several years ago the Assembly passed the same sex adoption legislation, and you might have to take this on notice. How many adoptions, if any, have actually gone to same sex couples? Minister, the other question is: what is the status of your stalled legislation in relation to civil unions?

Mr Corbell: In response to your first question about same sex adoption, Mr Stefaniak, I am advised that adoptions are the responsibility of the Department of Disability, Housing and Community Services. They are responsible for the administration of that legislation so it would be best if you direct your question to that minister.

MR STEFANIAK: So you do not know? Okay.

Mr Corbell: In relation to the civil union legislation, the government has indicated that it will see what occurs later this year—

MR STEFANIAK: So you are waiting for the federal election?

Mr Corbell: after the federal election before making a decision on how or if that legislation should be progressed.

MR STEFANIAK: You can always use my registration scheme, minister. I understand. Thank you.

THE CHAIR: We will move onto output class 1.1: policy advice and justice programs. Ms Porter.

MS PORTER: Thank you very much, chair. Minister, page 234 of budget paper No 4 dealing with output class 1 details an increase in spending on management of innovative justice and crime prevention programs. I was wondering if you could explain what justice and crime prevention programs the government currently administers and what these innovations will be or are.

Mr Corbell: I am sorry. Your question was: what are the existing crime prevention programs?

MS PORTER: Innovative ones, yes, and what ones are planned?

Mr Corbell: Right. In relation to crime prevention programs, the government has an established crime prevention strategy. In particular, it focuses on property crime prevention and reduction. One of the key elements in terms of improving the delivery of that program is through the increased resources available to AFP-ACT Policing. They are a very important player in terms of delivering effective outcomes in reducing property crime. Obviously their intervention in identifying recidivist offenders and making sure that those people are brought before the courts allow us to reduce the level of property crime in the community and also reduce the incidence, in particular,

of burglary and vehicle theft, which I think are the two areas of most significant concern to most people in our community.

In terms of crime prevention, we have a number of very effective programs again targeted at recidivist offenders. A good example of this is the conferencing program we have for young people where we encourage them, through the restorative justice program, to understand the consequences of their actions and the impact of their actions on their victims. It provides opportunities for them to come face to face with their victims, where that is appropriate, and make amends, hear their victim's story and really more fully appreciate the consequences of their actions and what they can do to make amends.

That has been a very effective program. We have seen instances where young people, for example, who have defaced the property of a business have ultimately met the owner of that business, understood the distress and the cost that they imposed on that person and have now developed a very good relationship with that person and done voluntary work to make recompense for the damage they have caused and things such as that. The restorative justice program, in particular, has proved to be a very effective program.

We also have a number of other programs that provide for young offenders also to seek other avenues to turn their lives around. I think the handbrake turn program has been a very effective program in focusing young people in more constructive ways around things such as vehicle repair and mechanical-type activities. That is an example of a number of things that are undertaken.

In fact, I am advised that there are 10 justice programs altogether that focus on a range of areas, and they include things like the ones I have mentioned: the property crime reduction strategy, the restorative justice program and also the new Aboriginal Justice Centre which I opened earlier this year. The Aboriginal Justice Centre provides immediate support to indigenous people who are arrested. It provides them with a visiting friend program to provide support to indigenous people who have been taken into custody.

There are other more interesting things, such as the bushfire arson research that we are doing in conjunction with the bureau of criminology that looks at behaviour behind arson activity and other favourites like the Constable Kenny Koala program in ACT Policing. So a fairly broad range of programs are supported in this output class.

MS PORTER: It is heartening to hear of the success of the restorative justice program that you outlined, minister. Are there plans for the next phase of that to be instituted? In the beginning there was to be an initial phase going on to a second phase where perhaps more serious crimes could come under that program?

Mr Corbell: Through restorative justice?

MS PORTER: Yes, under the restorative justice area.

Mr Corbell: Yes, it is still the government's intention to expand that to a broader range of offences involving adult offenders as well. The most sensitive issue is the

issue around sex crimes, sexual assault and so on and the more complex issues associated with victims and offenders coming face to face in the context of that sort of crime. I have indicated to a range of stakeholder groups, particularly women's support groups, refuges and so on that the government is very aware of the sensitivities around this issue, but I want to see whether we can deliver restorative justice in that particular context with appropriate safeguards in place.

A very detailed set of protocols and operating procedures is currently being developed which will be submitted to me. I will be seeking feedback from the groups most interested in these areas before the government takes a decision on whether or not restorative justice is implemented in that particular realm because it is a more sensitive area, and obviously the power relationships are quite marked and potentially very difficult. But we do not want to rule out the ability potentially to apply restorative justice in that area, and that is why I have asked for the detailed work to be done.

MS PORTER: So, minister, would there be a successful model, either in other parts of Australia or internationally, where restorative justice is used in a sensitive way and success has been achieved that we would be able to look to to see success in this area?

Ms Leon: The restorative justice unit has been looking at overseas research. There is only limited experience in relation to these areas overseas, but we have been paying close attention to what research there is and there have been some recent evaluations that are feeding into the process that the restorative justice unit is undertaking to develop those detailed protocols to ensure that the rights and the safety of the victims of those crimes are properly protected.

MS PORTER: Thank you very much.

THE CHAIR: Thank you, Ms Leon. We will return at 10.50, still on output class 1.1.

Meeting adjourned from 10.29 to 10.51 am

THE CHAIR: We return to the Attorney-General's portfolio, output class 1.1. I might start first, minister. On page 234 of BP4, there is a note underneath the "Output Class" heading which talks about depreciation—an increase from 1.261 million to 1.569. Is that attributed to extra capital expenditures in the past budget?

Mr Corbell: I will ask someone from the department to answer that question. We may need to take that on notice, but we will come straight back to you as soon as we have an answer.

THE CHAIR: Thank you.

MR STEFANIAK: Minister, I notice that the budget for the output class has increased by over a million dollars. Can you tell us why that has occurred? My other question concerns what you said earlier in answer to questions in relation to the 10 programs. This is one that you might take on notice if you cannot do it. Could you just give us a list of the programs, the staff for each and the budget for the programs?

Mr Corbell: The 10 programs include the restorative justice program; the victim services scheme; the aboriginal justice centre; the circle sentencing program; the property crime reduction strategy; bushfire arson research; the affordable security project for pensioners, which is around home security and engine immobilisers; the Kenny Koala program, which is funded through JACS but delivered by ACT Policing; the kids at risk program, which is delivered by the Police Citizens Youth Club but funded through JACS; and the turnaround program. Those are the programs. The expenditure on those programs I would have to take on notice. I do not have that detail to hand, but I am happy to take that on notice.

MR STEFANIAK: And the staffing.

Mr Corbell: And the staffing. Yes, I am happy to do that.

MR STEFANIAK: Thank you.

Mr Corbell: In relation to the total increase in costs, Ms Leon has an answer for you on that.

Ms Leon: The changes to the base that related to the CCTV feasibility study—\$245,000. The expanded service delivery to victims of crime is 531,000. And then there is 360, which is just a transfer of emergency management staff into a new consolidated part of security coordination and emergency management. It is a transfer within the portfolio.

MR STEFANIAK: Right.

THE CHAIR: Mrs Burke?

MRS BURKE: You said that circle sentencing was one. I want to ask about case loads in terms of circle sentencing—comparing last year to this year. You can take that on notice if you need to.

Mr Corbell: I will have to take that on notice.

MRS BURKE: Thank you.

MR STEFANIAK: How do you assess the effectiveness or otherwise of the programs? You have got 10 programs. I know something about them, but how do you assess how effectively they are going? What measures do you use and how often do you assess them to see if they are useful or otherwise, or if they can be improved?

Mr Corbell: My understanding is that a range of mechanisms are used. For example, the crime reduction strategy has within it a range of targets and performance measures which are assessed. There is a series of benchmark reductions that are set in terms of particular place and time. We are able to see how we are performing against that in terms of whether or not we are meeting those targets. In relation to other programs, there would be a range of service delivery contracts in place—through the grants that are provided, for example, to the aboriginal justice centre and so on—which equally would have a range of performance criteria in them. It varies from program to

program depending on whether they are delivered in house by government itself or externally through an NGO or through the police. But each program would have a series of measures and/or targets which would be used to assess performance.

THE CHAIR: If there are no more questions on 1.1, we will go to 1.2.

MR STEFANIAK: I want to just follow that with a final thing. Is there any way that you can give the committee some detail in relation to how the programs are going? I hear what you say, but—

Ms Leon: Some of these, of course, are publicly reported. The restorative justice program published its evaluation after its first 18 months, I think, of operation. The Aboriginal justice centre has not been in operation long enough to have any published outcomes as yet. The property crime reduction strategy indicators are published every year in the annual report, so they are publicly available. With the turnaround program, the funding in this year's budget is for the evaluation of it; we will be able to report on the evaluation of the turnaround program when that is completed. The bushfire arson research, obviously, is not something that gives rise to any performance indicators, because it is not delivering a program: it is assisting us to better inform our policy and our service delivery. If there are any of those items that I have mentioned and that are already publicly available that you are not easily able to access, we are happy to give you the links or the copies of the publicly available material.

MR STEFANIAK: Thank you.

THE CHAIR: Mrs Burke, you had a question.

MRS BURKE: It is clarification about something on page 234, output 1.2, "Legal Services to Government". There is an estimated outcome of 7,218 and the budget for 2007-08 is 7,497, so there was a bit of an increase there in the total cost.

Mr Corbell: It is output 1.2.

Ms Leon: In relation to output 1.2, the change in the money relates to an additional \$397,000 for workplace relations and in-sourcing of legal advice in the government solicitor's office.

MRS BURKE: Are you able to explain what sort of advice?

Mr Corbell: Mr Garrison can help you with this one.

MRS BURKE: Thank you.

Mr Garrison: The budget initiative for workplace relations and in-sourcing legal services relates to the continued implementation of the government's decisions last year in relation to legal services—which was to bring it more effectively under control within my office.

The workplace relations work relates to the consolidation of it within my own office in terms of the expertise, which presently is a little diverse—so it is under more

effective management—but also to the increase in that volume of work flowing from two sources. The first is to replace that work which has previously been done by external law firms on a rather haphazard basis for some agencies. The second is the increasing work that we have experienced as a result of, for example, working on the new certified agreements for the government and the complexities that arise in that regard from the new commonwealth legislation that was introduced. That has been fertile ground for work for my lawyers.

MRS BURKE: You are saying “diverse”. Are you talking about a consolidation within your area? Can you expand on or explain how it was working and why it was not working—going to what we have now in terms of increased funding, and what impacts that will have?

Mr Garrison: The increased funding is for additional legal staff, to bring in some additional expertise in relation to workplace relations itself, which was an area of work that, by and large, my office was not undertaking, and also to better centralise within my own office work that previously was spread out through the different practice areas in my office. People were doing that work at the cost of other work that they were more specialised in. It was to centralise it within my office and to more effectively deliver those services for government as a whole. Previously a number of agencies outsourced it to private law firms on an ad hoc basis, which led to a lack of consistency of outcomes, a lack of regard for whole-of-government outcomes and some quite significant expense. That underpinned the budget initiative which has led to this resourcing proposal.

MRS BURKE: We are talking of an increase in staffing levels here, of course?

Mr Garrison: Yes.

MRS BURKE: How many?

Mr Garrison: There are four staff in total as part of the bid. There are two lawyers, one ASO2 support staff and an ASO5 whose role it is to assist in managing another aspect of the government’s policy, which is the centralising of any outsourcing of legal services.

DR FOSKEY: Could I have a question?

THE CHAIR: Yes.

DR FOSKEY: I want to look at the number of cases—there seems to have been an increase—where agencies have been resisting release of information under FOI laws. This obviously costs the taxpayer quite a lot in legal costs. I am wondering if you or the minister could indicate whether there have been any directives to give guidance to decision makers as to the kind of information that should be deemed exempt because it could be politically sensitive. Or could there be another explanation as to why there has been an increase in the number of cases? How is the government dealing with this and what does it cost in terms of legal costs?

Mr Corbell: The answer to your question, Dr Foskey, is no.

DR FOSKEY: No to which one of those questions?

Mr Corbell: There has been no direction given.

DR FOSKEY: In terms of budgeting and the reasons why there might be resistance, I would be very interested in a breakdown of how much it costs the government in legal support to deal with these cases.

Mr Corbell: The total allocation is the figure you have before you for this output class. That is the cost of legal services provided to government.

DR FOSKEY: So you cannot tell me how much of that is used in supporting cases where people are seeking information that they are not allowed to have?

Mr Corbell: No.

Mr Garrison: Perhaps I might comment on that?

Mr Corbell: Yes.

Mr Garrison: Dr Foskey, as you will be aware, there are peaks and troughs in various classes of legal services that are provided by my office. There are times when there is an issue of some controversy which enlivens interest in the utilisation of freedom of information laws, which involves resources on the part of individual agencies who address those requests and who, from time to time, seek advice from my office in relation to certain elements of those requests. We have a body of expertise in relation to that area of law which is called on from time to time, and we have quiet times and we have busy times. There are no dedicated resources within my office that address that area specifically, and only that area. It is part of the normal functions of one of the larger groups in my office to address that and a range of other issues.

DR FOSKEY: Which were the busy times over the last financial year, and on what issues?

Mr Garrison: The whole financial year has been very busy.

DR FOSKEY: It has been busy in terms of FOI requests?

Mr Garrison: The broad range of activities—allied to the fact that one of the explanations for our budget outcome is that we have been under-resourced for the last 12 months because of difficulties with recruitment.

THE CHAIR: Are there any other questions for output class 1.2?

DR FOSKEY: Yes.

THE CHAIR: Dr Foskey.

DR FOSKEY: The legal database AustLII has had its funding from the Australian

Research Council terminated and has had to cut staff. Given that many public servants, especially legal staff, must use AustLII on a daily basis, has JACS considered contributing some funding for AustLII? Obviously, that is really the commonwealth's role—or in my opinion it is.

Mr Corbell: Yes, it is.

DR FOSKEY: Especially since they cut back on SCALEplus coverage of state legal databases. Attorney-General, are you advocating through SCAG—a most unfortunate acronym—

Mr Corbell: I can tell you that there are worse.

DR FOSKEY: for Commonwealth funding for AustLII?

Mr Corbell: To be honest, I was not aware that the commonwealth had reduced funding to AustLII. It is not a matter that has been brought to my attention. Now that you have brought it to my attention, it is certainly a matter I would be happy to explore further.

DR FOSKEY: Good.

THE CHAIR: Onto 1.3. Mr Stefaniak.

MR STEFANIAK: In relation to this output class, you have already answered that there are going to be two additional staff. What additional services will the additional \$450,000 provide?

Ms Leon: There are two additional drafting staff; there is also additional maintenance and support for the legislation register. I am sure that from time to time all members of the committee will have had recourse to the invaluable services of the ACT legislation register, which has been operating for five or six years and is now in need of some upgrade. Part of the new money is to ensure that there is ongoing maintenance and support for the register. Up until now, that support for the register has been provided at the expense of drafting resources from within the budget of the parliamentary counsel's office. Now it is expressly resourced so that all of the remaining work of the office can be dedicated to the legislative drafting work.

MR STEFANIAK: What is the level of demand for the ACT legislation register on the internet?

Mr Clifford: It has risen substantially over the years that it has been in operation. I can give you a breakdown of hits, requests and visits, but it is in the order of millions and has been rising by 40 per cent, something like that, over four or five years. In the financial year ending June 2006, hits increased by more than three million, to over 14 million. There were 10 million requests, compared to seven million for the previous year. And visits where data is actually retrieved have gone up to 1.4 million. So it is very heavily used.

THE CHAIR: Congratulations.

DR FOSKEY: Yes, it is good.

THE CHAIR: Any more questions on 1.3?

MR STEFANIAK: Just one. How much excess workload has your section been facing?

Mr Clifford: Sorry?

MR STEFANIAK: How much excess workload was the legislative drafting section facing?

Mr Clifford: In a way, there is no such thing as an excess workload. The priorities are set through the steering committee of cabinet, and we work off those priorities. In the last couple of years it has meant that some of those jobs have been rescheduled because of drafting resources, and in some cases the size of jobs has been altered as well. For example, the Statute Law Amendment Bill is something that we can make as big or as small as we have resources to fill. That is one that we shrink when resources are tight.

THE CHAIR: Dr Foskey.

DR FOSKEY: I want to ask you a question about an issue that has recently been brought to my attention. It is in terms of a lot of legislation—not just in the ACT but around Australia—not including consideration of issues about how records are kept in relation to whatever the legislation is about. The Auditor-General in Victoria has initiated an inquiry into exactly that issue. I was wondering if this is an issue that you have observed in drafting legislation—that there is insufficient attention given to how the records related to that legislation will be maintained.

Mr Clifford: I am probably not the best person to ask. What I have observed, though, is that we rarely need to address the actual record-keeping requirements in legislation on a particular topic in the territory, mainly because the Territory Records Act sets out the requirements for holding records and retaining them for all government agencies. To the extent that it is addressed by the Territory Records Act, the issue does not have to be repeated again in other acts dealing with other subject matters.

DR FOSKEY: I think our Auditor-General is looking at this issue as well, so that might be interesting for some.

THE CHAIR: Are there more questions in 1.3?

MRS BURKE: Yes. Bill may have asked this question. On page 69 of BP3, “Legislative Drafting and Publishing Services”, there is \$450,000 in the next financial year and for the outyears to 2011. There are two extra. Is that just two extra staff?

Ms Leon: That is two additional drafting staff, as well as increased support for the legislation register: \$150,000 of that is for the legislation register; the rest of it—the other \$300,000—is for the two staff.

THE CHAIR: We will go on to output class 1.4, Public prosecutions. Dr Foskey, do you have a question?

DR FOSKEY: We have seen a fair degree of criticism from courts when the prosecution hasn't been able to adduce forensic evidence at a hearing. Does the AFP consider the ACT's funding and time line imperatives when it prioritises forensic resources? It's really not one for you.

Mr Refshauge: No.

Mr Corbell: It is more a matter for ACT Policing and I would be happy to address that when ACT Policing appear.

MR FOSKEY: Do I have to ask that later?

Mr Corbell: I can give you some advice on that, Dr Foskey. I am aware that there has been some commentary from judges and magistrates about the inadequacy of forensic evidence that is available, particularly at the early stages of hearings of matters, whether that is pre-trial or otherwise. The AFP is also concerned about this matter. ACT Policing recently entered into a new service level agreement with AFP forensic services to improve the resourcing that is in place in the forensic services area of AFP national to provide for more timely preparation of forensic evidence for the court. That service level agreement has a range of mechanisms to trigger increased levels of activity to prepare material for the court, and also makes provision for the outsourcing of activity should that be needed to meet demands for evidence. So that work has recently been put in place. It is a matter I discussed with the commissioner and the Chief Police Officer in the last week and they assured me that that new mechanism should go a significant way towards addressing this issue.

DR FOSKEY: That is really good news. I will just slip in my other question on 1.4, which I believe you will be able to answer, Mr Refshauge. The department seems to think that the timely conduct of prosecutions target has been met, but anyone reading the *Canberra Times* would imagine that the judiciary would disagree with this conclusion. If meeting a 90 per cent target still attracts such unusual and public criticism from the judiciary, why not set the target higher? Why isn't the target being set higher for 2007-08?

Mr Refshauge: One of the difficulties is that prosecution is a complex matter which involves coordination of a whole range of organisations, including individuals, witnesses, complainants and others who have personal needs that are not necessarily subordinate to the prosecution process, and coordinating that can be quite complicated. The courts inevitably, understandably and perhaps quite properly, are very concerned about the public flaying of courts that are perceived in the annual report of government services by the Productivity Commission to be slow, to be concerned about their reputation, and therefore are very sensitive to any delays, whether justified or not, or reasonable or not, in the circumstances.

I am happy for, in a sense, any target to be set, but it seems pointless to set a target which will inevitably not be reached if it is unrealistic. Ninety per cent is a pretty

good target in any terms and to set a target much greater than that would not realistically allow for the ordinary exigencies of that complexity and the inevitability that some prosecutions cannot necessarily be mounted in the time scale that others, namely the courts, set without necessarily having regard to some of the difficulties that are faced of marshalling the evidence and the individuals who are needed to actually conduct the prosecution.

THE CHAIR: Mr Refshauge, page 244 of budget paper 4, under 1.4 b, shows the average cost of a prosecutor per business day. How does that compare with the costs in other states?

Mr Refshauge: That is a target that is unique to the ACT, and so it is not a target that we use elsewhere. One of the reasons for that is that the ACT is quite different from other jurisdictions because, with the exception of the Northern Territory, which is a little bit different itself, all other jurisdictions specialise in prosecutions in the higher courts, the district court where there is one and the supreme court. In the ACT, we do all the summary prosecutions, most of which are done by police prosecutors in other jurisdictions. The comparability of police prosecutors and prosecutors in my office would be quite problematic because of the different employment circumstances between the two. The Northern Territory is moving towards a situation which will be similar to ours, but at the moment they still have a large number of police prosecutors, although they are under the control or the supervision of the director of public prosecutions. So there wouldn't be a direct comparability with that figure in any event, even were it to be, as I understand it is not, produced for other jurisdictions.

MR STEFANIAK: Welcome, Mr Refshauge, and congratulations on your successful Hillier appeal and a couple of other Court of Appeal wins.

Mr Refshauge: Thank you, Mr Stefaniak.

MR STEFANIAK: It is good to see the good guys get a few victories. Following Mr Gentleman's question, why did the average cost per prosecutor rise by \$100 during 2006-07?

Mr Refshauge: It is a little difficult to be precise about that. Things like leave, maternity leave and so on, can affect that quite significantly, as can issues of leave without pay, counsels' fees and so on. They are in fact rolled in. A change of about \$100 is not really hugely meaningful and the precise reason for it would be fairly complex to identify.

MR STEFANIAK: My next question probably relates as much as anything to last year. I note your costs for this year are only going to go up by \$18,000. Last year you did get an increase. What impact did last year's budget increase have on you? Does that relate to why your costs only increase by \$18,000 this year?

Mr Refshauge: We are very grateful for the budget increase. As you know, we have been struggling a bit. We had an increased workload and not much of an increase in staff accessibility. That has now changed and we have been able to employ a number of new prosecutors.

MR STEFANIAK: How many?

Mr Refshauge: We have employed another five. One of the challenges, though, which is common not only to my office but to a number of offices in this portfolio and to other agencies in Canberra, is that the legal market is very tight and it is very difficult to attract, in particular, skilled senior staff. While we were hoping to be able to use that to attract some senior staff, we haven't been able to get people of the level that we would like to finally set in place our establishment in a structure that we are comfortable with.

MRS BURKE: Thank you for appearing before us this morning, Mr Refshauge. I refer you to budget paper 3, page 108. I am interested in the case management system. I take it that we are here talking about an electronic case management system.

Mr Refshauge: Yes.

MRS BURKE: It is not a huge amount of money, although the capital expenditure for 2007-08 is \$250,000 and you have got expenses of \$60,000, \$62,000, \$63,000 and \$65,000 in the outyears. What is involved in establishing the case management system? How do you see the thing working to enable you to do a better job for the community?

Mr Refshauge: At the moment, we have no electronic case management system. There are a number of databases within the office which assist the prosecutors in the work that they are doing, but at the moment there is no general system which would not only enable us to track cases effectively but also assist prosecutors to manage the cases through the system. At the moment, we have access to PROMIS, which is the electronic management system that is used by the AFP, but, of course, that is a commonwealth system. That gives us some indications of some information, such as the next in-court date, which, of course, is important not only to record but also to trigger actions that are happening to use to direct preparation and so on.

What we are hoping to do is to refine a system so that it is not as gross or as blunt as that, but which will enable us to have a more effective diary system to enable us to manage our resources better, so that we know, for example, the case load of individual prosecutors so that we can assist them to report and communicate not only with the police but also with witnesses, complainants or victims; and to manage that kind of operation to ensure that appeals are prepared in a timely way so that the material is collected and can be managed electronically rather than having to be managed manually.

We hope also—you will have heard my whinge about this in years past—that it will provide some useful data of a statistical nature that we can use to help us improve criminal justice policy and procedural reforms so that we can assist in feeding in questions to which we actually don't know the answers at the moment, such as how many bail applications are heard in the Supreme Court where a decision in the Magistrates Court is overturned. That could be an important matter to help to understand what is going on in the criminal justice system, but we don't know that.

MRS BURKE: Have we been lagging behind? You used the words “in years past”. It

seems like this is something you have been waiting for and wanting for quite some time. Have we lagged behind other jurisdictions in Australia?

Mr Refshauge: I have to accept that what I have whinged about in the past is the state of the criminal justice statistics in the territory. There are some reasons for that. We are a small jurisdiction and we don't have unlimited resources. I have to confess that I haven't asked for a case management system because we have been using PROMIS and we have access to some of the court case management systems. It has become clear that we need one. We have looked at some of the systems that are working in other jurisdictions. New South Wales, for instance, has quite a sophisticated system which has been in operation for over 10 years, and so is attuned to—

MRS BURKE: Why haven't we done ours sooner? Is it because of a lack of resources on your part that you haven't been given the resources to do that?

Mr Refshauge: I haven't asked for them and I haven't been given them; that's correct. One of the reasons for that is that we have managed on a system where we have had manual work and some assistance from the AFP and from the courts. I guess when you work with a system, you know it and you keep going with it, and it seems okay. What I suppose has been the trigger in this case is that there has been substantial change in case management procedures, both in the Magistrates Court and in the Supreme Court. Dealing with that and knowing, firstly, that we have got to meet the responsibilities that those systems place on us and, secondly, that we have got to be able to participate in the conversation about whether they are working and whether they are as good as they are cracked up to be, we need actually to be able to do it ourselves. Thirdly, we are growing. We are a substantially larger office now than we were, and that means that we need greater management.

MRS BURKE: Have there been staff increases?

Mr Refshauge: Yes, there have been. As I said to Mr Stefaniak, we increased our prosecutors by five last year. Since I joined the office, there has been a substantial increase over those years.

THE CHAIR: Mr Refshauge, you mentioned PROMIS. Do you actually interact with that program or do you simply read from the program?

Mr Refshauge: We can put some information into PROMIS, but mostly it's read only.

MRS BURKE: Can you tell me what the acronym stands for?

Mr Refshauge: No, I can't. Mr Chilcott can't either. Ask the police tomorrow. It's a management information system. Police Records Online Management Information System. You have just got to think about it and think that "MIS" has got to be "management information system".

MR STEFANIAK: Mr Refshauge, you mentioned some problems you are still having. For example, you don't know how many bail applications on appeal from the Magistrates Court were actually upheld by the Supreme Court. I think I might have asked you that last year.

Mr Refshauge: You did.

MR STEFANIAK: I take it you still can't provide that.

Mr Refshauge: I could do a manual assessment, but I would very respectfully and very humbly request that you do not ask us to do that because I think the resources would be better used elsewhere at the moment. Hopefully, when we have spent the \$250,000, I will be able to push a button and let you know.

MR STEFANIAK: I will be pleased to see that. I won't, in deference to you, ask you to do that.

Mr Refshauge: Thank you very much.

MR STEFANIAK: But I do have concerns about that. Anecdotally, I hear that people who are remanded in custody in the Magistrates Court as a result of the Bail Act have been given, in a number of instances, bail in the Supreme Court, with the Human Rights Act being quoted often, but that flies in the face of the provision in the Bail Act in relation to the presumption against bail for repeat offenders especially. I have heard that that is actually being compromised or is seen to be being compromised by some decisions, and hence my request for that information.

Mr Refshauge: Anecdotally, I don't think that has been a serious problem in this financial year.

MR STEFANIAK: That is good to hear.

Mr Refshauge: Of course, it is quite legitimate for one court to review a decision, and that is why we have an appellate process.

MR STEFANIAK: I am concerned, too, about how it is operating in the Magistrates Court, especially in the Children's Court, where it seems a different rule might be being applied. I would like you to comment on that. I have heard that anecdotally, too. For instance, the young driver of the vehicle that killed Clea Rose had been before the court only a few weeks earlier, had previous matters before the court, yet was granted bail. That would seem to fly in the face of the Bail Act. I understand that person has now served his sentence and has been apprehended again by police. The provisions of the Bail Act are very important and they are there for a reason. It is of concern when it seems that the courts aren't necessarily following them. I would ask you to comment just in relation to the Children's Court matters. I hear—again, you probably don't have data, for the same reason—that the Bail Act isn't necessarily being followed as it might be in the adult court.

Mr Refshauge: In general terms, if my prosecutors take the view that the Bail Act, or any other act, is not being applied, I am well-known, I think, for taking appeals to test what the law really is and what the circumstances are. I haven't been asked to and haven't taken any appeals in relation to bail from the Children's Court. The Children's Court is a different court, despite what—

MR STEFANIAK: Is there a problem with the act which governs children?

Mr Refshauge: The Children and Young People Act?

MR STEFANIAK: Yes. Is there a problem with that vis-a-vis the Bail Act?

Mr Refshauge: No. That is under review, and we have made some comments on that and made some submissions on that. In the Children's Court there is, of course, a different dynamic and, quite properly, children are dealt with in a quite different way to adults. It is not fair, really, to compare what happens in an adult court with what happens in a children's court. It would be, of course, the last resort to refuse bail or to imprison someone. The concept of last resort would be even more underlined in the Children's Court, where we have horrendous statistics which say, and I think they are national statistics, that the likelihood of an incarcerated young person ending up in an adult prison is almost 100 per cent. If we can keep kids out of Quamby and youth detention centres, then we have got a fighting chance of not having to prosecute them as adults.

While it is important that the law be observed and that antisocial behaviour be denounced and the rules set and made clear, we also want to apply the law in a way that actually encourages people to comply with the law and keeps them out of the criminal justice system. So I think it is more difficult. If magistrates are being lenient in the Children's Court, then that is, on the whole, a better bet for the community than the magistrates guaranteeing that they are going to end up in the adult court. That doesn't mean that every decision is right, and even I, and I am sure you did when you were a prosecutor, don't say we have got all the right answers. We think that we do a pretty good job in that regard. Sometimes magistrates make decisions that we don't agree with, but it is not my experience that the Magistrates Court is being unduly lenient, having regard to that need to approach young people in a—

MR STEFANIAK: I am talking more about the Bail Act, Mr Refshauge, rather than what the ultimate sentence is. I hear what you say there, and I am not discussing that issue. It is more the anecdotal evidence I get in relation to where the Bail Act should be applied with repeat offenders especially.

Mr Refshauge: I think the Bail Act is applied. It is a discretion and, of course, the discretion is—

MR STEFANIAK: I just wondered whether that is a particular problem as far as you are concerned.

Mr Refshauge: It is not a particular problem that I am aware of. If there are cases—for instance, the issue that you addressed—while I have, of course, been concerned about the whole range of cases that involve that very unfortunate death of Clea Rose, which was a tragedy and needs to be recognised as such, I haven't kept at the forefront of my mind every one of the circumstances involving that and I am not aware of the particular circumstances to which you refer. But it is certainly not the impression that I am getting from my prosecutors that the Children's Court is not applying the Bail Act and is misusing the discretion in that. If there are any particular cases you want to draw to my attention, I would be very happy to look at them and

give you some advice about them.

THE CHAIR: We have got three more output classes to go through. We will move on to 1.5, relating to the protection of rights. Attorney, I bring you to page 244 of budget paper 4 and the paragraph about the public advocate's actions. There has been a sharp increase in the estimated outcomes as opposed to the targets in all of those three areas. Can you tell us how these outcomes were achieved over the target? Have more funds been allocated in this budget to achieve even greater targets for 2007-08?

Mr Corbell: I think it might be easier if I ask Ms Phillips as the public advocate to explain the circumstances there.

Ms Phillips: I suppose that it is understandable if I say that the higher achievements are due to excellent, hard working, committed, dedicated staff. We only have a very small staff—in fact, last budget we lost some staffing positions—but the staff who are in the Office of the Public Advocate are all so committed that they work above and beyond and have achieved those quite dramatic increases in the targets that we had set. If you want me to discuss each of them, I am happy to do that.

THE CHAIR: If you could, yes.

Ms Phillips: Certainly. We have restructured the office in the last 18 months and the first one refers to work that we are doing in a systemic manner with regard to children and adults in the provision of services and monitoring services. We have set a work plan that recognises the monitoring of services that are provided by government as well as developing some research projects to look at various things. Included in that group of activities is our management assessment panel, which looks at the needs of clients with complex disability needs and mental health needs. That particular panel meets and looks at a whole range of programs that can be delivered for those people. That group of staff look at a whole range of services that are needed to be delivered to people who don't have the ability to be able to achieve those for themselves, including a large group of mental health and forensic clients. So we have been able to more than meet our work plan targets.

The second group looks at the work that the guardianship team has been doing, and that particular indicator has been audited to show that we are clearly able to demonstrate that the best interests and rights have been protected in more than the number of cases we thought. Finally, the results in relation to our monitoring of OCYFS about young people and children reflect an ongoing trend of improvements in the service delivery from that department.

THE CHAIR: I think congratulations are in order. Mrs Burke, do you have a supplementary to that?

MRS BURKE: Yes, I just have a supplementary. Thank you, Ms Phillips, for appearing before us this morning. Continuing on with the Chair's question, the outcome for 2006-07, from what you were saying, clearly was a really high achievement yet, if we look at the 2007-08 targets that you are hopeful of being greater than, the figure has been revised down. Is that because you overachieved last year or was it beyond expectation and there is a more reasonable figure for 2007-08?

Ms Phillips: Yes, the one for 2007-08 is a more reasonable target perhaps, but it does reflect an increase in demand and workload that is becoming evident in every single area of our operations, so that it means that in considering the increased demand and the complexity of the workload, too, I am setting those as what I think are perhaps more realistic targets and targets that won't contribute to staff burnout.

MRS BURKE: I like to hear that answer. Are you saying that you are underresourced in terms of the staffing levels? We are hearing across the board that there are skill shortages. Is that a problem that you face also or is it just that you need more resources, more funding? What is it?

Ms Phillips: Yes, I think it is quite clear that there is increased demand. That is because of our particular and unique client group; for example, the increasing numbers of older people who are needing guardianship, who are experiencing effects of dementia or who are needing some sort of support. Increasing demand and complexity across the board for our particular client group are contributing to our need to have more resources, yes.

MRS BURKE: Does that mean you are going to be turning some people away?

Ms Phillips: We have never turned people away. In fact, we are not in a position to turn people away because we have statutory obligations. The tribunal appoints us as guardian of last resort and we can't refuse to do that, not that we would. We monitor the children who are in care with the department. That number has increased as well and we don't have any ability, of course, to be able to screen or monitor those numbers that just keep on increasing.

MRS BURKE: I am sorry, I'm not sure if you did answer as to whether you do need more staffing or more resourcing.

Ms Phillips: Yes, certainly we could do with more staff, more resources.

MS PORTER: On the same page, under the protection of rights under the Human Rights Commission, there is mention of the number of participants in community education. The target was 4,000 and the estimated outcome was 3,000. The notes explain that that reflected the delay in the establishment of the Human Rights Commission. The target for this financial year is again 4,000. Do you think, given what was discussed earlier when we were talking about the wait for the new premises, et cetera, and taking on new staff, that 4,000 figure will be able to be achieved?

Mr Corbell: I think one of the commissioners is better placed to answer that question than I am.

Ms Crebbin: Perhaps I might answer that question. We are fairly confident we won't achieve the 4,000 figure because we are counting, for the Human Rights Commission, only from 1 November last year, and in respect of my role from the beginning of February, effectively, this year. So we are most unlikely to meet that. We hope that we should meet that 3,000 figure.

MS PORTER: So you will meet 3,000 for the next financial year. I am talking about the next financial year.

Ms Crebbin: Sorry, I misunderstood you. We have just organised the employment of a full-time community education officer who will work across the whole commission to bring together the existing education programs that we have and I believe that we will meet that target in 2007-08.

MS PORTER: Would you be able to give me some idea of the kinds of education programs you run?

Ms Crebbin: There are some existing programs which were run by the Health Services Commissioner and also by the human rights commissioner. Perhaps they can both explain those to you and then I might speak to some of the programs that I have planned for that financial year.

Mr Moss: We have—and have had for many years now—a significant program of community education and we are taking that program into the new commission. Among the recipients of our education program are health professionals. There is a significant need to educate health professionals in the new legislation—the Health Professionals Act. In fact I am speaking to optometrists tonight; I will be speaking to psychologists the night after. And so it goes on.

We are also very keen for people to understand the processes for complaint handling under our Human Rights Commission Act. We address community groups and make ourselves available, particularly in the health area, to advocacy groups so that we are in touch with them. We keep them up to date with our legislation, and our work and emphasis.

MS PORTER: Tell me about the education programs.

Dr Watchirs: The former human rights office—you will see from our last annual report—held 3,000 education sessions. That involves, on our part, ones that are generally open to the community—we advertise them widely—on the Discrimination Act and the Human Rights Act. The Discrimination Act is popular. We do things such as contact officers, discriminatory harassment and bullying, disability discrimination, employment discrimination, and we tailor courses to the public and private sectors. We go into agencies and provide that kind of education.

I am often asked to speak at conferences—the UN in Auckland in April—and Phillip and I recently did a double act for the ANU medical students. It goes across the board. Recently Linda Crebbin and I spoke at the Aboriginal cultural centre on our respective roles. It is very wide-ranging and involves a very different commitment of resources. When we train contact officers that is a two-day course. That is a person out of the office for two days, whereas a speech at a conference may be an hour or 30 minutes. It varies enormously.

Ms Crebbin: I have had a number of ad hoc requests for talks, for presentations of various sorts. I will be speaking to the Industry Training Advisory Board at their breakfast forum tomorrow. Those talks tend to concentrate on my role and the

functions of the Human Rights Commission.

I have two projects—one underway and one in planning—for the coming financial year in relation to disability services. The one that is underway is an adaptation of a New Zealand program called Speaking Up, which is a self-empowerment, self-advocacy program for people who use disability services. Its focus is on assisting them to make more effective complaints. We will be adapting that program for use in the ACT, and working with disability service users and providers to roll it out in a fairly coordinated way.

Yesterday I signed a contract for that work to be done on that program. I hope that that work will be finished by the end of August so that, come September, we will be able to progress it. We have already done quite a bit of consultation and some preparation work with service users and providers in the disability sector.

The second program is in planning. This is a series of workshop discussions in the September-October period on the new UN Convention on the Rights of Persons with Disabilities. Australia signed that convention towards the end of March. While ratification has not occurred, it will have an impact in the ACT. So I will be running—hopefully with some advocacy and consumer organisations—a series of workshops on that and how it might impact on the lives of people with disabilities in the ACT.

I have not progressed my planning in relation to the formal education programs for children and young people. My intention is to focus, in the next 12 months, on developing knowledge of my role and of the rights and responsibilities generally of children and young people in the ACT. When the children and young people adviser position is filled within the next two weeks, one of our first tasks will be to work out a formal program focused on consultation with children and young people, and on obtaining their advice in a way that also has an educative role to it.

DR FOSKEY: I have a question not only for the human rights commissioners but also for the public advocate. We may need to call Anita back, if that is okay. To what extent is your agenda informed by meetings with some of the advocacy groups for the people with whom your work is concerned? Ms Crebbin, how much of your agenda in relation to young people and disability is informed by talking to, say, ADACAS or the Youth Coalition? Ms Watchirs and Mr Moss: do you talk to the health consumers? Do you talk to human rights or other groups? I am interested in that.

Ms Crebbin: In relation to the disability services area, I have formed fairly strong links with both ADACAS—I already had that to a certain extent from my previous work—and Advocacy for Inclusion, which is a new organisation from my perspective. I have had meetings with both staff. I am addressing a staff meeting at Advocacy for Inclusion in a couple of weeks.

Both those organisations participated in the Speaking Up training workshop, which is part of this program of education that we will be moving into. I will be looking to those advocacy agencies to ensure that I am on the ball when it comes to understanding the issues that users of services have currently. So I have existing links formed and will keep them as strong as I can.

In relation to children and young people, again I have existing links with the Youth Coalition through my previous work at the Legal Aid Commission. We have been involved in joint projects before. I am continuing those links, probably on a less formal basis than with the disability area for the moment. Later this week and early next week I will be interviewing for the children and young people adviser position. One of the members of the interview panel will be from the Youth Coalition.

I am looking for opportunities to incorporate them into the work that I will be doing so that it will be easy for them to come to me with issues and for me, likewise, to seek their guidance on issues that are of relevance to children and young people. They are a wonderful source of information about those things.

Dr Watchirs: We work closely with the community. I have worked with the Youth Coalition over a number of years, particularly with the Quamby audit and implementation. I am the former chair of ADACAS and I keep contact with them not only on an individual basis with the staff and the management of those organisations but also through a biannual community forum. Our next one is Friday week.

We have held individual meetings with groups such as the Aboriginal Justice Centre. We are now providing an outreach service there. We have trained their staff. We will go there once a week to talk to their clients about any discrimination concerns and any other issues in other areas of complaints, but focusing first on race discrimination.

My staff attend the free legal advice forum. That involves a number of community organisations such as the Women's Legal Centre and Welfare Rights and Legal Centre. The staff that attend have worked at those bodies before. Civil Liberties Australia come to see us quite often. We have run a number of joint events with ACTCOSS—similarly with ACT Shelter—and there have been a number of initiatives with ANU. We consult with unions and other organisations that seek our education services. That happens regularly.

A more proactive one we did recently was with the Chamber of Commerce. It has taken a long time for us to have any impact on the private sector. It is more complaints-based rather than our assisting those organisations at the beginning to prevent complaints.

DR FOSKEY: It is a big role.

Mr Moss: I too am in close contact with advocacy groups in the community. I use them in two ways: firstly, to respond to their concerns. I will give you two recent examples. Mental health advocacy groups are concerned with the psychiatric services unit at TCH. I am in dialogue with them about that. The health care consumers association is concerned with people's access to medical records when they change health providers. That is a current issue that we are in dialogue about also.

I also use these groups as a means of disseminating information about the right and access that people have to address concerns about their health care. Not only is it about providing community education but also it is about making these agencies and organisations aware that they can feed into us from their own contacts and reach in to

the community.

MR STEFANIAK: Page 244 states:

- a. High level of client satisfaction with Human Rights Commission complaints process
- % of clients who consider the process fair, accessible and understandable

You have 70 per cent there. It then continues:

- % of complaints concluded within Commission standards and targets

Again, it states “70 per cent”. That is a fairly low figure. Why is the Human Rights Commission aiming for a target of only 70 per cent satisfaction with its services?

Ms Crebbin: We are displaying our wonderful collegiate skills here, Mr Stefaniak.

MR STEFANIAK: Yes; you are all looking at each other.

Ms Crebbin: Yes; we are all looking at each other. Those targets were set before my involvement with the commission. Consumer satisfaction is a very difficult tool to measure because we will not always be able to assist people to reach a conclusion that they are happy with. All we really ask about there is satisfaction with the process. People’s satisfaction with the process is very closely linked with their satisfaction with the outcome. That requires us to be somewhat modest.

My view of how we are tracking to date—in response to a question on notice that you asked the commission earlier this year—is that I am fairly confident that we will come in well above those targets for this year in those areas, particularly in the satisfaction area. It may be that that target should be revised. Until the commission has been in operation for a while, we will not know what is a reasonable target for it to achieve as a whole.

MR STEFANIAK: The targets in relation to the public advocate have been revised upwards from a very low base. It would be sensible for you to revise yours. How many approaches have you had this financial year? How many are you able to resolve so that there is some outcome—not necessarily to the client’s satisfaction, but an outcome?

I have said it a few times, so it is quite public. I have recently referred a number of people to you. I have not necessarily known whether you were able to help them. You may have been—and that is a bonus. In other instances, the commission did not seem able to help people whom I had earlier referred to it. This surprised me. Coordinating with other government agencies would not have been terribly difficult. When someone comes to see you, how do you assess what you can do? What sort of processes do you have in place? How do you arrive at reaching these targets on page 244?

Mr Moss: That is quite a complex process, in terms of health services complaints. We have a requirement to engage in joint consideration with health professional boards.

At the end of the day an outcome that the commissioner proposes might end up differently after the joint consideration process. The professional standards committee of a health professional board and the commission might have different views. The requirement is that, where that occurs, the most serious course of action arose. There is not a straight line from receiving a complaint to resolving it to the client's satisfaction because of that requirement of joint consideration. It does work very effectively and we get good outcomes. But it is not that straightforward in that sense.

Earlier you talked about numbers and complaints. At present we are attracting about the same as last year. It should therefore exceed the number of written complaints of—

MR STEFANIAK: That is in your area or the whole commission?

Mr Moss: That is in health services; yes. I am talking about health services.

MR STEFANIAK: What about the whole commission? I am interested in numbers of complaints, numbers resolved or numbers outstanding. You can take it on notice.

Ms Leon: The commission has not had a full year of operation so far. So they are in a somewhat difficult position when trying to give you a full year figure. Obviously all those figures would be available at the end of the financial year.

MR STEFANIAK: Would you have last year's?

Ms Leon: Last year the commission did not exist. We would be able to provide you last year's figures separately for the ACT Human Rights Office and Health Services Complaints Commissioner.

MR STEFANIAK: That would be of some assistance at least.

Ms Leon: We will take that on notice.

MR STEFANIAK: I think part of this has been asked. In 2006-07 you had fewer projects completed than forecast. Three projects rather than four were completed. Is that deferred project from last year included in the four projects to be completed this year? Or has it been dropped altogether? That is in b on page 244. You had a target of four projects completed. The outcome was actually three and you have a target of four. Has that been picked up for this year?

Ms Crebbin: I am hesitant because my memory is not fully clear on this. I think that that reduction again reflects the fact that the commission commenced operation on 1 November. My involvement did not commence effectively until the beginning of February. The outcome of four major projects was established initially with the idea the commission would be operating for a full financial year and we would all be on board. So I will not contribute a major project to those figures for this current financial year. That is my understanding of that outcome difference.

Mr Corbell: That is my understanding too, Mr Stefaniak. It is not a case of rolling over a project.

MR STEFANIAK: It is just a delay.

Mr Corbell: It is one project that just was not initiated at all. We anticipate that the full complement will be initiated in the following year.

Ms Crebbin: Certainly.

THE CHAIR: We move on to output class 1.6 and welcome Mr Phillip Green. You are now going through a process of electoral redistribution. I understand that submissions are due to close near the end of this month. Can you give us an idea of how many submissions you have had on the redistribution?

Mr Green: The redistribution committee published its proposed redistribution on the last day of May. The objection period for that proposal closes on 28 June. We received a fairly small number of public submissions in the lead-up to making that proposal. Five public suggestions were made and then another two comments made on those suggestions. As we are still in the objection period, we will not know how many of those we receive until 28 June.

THE CHAIR: When do you think the process will be finalised?

Mr Green: It depends on what happens at the next stage. The next part of the process is that the augmented Electoral Commission will meet to consider any objections that have been made to the proposed boundaries. That committee will meet fairly soon after the close of objections. If there is a need to hold a public hearing, that will take some time to organise. There is a requirement to hold a public hearing if there are objections made that raise new issues that were not raised on the original proposal.

If we do have to have a public hearing, then that will need to be organised. Then the augmented commission will have to consider any matters that were raised at the public hearing. Then the augmented commission has the choice of either affirming the original proposal—in which case they will become the final new boundaries for the ACT—or, if it considers that the boundaries need to be changed as a result of the objections, it has the opportunity to propose a different set of boundaries.

If the augmented commission proposes a different set of boundaries that are significantly different to the original proposal, then there is another four-week objection period before the boundaries can be finalised.

MRS BURKE: I note that, given some fluctuation, you receive over a million dollars of funding from the ACT government. That is on page 235 of budget paper 4. However I note, by its absence, no mention of accountability. You are not showing accountability indicators. Can you explain to us why that would be?

THE CHAIR: There is no election.

MRS BURKE: No, in terms of other duties that you do other than just elections. I am not sure why you do not appear in the accountability indicators.

Mr Green: The accountability indicators were rationalised a few years ago. The department, which makes the decisions about what indicators to put in the budget papers, took the view a few years ago that the most important indicators that relate to the commission are those things that happen during an Assembly election time. They took the view that the only indicators important enough to include were those that applied at election times. So between election times no indicators appear in the budget papers. However, the ACT Electoral Commission, in its annual report, has its own indicators that we report on. That is the approach we took to cover that apparent lack of accountability between the budgets.

MRS BURKE: That is fine. All in all, what are we funding—in terms of the more than a million dollars a year?

Mr Green: Our annual report every year indicates that we are very busy between elections. Elections are a bit like the Olympic Games: they might happen only once every four years but an awful lot of organisation goes into them. And my office has only me and five people in it. We are very busy. Obviously we are in negotiation with the Australian Electoral Commission in maintaining the electoral roll.

Quite a lot of work goes into that behind the scenes. Any legislative change requires quite a lot of work in my office. After every election we propose changes to the electoral legislation. We have an active electoral education program. We provide advice on a range of matters to a range of people, particularly the minister. We conduct minor elections, fee-for-service elections, to a wide range of bodies.

We are about to conduct a round of enterprise bargaining elections for ACT agencies over the next few months. We run elections for the Australian National University every year. A lot of preparation goes into each Assembly election. We are again looking at using new processes at the election next year. We are looking at using electronic personal digital assistants for marking names off electoral rolls.

MRS BURKE: Are you expanding that electronic voting this forthcoming financial year—for the next election?

Mr Green: I think we discussed electronic voting at the committee last year. We are looking at providing more electronic voting facilities at our pre-poll voting centres and providing more pre-poll voting centres than in the past. We have taken the view that providing electronic voting just for one day at a polling place is more effort than we get benefit from. It is a lot of effort to set up a polling place with electronic voting just for one day. But we are looking at expanding the electronic voting used and taken at the pre-poll voting centres.

We are looking at some other new innovations for the election next year. We are replacing printed electoral rolls with personal digital assistants. The Tasmanian Electoral Commission trialled that a month or so ago for their upper house elections and it proved very successful. Hopefully that will be faster and more efficient, and possibly will save us some money as well.

The other thing that we are looking at—this was foreshadowed in our election report after the last election—is using electronic scanning rather than data entry to do the

count of the Assembly ballot papers. We are part way through a tender process for that at the moment. Again we are hopeful that that will increase the speed and accuracy, without increasing our costs. If we manage to achieve that in the ACT it will be another Australian first.

DR FOSKEY: In last year's annual reports hearing, Mr Green, you took the view that the question of how true a political advertisement is is really a matter of judgement for the electors themselves rather than for courts to make, and that the process of political advertising is really putting something for the people themselves to judge through the ballot box. But in cases where the deception is blatant or the attribution is clearly wrong, would the commission's reluctance to perform this function be based on budgetary concerns? Or do you think you lack the power?

Mr Green: In my view, budgetary considerations would not be relevant. The legislation, as it stands, does not give the electoral commission any power to regulate truth in political advertising. I think the only jurisdiction in Australia that does have such a thing is South Australia. As you quoted my saying, looking at this over the many years that I've been in this industry—

DR FOSKEY: Industry?

Mr Green: Sorry, that might not be the right word. "Profession" is the right word. We do fee-for-service elections. It really is very difficult—in the shoes of an electoral administrator—to look at political advertising and objectively say that is false and that is true. Political advertising is typically phrased in such a way that words can mean what you want them to mean.

DR FOSKEY: Given that the commission does not have that power—you know that there has been recent activity in the legal sense about some misleading advertising relating to the Greens; obviously that is why I am interested—is there any other section of the department that could take up the responsibility for prosecuting or preventing misleading or unattributed electoral material?

Mr Corbell: I think the government would take the view that, if assertions were made publicly that were designed to damage the reputation or the perception in the broader community of an individual or a political organisation, other avenues would be available to that political organisation or individual to pursue to seek redress and even potentially to stop publication of such material. And that would be through the courts, relying on a range of laws, but obviously the most important being defamation laws. We would take the view that that would be the most appropriate mechanism available. There is the capacity for matters to be dealt with quickly if there are urgent and pressing reasons, and courts take those matters into account.

I am not in favour of establishing a bureaucracy within the ACT government to decide which political ads are true and which are not. I know that this is a very difficult area. I note that the former Federation of Australian Commercial Television Stations, which used to self-regulate in this regard, no longer do so. They determined that it was far too difficult. Complaint-making became a mechanism in itself to obstruct your political opponents, even where there were no real grounds.

DR FOSKEY: A bit like a SLAPP.

Mr Corbell: Indeed, even where there were no real grounds to cease broadcasting or publishing a particular advertisement. But it became a mechanism to frustrate your political opponent. I know FACTS determined that they did not want to be in the middle of that push and shove any more and got out of it. If public servants had to make those judgements, it would put them in an extremely difficult position. I think it would be time-consuming, laborious and difficult. I think the government's view would be that, if serious assertions are being made which are misleading or damaging to a person's character or reputation, legal remedies are available.

DR FOSKEY: And you wouldn't support their extending the electoral legislation as in South Australia, as Mr Green alluded to?

Mr Corbell: No, and for the same reasons. I just do not think you can. It is extremely difficult to put public servants in that situation: being the police officer and deciding what is true in a political way.

DR FOSKEY: Given that the Australian Electoral Commission now has different criteria for a person's eligibility to vote and time to enrol to vote in the ACT—I assume—does the Australian legislation, the federal legislation, apply to voters in the ACT for the ACT election?

Mr Green: Yes; I will clarify the situation at the moment.

DR FOSKEY: I will finish my question; it may be relevant. How have the changes to the federal electoral act impacted on the ACT Electoral Commission?

Mr Green: The way the eligibility for electoral enrolment works in the ACT is that we automatically pick up the enrolment qualifications under the Commonwealth Electoral Act. So any enrolment qualification changes made to the Commonwealth Electoral Act automatically apply under the ACT's electoral act, unless the Assembly legislates otherwise to actively bring the ACT out of line with the commonwealth, which it has not done. The changes that the commonwealth has made regarding enrolment forms—people filling them in and having their identities verified—have automatically applied to the ACT.

One difference between us and the commonwealth—introduced as a result of the commonwealth changes that took place earlier in the year—is that the commonwealth has now prevented anyone serving a prison sentence from voting at a federal election. At the same time it extended the right to enrol to all prisoners regardless of their length of sentence. It used to be the case that if you were in prison for more than three years you were not eligible to enrol.

The effect of those commonwealth changes are that anyone who is in prison is now eligible to enrol for both commonwealth and the ACT regardless of their length of sentence. Those people will not be able to vote for commonwealth elections but they will be eligible to vote for ACT Legislative Assembly elections.

DR FOSKEY: Is there any thought of amending the legislation?

Mr Corbell: In relation to enrolment, no. The government has taken that decision based on advice from the commissioner, which is that the practicalities of maintaining a separate role would create real confusion. It would also require ACT residents to enrol twice, potentially.

DR FOSKEY: We do like our democracy in the ACT. We might be prepared to.

Mr Corbell: Indeed. But the potential impact would be to disenfranchise more residents. They would assume that, having enrolled for example on the federal roll, they had met all their obligations for enrolment to vote. It would be an administrative difficulty. As well it would risk disenfranchisement of more people, which is not what we want to do.

The government has strongly indicated to the commonwealth our disagreement and our objection to the provisions put into the Commonwealth Electoral Act. Those have been communicated in writing to the relevant commonwealth minister as well as in public commentary and most recently in debate here in the Assembly. In the circumstances it would not be appropriate to diverge from having a joint roll for the reasons I have outlined.

The other issue important to stress is that the issue around the close of the rolls does not apply for ACT elections. Obviously we have a set date. Everyone knows when an election will be anyway. Even with that, we do not have the same onerous and strict closure of the roll provisions that apply for commonwealth elections.

THE CHAIR: One more question for Mr Green and then we'll go on to—

MR STEFANIAK: Sorry; I have not asked any questions yet, Mr Chair.

THE CHAIR: Go ahead, Mr Stefaniak.

MR STEFANIAK: Is it so, as reported in today's *Australian Financial Review*, in an article headed "Apathy Wins Youth Vote"—I have a copy here if you need it—that the ACT Electoral Commission is paying young people \$2.50 for return of enrolment forms? If that is the case, where is the strategy measure outlined in the budget papers? What is the budget for this strategy for 2007-08? If you like, I will provide you with the pages of the article; you are probably well aware of it.

Mr Green: That is fine; I do not think I need it. That refers to a program that we have had running for several years. We have always reported on it in our annual report. It is part of our strategy to attempt to increase the participation rate of young people. We have an arrangement with each of the schools in the ACT who have students in the 17 to 20-year-old age group. We undertake to pay the schools \$2.50 per enrolment form that they receive. The money goes to the school; it does not go to the person enrolling. We are not bribing someone to get on the electoral roll.

MR STEFANIAK: It is a pretty small bribe.

Mr Green: Exactly. What it has achieved is this: the schools in the ACT have a good

record of encouraging their students to get on the electoral roll and it gives some motivation.

DR FOSKEY: Especially the public schools, to whom that \$2.50 might mean more?

Mr Green: I have not noticed a difference between the types of schools.

MR STEFANIAK: What is the budget for the strategy? What is the level of anticipated take-up? You probably have a few figures from the past to indicate.

Mr Green: It varies very much according to whether there is an election in the offing. For example, in 2004 we got, I think, more than 1,000 forms. We got considerably less in the following year when there was less interest because there was no election in the immediate offing. The money comes out of the money we pay to the Australian Electoral Commission. So it does not cost our budget any extra money; it is coming out of money that we are already giving to the commonwealth for the maintenance of the electoral roll.

MR STEFANIAK: Do you advertise? Is there any cost there?

Mr Green: We just write to the schools. It is up to the schools themselves to organise it.

MR STEFANIAK: Apart from this one, do you have any other strategies to encourage young people to enrol?

Mr Green: We do. Again, these things are mentioned in our annual report. The enrolment of young people is the biggest issue we have nationally with the electoral roll. Up to the age of around 25 the proportion of people on the electoral roll does leave a lot to be desired. Once people hit 25 to 30—particularly when they start to not move around so much—they tend to get on the electoral roll and stay on it. Participation rates of older people are much higher than that of younger people.

The Australian Electoral Commission has been putting a lot of effort into getting young people on the electoral roll in the lead-up to the federal election. A few weeks ago they had national Enrol to Vote Week. They were trying to get young people on the electoral rolls. They are doing a large enrolment campaign at the moment.

We in the ACT have a schools program. Part of that schools program involves encouraging people to be on the electoral roll. As part of the continuous roll update program that the Australian Electoral Commission runs with support from the ACT, they receive data from the school boards and from the ACT motor registry, in particular, details of people becoming eligible to enrol as they turn 17. They get written to as part of the continuous roll update program.

A national program that the Australian Electoral Commission is about to roll out will involve sending a birthday card to people 17 or 18 as they have their birthdays. They will get a birthday card that says, “Happy birthday, you’re now eligible to enrol to vote. Here’s an enrolment form.” Victoria has now been doing that for some years. They have had one of the best rates of enrolment of young people as a result of that

program.

MRS BURKE: How does the scrutineering of electronic voting happen?

Mr Green: Are we talking about the counting of votes?

MRS BURKE: I guess manually you have people watching over. How do we ensure accuracy?

Mr Green: Scrutineering of the count. For the last two elections people have data entered all the preferences on a ballot paper into a computer system. Scrutineers are able to watch that process. As it happens, it very quickly becomes mind-numbing because it's just millions of numbers going into a computer.

With this new system—we still have not formally entered into a tender yet; it is still at the conceptual stage—rather than data entering all the preferences, each ballot paper will go through a scanning machine. There will be a very rigorous process of on-screen verification of those numbers as they are counted by the computer system. One possible model is that every single number that gets thrown up onto a screen gets looked at by an operator, who verifies that the numbers are correct.

Many checks and balances will be built into the software. Where the numbering on a ballot paper is not totally obvious—one, two, three, four, five; if there are numbers missing; if the number is duplicated; if the software is not confident that it is correctly scanned—an image of the ballot paper will be thrown up on the screen, together with a record of what the computer thinks those numbers represent in terms of computer numbers. They will be thrown up on a screen and an operator will look at those. Scrutineers representing parties and candidates will be able to watch that process. It will be a more informative, clearer process than the data entry process.

MRS BURKE: So you are not removing the human element of scrutineering per se; it will just be a quicker, faster, more streamlined system?

Mr Green: Yes.

Meeting adjourned from 12.25 to 2.03 pm.

THE CHAIR: Good afternoon and welcome back, attorney. We will resume with output class 1.7. Are there questions for the attorney on 1.7?

MR STEFANIAK: Thank you very much. Attorney, output class 1.7 at page 245 shows a number of discontinued accountability indicators; namely, d, h and l.

Mr Corbell: I am sorry. Which page are we on, Mr Stefaniak?

MR STEFANIAK: It is page 245 of budget paper No 4. Item d is the average cost per transaction of the registration/products by the Registrar-General's office; h is the average cost per inspection by the Office of Fair Trading and l is the average cost per 1,000 employees. Why have you discontinued these rather useful efficiency measurements?

Mr Corbell: Thank you, Mr Stefaniak. I will ask Mr Phillips, who is the executive director, Office of Regulatory Services, to answer the question.

THE CHAIR: Mr Phillips, you have the privilege card in front of you there. Are you aware of the—

Mr Phillips: I am, Mr Gentleman. I saw it this morning.

Mr Stefaniak, over the last couple of years we have been looking at the performance measures and how we measure ourselves against a series of key performance indicators. In relation to those matters you have raised that deal with the issue of costs, in putting together an Office of Regulatory Services, which comprises five or six different functions from different agencies, in order to meet efficiencies and in order to achieve a consolidation, it has become, in our view, important to measure ourselves against effectiveness in relation to service delivery across the community as a whole.

On that basis it has become apparent that the cost per unit of doing things, like the cost of each registration in the land titles office, for example, or births, deaths and marriages is perhaps best measured by the effectiveness of the organisation in relation to the errors it makes rather than the actual cost of the item.

MR STEFANIAK: Is that because you have had staffing cuts or you had had to make efficiencies?

Mr Phillips: In relation to efficiencies you would expect that the cost would decrease significantly because the same amount of work has been churned out with a reduced resource base.

Ms Leon: Mr Stefaniak, may I add to that? This is rather like one of those series of statistics where, when you have a fundamental change in the way the business is delivered, the statistic becomes less meaningful over time because you are not comparing apples with apples.

When we first collected these statistics the Registrar-General's Office was a freestanding organisation with a set base of costs that applied to the products that it produces. Now it is only part of a much larger amalgamated organisation and it is not possible to directly compare the costs of what was formerly the Registrar General's Office because it is now not a freestanding office that has its own costs applicable only to business registrations and births, deaths and marriages. They are now amalgamated with a series of other functions so that you cannot simply identify the costs of the Registrar-General's Office in isolation from the costs of the rest of the Office of Regulatory Services. It is no longer a freestanding unit with its own separately identified cost base.

MR STEFANIAK: It is a subunit though, is it not?

Ms Leon: No, there is not a part of ORS that only deals with what the Registrar-General previously dealt with. The functions previously performed by the Registrar-General's Office are part of the registration and licensing section, which

amalgamates activities previously in the Registrar-General's Office and other activities previously in the Office of Fair Trading.

MR STEFANIAK: I note accountability indicators a and b, which indicate 95 per cent accuracy in recording of data. Initially, when I read it I thought that in an office like that it is crucially important to be 100 per cent accurate but then, of course, you add five per cent for consumer error. What are you doing to try to improve that? Surely it is a bit of a problem when one in 20 registrations actually have errors in them—not through your fault but just through what you have been given?

Mr Phillips: Key indicators are really a useful indicator of our performance in relation to the forms that we develop. In that particular section the client surveys will indicate the difficulty that clients have with the use of the service and with using the forms and indicate to us which forms need to be modified. So, over time, we would see that indicator becoming less than five per cent. It just gives us an indication of how simple we need to make it for the consumer to do their business.

MR STEFANIAK: Finally—and I will give someone else a go in a second—I understand the government is going to cut \$1.8 million from the funding of this class. What work will you no longer be doing as a result of the funding cut of \$1.8 million?

Mr Phillips: At the present time, Mr Stefaniak, we are undergoing a review of all our core services. It will look at what we are doing and what we are not doing and what we are legislatively required to do. It will also have a look at the way we, in fact, do our business.

MR STEFANIAK: How many staff will be cut—lost, rather—as a result of that? Do you know yet or not?

Mr Phillips: The Office of Regulatory Services has reduced its staffing by about 40 over the last 12 months, and I do not expect there to be any further reductions.

THE CHAIR: While we are on page 245, output 1.7 item j refers to an increase in workers compensation compliance. Can you explain the descriptor in the targets and estimated outcome? It states:

The % increase in the wages pool is greater than the % growth in wages.

Mr Phillips: The OH&S commissioner could probably explain it better than I can, but he is unavailable at the present time. I can take that properly on notice. But the ABS collects data in relation to percentage increase in wages and we measure it against our compliance activity in relation to workers compensation. We go around and check how many people are on the books, how many people employers are paying workers compensation for and what wages are being declared in relation to workers compensation and we compare those against the data that the ABS produces in relation to workers compensation figures.

THE CHAIR: Thank you.

Ms Leon: What the figure demonstrates is just that one is increasingly widening the

net to ensure that one is increasing the percentage of employers who are complying with workers compensation legislation. The figure ought always to be greater than the growth in wages. Otherwise, all you are measuring is that wages are going up. The figure would only become no longer meaningful if we knew that we had 100 per cent coverage of all employers and at that point you would expect that the growth in wages would exactly match the growth in the wages pool.

THE CHAIR: Thank you. Are there any other questions on 1.7?

MR SESELJA: Yes, I just have a quick one. I apologise that I was not here before lunch. This may have been asked. On page 236 of budget paper No 4 the output description refers to parking operations and parking review. What exactly does parking review entail? Obviously there is a review going on in other portfolios of parking.

Mr Corbell: Parking review deals with people who seek review of infringement notices.

MR SESELJA: Thank you.

Mr Corbell: I get lots of letters about those.

MRS BURKE: I have one very quick question. On page 245 of budget paper No 4 items e and f deal with the level of compliance with regulatory schemes administered by the Office of Fair Trading. Can you expand on that a little bit? I see that the level of compliance is set at 80 per cent and that the ratio of disciplinary proceedings to inspections is set at a ratio of one to 10. Could give us some idea of what form those disciplinary proceedings take?

Mr Phillips: Mrs Burke, the office regulates a number of industries—for example, the real estate industry, the hotels industry and the security industry—and there are a number of disciplinary actions or proceedings that the office can take if they find breaches.

For example, in relation to the security industry, if inspections of security agents reveal that they do not have their badges and they are not registered, then disciplinary action is taken. It can be taken through the Consumer and Trader Tribunal or through the courts or through the liquor board. The ratio that we work on is that, for every 10 inspections that we do, there will be one breach requiring disciplinary action, and that figure tends to pan out.

MRS BURKE: So you would be giving the others, the other nine notice to remedy?

Mr Phillips: There is nothing wrong with the other nine.

MRS BURKE: There is no action. Thank you.

MR STEFANIAK: What is the level of compliance by fireworks dealers in the ACT with fireworks regulations?

Mr Phillips: This year we carried out around 200 inspections of fireworks premises. The level of compliance that we found across the week was very high. As you are aware, we did issue a suspension notice and seize some fireworks from one premises. Customarily, we have minor issues with people making mistakes on the forms that they complete but, by and large, the level of compliance is very high in the industry.

MR STEFANIAK: That is good. In relation to the \$10 tax on traffic infringement notices, what is going to be involved in implementing that and how much do you anticipate that will cost you to implement?

Mr Phillips: I am only parking, Mr Stefaniak, not traffic.

MR STEFANIAK: You do not do that at all. Fine. My final question is: what is the trend in workers compensation compliance listed in dot point j?

Mr Phillips: Mr Gentleman asked that question.

MR STEFANIAK: Okay.

THE CHAIR: Are there any other questions on 1.7? We will move to output class 2. Are there any questions for the attorney on output class 2.1? Ms Porter.

MS PORTER: Just for clarification, chair, does the Maconochie centre come under this output class?

MR STEFANIAK: It does.

Mr Corbell: It certainly does.

MS PORTER: Thank you. On page 232 of budget paper No 4, under the heading “Business and Corporate Strategies”, the department lists its priorities. One of the priorities is to:

Continue to manage the construction phase of the Alexander Maconochie Centre ... with Corrective Services communicating widely with community groups with respect to the operation of the Centre.

Could you advise the committee which community groups are being consulted by corrective services as part of this initiative and elaborate on how their inputs have been considered and incorporated, where appropriate?

Mr Corbell: I will ask Mr Paget to come to the table and give you some more detail on that, Ms Porter.

MS PORTER: Thank you.

Mr Corbell: In summary, the range of consultation activity has been very broad. There are quite a number of organisations that will be involved, and have an interest, in the operations of the AMC, when it is commissioned, and they range from prisoners’ aid, obviously; the churches; right the way across to mental health, drug

and alcohol groups; indigenous representatives and a whole range of other stakeholders.

The prison project has actively engaged those groups and there has been a series of consultative forums and regular and scheduled meetings with different groups to discuss issues around implementation of the project and future operation of the AMC. Mr Paget is in a stronger position than I to outline that. Could you outline the consultation processes for stakeholders?

THE CHAIR: Mr Paget, you are aware of the implications of the privileges on the blue card in front of you there?

Mr Paget: Yes, I am. We have had an active program of discussing the prison project with a range of groups since about 2005. There is a communication plan on the website which has been there since 2003 which reflects that. That details the major issues. We also keep a communication record of every single group or individual with an interest in, or agenda for, the prison project. That encompasses groups ranging from, for example, the imam at the Tuggeranong mosque, the Australian Centre for Christianity and Culture, the Aboriginal Justice Advisory Committee and its successor the Aboriginal justice council, prisoners aid, the women's intersectorial reference group and people like the Canberra Alliance for Harm Minimisation and Advocacy and so on.

More recently, we had sent out on 3 April, I believe, 129 letters to community groups asking them to indicate whether or not they would be interested in providing services or programs into the prison and asking them to identify the nature of those sorts of programs, the nature of the accreditation and so on. Thus far we have got back five responses, and only two have actually completed the documentation that we sought.

MR STEFANIAK: I note at page 246 the difference between the average cost per prisoner per day on remand and the average cost per prisoner per day for sentenced prisoners in New South Wales. The notation states that the cost increased for persons on remand due to lower than anticipated numbers. Do you accept that this highlights the volatility of the jurisdiction with respect to budgeting for recurrent costs and reduction of costs through economies of scale? To start with, just how many prisoners do we currently have on remand and how many prisoners do we currently have in the New South Wales system?

Mr Corbell: The average daily number of prisoners is currently sitting at just under 110 prisoners. I think those are sentenced prisoners. There are 107 sentenced prisoners. The remand number, I am advised, is currently sitting at 82 remandees. There is no doubt we are currently at the lowest level of sentenced prisoners that we have seen for the past three to four years, but these figures do fluctuate and we have been as high as around 130.

MR STEFANIAK: It is 150, is it not?

Mr Corbell: I stand corrected. It is 150. That number was only at that point a number of years ago. Only a couple of years ago we were at that point. These figures demonstrate the volatility in this type of population. Nevertheless, it does not

ameliorate the specific requirements the territory has to provide for effective rehabilitation of its sentenced prisoner population, the proper accommodation of that prisoner population and also—and this is extremely important—the accommodation of the remandee population, which is currently housed in completely unacceptable circumstances at Belconnen and Symonston.

The projected planning for the prison in terms of population gives us real capacity to accommodate growth into the future and certainly gives us a facility in terms of its current bedding configuration, as currently being constructed—not its potential but its current bedding configuration—to meet our needs over the next 25 years or so.

MR STEFANIAK: You may not even be able to answer this. You say the number fluctuates. Yes, it does. Is that because less serious crimes are being committed or is it because of some quirk, perhaps, in the way the courts are sentencing or not sentencing people? That is my first question.

There seems to be such a huge difference between costs for sentenced prisoners in New South Wales and costs for the prisoners we have on remand. The ACT government has stated in base figures that we would have 329 prisoners, including remandees, in 2006, but the ABS reported that year that there would only be 172, which is 50 per cent under the projection. I just wonder how this will affect the recurrent costs of the prison. Were those projections used by territory when reviewing the project? That is my second question.

Mr Corbell: Certainly we have looked at all of the different data in preparing our analysis of potential demand for the facility. We have also taken a conservative estimate when it comes to the ongoing operational costs of the facility. Obviously, if there are fewer prisoners, the costs, we would anticipate, would be less. Indeed, that is the case now with the payment to New South Wales. We anticipate not having to expend the full budgeted amount—or do we receive it back? Yes, there is about \$1.1 million that will not be spent this year because of the current lower number of prisoners in New South Wales. So there will be a lesser payment to New South Wales.

The issue of prisoner numbers has proven an extremely difficult one to track. The ABS itself acknowledges that. As to the reasons why there has been a decline in terms of sentencing practice, it is simply too difficult to determine exactly what the factors are. There is a whole series of issues that you would have to take into account, including when people receive parole, when they become eligible for parole and their own personal behaviour that enables parole. That is just one of the factors that come into play.

There are other issues, like interstate transfer. There is a whole range of factors at play which make it simply too complex a task to properly understand why the population goes up and down. It is simplistic to suggest it is simply about sentencing practice, especially since within a period of a couple of years you have seen the figures go from a high of 150 to the figure now of just over 100.

MS PORTER: I have a quick supplementary question. Minister, at what stage is construction at the moment, and when should we expect its completion?

Mr Corbell: The project is still on budget and on time. It is due to be completed in the middle of next year, mid-2008. The main construction contract was let in October last year, and that was a construction contract worth just over \$113 million. Certainly anyone who has driven along the Monaro Highway recently will have seen a lot of activity there now. Work is well underway. The gatehouse facility is well established and the staff amenities building is under construction. A number of the sentenced prisoner cottages are close to completion in terms of their external construction. There are fitouts still to occur. The medical facilities building has commenced. Also, the perimeter fencing is slowly being installed and other systems installed along with it. So we are well advanced in terms of the project activity and the project is on time and on budget.

MS PORTER: Thank you.

THE CHAIR: Dr Foskey.

DR FOSKEY: I have a couple of questions. First of all—and this one only just occurred to me as you responded—the medical facilities building you said is well underway, yet the health plan is not out yet. I am just interested in why the health plan is not being allowed to influence the design of the medical building because I would have thought that would have been a key part of it.

Mr Corbell: The health plan has informed the design of the medical facilities. There is a certain basic core level of physical space that you need to deliver medical services to the prisoner population, and those issues have been agreed between ACT Health and the prison project. So it is not a case of any pre-emption in that regard. There is a distinction to be drawn between the physical space that you need to deliver services and the types of services that will be delivered. The physical space that is being signed off on and is under construction has been agreed between health and corrections, and that enables us to proceed with construction while the detail of medical services is in its final stages of deliberation.

DR FOSKEY: Well, I do not agree because I think the way the space is configured is really important to the way the service is delivered. But to go on—

Mr Corbell: Well, as I say, Dr Foskey, the Department of Health has agreed on the plans for the physical building.

DR FOSKEY: But we are still waiting for the details. I read an article on Saturday, as I am sure you did, about the indigenous health issues in the prison, and although you may have a copy it is not becoming a public document until the end of June. That leads me to my next question, which is about the obstacles in the way of the new prison having a regional function. We know that indigenous people are sadly over-represented amongst prison occupants everywhere. There is a lot of movement in the region and our border is, I think, a purely political one. We are constantly having arguments here when there is a Liberal present about the need for a prison and the capacity of the prison compared with the number of prisoners. What are the obstacles to our performing a service for some of the New South Wales prisoners, given that we currently use New South Wales prisons? Why cannot it be operated in reverse?

Mr Corbell: There is no fundamental obstacle. The government will participate in the normal interstate transfer arrangements for prisoners whereby prisoners can seek to transfer to another location, should they wish to do so, for family or personal reasons to be closer to a particular relative or friend or support network. That occurs now. It occurs with our sentenced prisoner population in New South Wales who, on occasion, choose to go to other states, to be relocated to prisons in other states. They seek permission to do that from the respective governments.

The same would occur here in the ACT. If somebody who was in prison in Cooma or Goulburn or somewhere else wanted, for family or other reasons, to seek relocation to a prison closer to, say, AMC because it is closer to a family and friends and support, if both governments agreed, that transfer would occur.

DR FOSKEY: Does Queanbeyan have a prison?

Mr Corbell: No, Queanbeyan does not have a prison.

MR STEFANIAK: No.

DR FOSKEY: So is that already seen to be as part of the potential population of the prison?

Mr Corbell: It is up to the New South Wales government to decide whether it wants to view our prison as the first option for prisoners from the region.

DR FOSKEY: And are those conversations happening?

Mr Corbell: We have certainly indicated a willingness to discuss those issues but, as you know, New South Wales has chosen to pursue a fairly significant prison building program itself and has taken the view that it wants its prisoners to be within its jurisdiction and under its control, probably for the same sorts of reasons that we want to have jurisdiction for our prisoners, so that we can manage them in accordance with the hopes and aspirations we have for rehabilitation and so on. But if New South Wales was to approach us and say that they would like to view AMC as a possible option for sentenced prisoners, rather than simply relying on interstate transfer, we would be very happy to have those discussions. James, is there anything you want to add to that?

Mr Ryan: No. The only discussions that we ever carried out were whether or not they would be prepared to use our PDS. For a while they showed interest but other than that, they are not interested. They are building a prison on the south coast, for example.

Mr Corbell: I am advised, too, that earlier in discussions around contemplation of the AMC there was interest expressed by New South Wales in the use of the periodic detention centre for prisoners from the region. But that interest waned and New South Wales instead choose to develop their own prison on the south coast of New South Wales to accommodate people from the region.

MR SESELJA: I have a couple of questions, if I may, chair. One follows on from

Mr Stefaniak's question around the numbers. They are both around numbers, but one is around the size of the prison and the other is around projections.

The ACT prisoner projections 2001, which I think are still on the website, are clearly wrong. They showed, for 2008, 334 at the base run and at the end of last year the ABS showed 170. What are you basing your planning on now, given that those projections were wrong? Given that the ABS figure is 170, it is probably going to be somewhere between those two. What kinds of projections do you have for five and 10 and 15 years ahead?

Mr Corbell: I think you asked me the same question last year, Mr Seselja, and I think the answer is—

MR SESELJA: I do not know that you answered it.

MR STEFANIAK: It is an oldie but a goodie.

Mr Corbell: I think the answer would be the same.

MR SESELJA: Well, the figures have also changed since then.

Mr Corbell: The answer would be the same.

MR SESELJA: What was that, Mr Corbell? Do you want to remind us?

Mr Corbell: I will get some advice on that.

Mr Ryan: I will not be able to do much better. It is very difficult to pin this down. We did originally set out in the project to try and convince people that we needed a prison that had 400-plus beds. Eventually we settled on a number of 374, which was a Treasury figure that was based on a number of projections that were undertaken. Then, more recently, we came down to 300 beds, based on further projections and also the constraints of the budget.

MR SESELJA: Which further projections are they?

Mr Ryan: They were projections based on what was happened in the intervening period. Every year it seems to change. For example, this year, as of today, you have 107 in New South Wales—82 remandees. Yet a week or two back you would have had something less than 100 in New South Wales; you have remandees as low as 40-something just this year. It is very difficult to pin down.

We had projected the number of beds required on opening as being 220. You would think that, as of today, we may fall short of that, but you would need to be pretty brave to put your hand on your heart and say that it is definitely going to happen. Those of us who operate the facilities would, of course, always like to have as many beds as we think the government can afford to give us, to give us more flexibility and so on. But at this point, given 300 beds and given our projection of 220, I would think that come this time next year—and this is only a guess—we would be looking at opening up with something less than 220 prisoners.

MR SESELJA: Okay, so—

Mr Ryan: But it is only a guess. It is very difficult to pin it down. The variables include what the courts are doing. For example, most recently the numbers in periodic detention have leapt from something in the low thirties up to above 50. You could argue that those changes in the practices of the court bleed off those who would otherwise be incarcerated in New South Wales and put them into periodic detention. These trends seem to go up and down without any real explanation.

MR SESELJA: So the short—

Mr Ryan: I am sorry that it is not a very good response, but that is as good as I can do.

MR SESELJA: So the short answer is that we are not particularly clear. Is there anywhere where the projections for the next 10, 15, 20 years are published—in the same way that, when the case was being put, we saw the scenario projections right out to 2020?

Mr Corbell: I am advised that there is not any ongoing reporting that prepares such projections—either within government or outside government.

MR SESELJA: This is the second part then, chair. The drop from 374 to 300—was that based mainly on budgetary considerations or on detailed projections that show that 300 is going to cut it for the next however long?

Mr Corbell: The budget issues were the primary consideration, but obviously regard had to be had to the ability to accommodate the ongoing prisoner population.

MR SESELJA: But we do not know what that is going to be. It sounds as though you are guessing how many there will be in 15 or 20 years. You are saying that budget was the main driver. Can I just follow on from that in terms of the budget? It went from 374 to 300, which, on a per bed basis, is about \$340,000 to about \$425,000. Why such a big blow-out in the cost per bed? What were the factors that caused it?

Mr Corbell: The first thing I want to say is that there is no blow-out in the cost of this project.

MR SESELJA: Per bed? Sorry?

Mr Corbell: There is no blow-out in the cost of this project.

MR SESELJA: There is a blow-out in the cost per bed.

Mr Corbell: There is no blow-out.

MR SESELJA: You cannot see that?

Mr Corbell: There is no blow-out—

MR SESELJA: Three hundred and forty—

THE CHAIR: Mr Seselja—

MR SESELJA: to 426—

THE CHAIR: Mr Seselja, you have asked the question.

Mr Corbell: To answer your question, there is—

THE CHAIR: Let the attorney answer it.

Mr Corbell: There is no blow-out in relation to any of the costs associated with this project. A blow-out is when you spend more money than you budget.

MR SESELJA: So it is not a blow-out in the cost per bed?

Mr Corbell: A blow-out is when you spend more money than what you budget for a project.

MR SESELJA: You have got an interesting definition.

Mr Corbell: I would have thought that is the layman's definition of a blow-out.

MR SESELJA: So if you had \$128 million for one bed, that would not be a blow-out?

Mr Corbell: Mr Seselja, a blow-out is when you exceed your budget. The government has not exceeded its budget.

MR STEFANIAK: But you have got fewer beds.

Mr Corbell: The government is delivering the—

MR SESELJA: You are getting less for the same amount of money.

Mr Corbell: If I can answer the question—

THE CHAIR: Mr Seselja, would you let the attorney answer—

MR SESELJA: He is verballing what I said—

THE CHAIR: Answer the question.

MS PORTER: No, he's not.

MR SESELJA: so I'm responding.

THE CHAIR: Well, don't respond. You ask the question and he answers it. That is the way it works.

MR SESELJA: Okay.

Mr Corbell: A blow-out is when you exceed your budget, Mr Chairman. The government has not exceeded its budget and does not intend to do so. The budgeted amount is the amount that will be spent. No more—

MR STEFANIAK: Getting less for the same, though.

Mr Corbell: No more than the amount that is to be spent. Yes, we are delivering fewer beds than we originally anticipated. The reasons for that are not poor financial management on the government's part; they are increased construction costs associated with the ACT construction market. The cost of materials and labour has increased significantly since the budget allocation was first made. Therefore, the government had two options: one was to reduce the scale of the project; the second was to increase the appropriation.

The government chose to reduce the scale of the project, and in doing so ensured that the budgeted amount would still deliver a functional, world-class prison facility that will meet the needs of our prisoner population well into the future. Yes, it is less than was originally anticipated, but it still provides us with significant capacity into the future. The advice I have is that it gives us that capacity—certainly for the next 20 to 25 years.

And it is important to remember that the facility itself, in terms of its master plan, has greater capacity within the existing perimeter. It is not as though it is a case of having to acquire more land and expand the facility beyond its existing perimeter. There is sufficient capacity within the existing perimeter to accommodate additional beds should that be required by some government at some point in the future.

In all regards, the government has taken a prudent and responsible approach on this matter—one which will see the ACT get a quality facility, one that meets our needs for good rehabilitation, and one that is delivered within the dollar amount allocated.

MR STEFANIAK: In terms of your recurrent costs, how are you going to ensure that your \$20 million budgeted remains? Given that there is fluctuation in prisoners and it costs more for prisoners on remand, surely that might be an unrealistic figure.

Mr Corbell: First of all, in relation to prisoners on remand, it is important to remember that the cost for prisoners on remand currently reflects lack of economies of scale, in that we provide for a very small population. Obviously, if we are providing for a larger prisoner population—both sentenced and remand—it gives us some greater economies of scale. That needs to be kept in mind when you look at that figure of cost per remandee.

The second part of your question relates to—I beg your pardon; it has gone out of my head. What was the second part of your question?

MR STEFANIAK: The second part of the question is basically your budgeting—

Mr Corbell: How we are going to manage to the current budget.

MR STEFANIAK: —on just less than \$20 million for recurrent.

Mr Corbell: Yes.

MR STEFANIAK: Given that you are going to have a lot of extra services in this prison, how on earth you can be confident that that figure is going to remain accurate? Surely it is going to cost you more money, especially where you have a mix of prisoners, with some sentenced and some on remand.

Mr Corbell: James, do you want to respond?

Mr Ryan: We have been working on the operational costs for the last year, and there is still another year to go. Thus far, the budgeted costs for operation—you gave a figure of approximately \$20 million, and that is right. That is still firm. That is based on the staffing that is required to run the place and the other services that we bring into it. We have put a lot of work into it.

As of today, we believe that we can deliver the operations to the new facility at that figure. That will be further refined as we get closer to the opening date, but it is a figure which is pretty much comparable to what we outlay now in New South Wales and what we outlay now at the Belconnen Remand Centre and the Symonston Temporary Remand Centre. We have always said that, and that has not changed.

MR STEFANIAK: Earlier, someone mentioned the fencing. I note with some trepidation that you have done away with the razor wire, but I understand that you have Fortress 358 fences. I think I have seen some going up. One of the biggest problems we have had in the past with Quamby has been lack of security. That has been addressed to a certain extent. Now we have a new juvenile system being built. But in terms of the prison, are you actually purchasing these Fortress 358 fences, and what confidence can the community have that they will be as foolproof as possible in terms of keeping the prisoners in?

Mr Corbell: At an appropriate time, I would be delighted to arrange an opportunity for you to look at the perimeter fencing—and, indeed, other elements of the facility. I will be facilitating opportunities for members of the Assembly and other interested stakeholders to have a look at the facility in due course.

MR STEFANIAK: Yes.

Mr Corbell: But the answer is yes; that type of fencing is being purchased and installed. I had the opportunity to look at that myself about a month ago. I can assure you that it is not a 1½-metre wooden paling fence.

MR STEFANIAK: No, I did not think so.

Mr Corbell: I can assure you that it is quite a large and formidable structure and is designed to prevent people from clambering over the top of it.

MR STEFANIAK: Does that have the rolling drums on top—

Mr Corbell: Yes, that is correct—are there rolling drums? Sorry, I am advised that it has a steel cowl over the top. Mr Paget could probably give you more information.

MR STEFANIAK: Please explain.

Mr Corbell: I will ask him to do that in a minute, but—

MR STEFANIAK: I take it that it is more expensive than razor wire, which is—

Mr Corbell: But it is important to—

MR STEFANIAK: particularly effective.

Mr Corbell: It is important to stress that there are a couple of objectives to be achieved here. First of all, we do want to create an environment which is more conducive to good prisoner behaviour and more conducive to the aim of the facility, which is to encourage rehabilitation, reflection and reform. The less we treat people like animals, the more success we are going to have in that regard. The visual perception of razor wire—in my view and in the government's view—runs contrary to the atmosphere we are trying to create: a facility to encourage rehabilitation.

MR STEFANIAK: You do need to keep them in, though.

Mr Corbell: Indeed, we do need to make sure—

MR STEFANIAK: I do not have a problem if you have got a system to keep them in.

Mr Corbell: that the facility is secure. It is important to remember that there is not one fence but three fences on the perimeter, as well as a range of other security devices. I will ask Mr Paget to discuss the perimeter security overall.

Mr Paget: The fence has to be seen as only one element in an integrated system. The fence that we have got was offered to us by the company at the same price as its predecessor. It has an additional vertical weld which makes cutting through the fence a lot more difficult. It is 4.2 metres high and it has on top—if I can describe it, it is half round, like a cowl, but there are tines that face on the inside. It was tested by the Victorian emergency response group to see what they thought of it and how secure it was. They did some tests down in Victoria, which our people attended, and were impressed with its capabilities. The fence has buried in its body a microphonic cable, both on the interior fence and on the exterior fence. That is complemented on the inside of the first fence with a microwave system. That is linked to the cameras. If the microwaves go off or the microphonic cable alerts, the preset cameras zoom in on and start recording on the area where the alarm has gone.

The attorney has mentioned the reasons why we did not think that razor wire fitted what we are trying to achieve. There is another practical reason. Razor wire attracts all the bits of garbage that fly around. If you look at prisons that have razor wire as part of their main security system, they generally end up being festooned with toilet

paper or plastic bags. Somebody has to go in and clean that up; that is dangerous and we do not want to send our people in doing that.

MR STEFANIAK: Is this secure, though? Was the Victorian response team unable to get over it?

Mr Paget: Yes.

MR STEFANIAK: Good.

THE CHAIR: Mrs Burke.

Mr Paget: And, as I said, there are two.

MRS BURKE: Minister, I refer you to page 236 of budget paper 4 and the section on provision of services. I would like to ask you some questions regarding money for community-based sentences. There are three parts to the question. How many community-based sentences would be in operation at this stage? At what cost to the territory? And what offences would result in sentences of this nature?

Mr Corbell: Mr Ryan can give you some information.

MRS BURKE: Thank you.

Mr Ryan: It is a question of where to start. We run a number of programs for our community-based area. We also run a community service order program, and, for all of these offenders, a level of supervision involving case managers. The average number of offenders on community service orders—up to May this year—was 118. They were being dealt with in the same way as in previous years, with a breach rate of about five per cent—compared to, say, four per cent the year before and 13 per cent the year before that. In the year to date, the community service order unit delivered some 17,000 hours of work into the community. Also to that point—that is, year to date now—there was a total number of 101 offenders on the program. Moving on to the rehabilitation programs, we run—

MRS BURKE: Sorry, Mr Ryan. Will you be able to give any costings for this or will you need to take that on notice?

Mr Ryan: I will take them on notice. I could give them, but it would be rather tedious going through them. I have them here and I could provide them fairly quickly.

MRS BURKE: We just have one figure in the budget paper, so I have no idea of extrapolating that.

Mr Ryan: All right.

Mr Corbell: We can provide that to you.

MRS BURKE: Thank you. I have one follow-on question. You said there were 118 CSOs. How does that compare to previous years? And the last part of the question I

asked was: what sort of community-based sentences are given, and for what sort of offences?

Mr Ryan: Firstly, the numbers—118. The previous month was 114. If we go back to 2005-06, it was down to 90. In 2003-04, it was 128. So it fluctuates around something over 100 every year. As for the types of offences for which offenders are given community service orders, I could not give you any detail on that. I could give that to you separately later.

MRS BURKE: I appreciate that. Thank you.

MR STEFANIAK: On those types of non-custodial sentences, do you have any figures, in terms of recent trends, for people who re-offend or breach conditions of their staying in the community? At the last estimates, I recall being told that quite a number were not being followed up or put before the courts—and, even if they were, they were being given further non-custodial sentences. Have you improved your rate of putting people back before the courts for breaches of bond or breaches of conditions?

Mr Ryan: In some areas, yes; in other areas it is much the same. Certainly—

MR STEFANIAK: Could you stipulate where it is better and where it is the same?

Mr Ryan: Well, it is—

MR STEFANIAK: And why?

Mr Ryan: It is a little bit better in most areas but a little bit worse in some. It is worse, for example, in community service orders, but better for those who are doing periodic detention.

Mr Corbell: There have been some recent changes to the sentence administration act that enable us to take further action against breach of periodic detention orders. I think that is proving effective in convincing people that they should show up for their periodic detention.

MR STEFANIAK: But there are the community service orders. One of the main aims of community service orders was to provide a step in the chain in terms of punishment—rather than jail. It showed the community's distaste and also the seriousness of the offence to impose a community service order. I am a little concerned to hear that that has not improved—in fact, it has gone backwards. What are you doing to address that? Or is that the court's fault? It might be.

Mr Ryan: It is not so dramatic that we need to take any drastic step or make any drastic changes to what we are doing. About all we can do is concentrate on the more serious offences and raise the level of supervision. To that end, we have, for example, selected out a number of those who are involved in property crime—to supervise them on an intensive basis. That number is around 20. Beyond that, I am not too sure what else we can do.

MR STEFANIAK: Is the problem at the court end—you put the people there, the court makes its decision and it is out of your hands? Or are you still trying to work through some of the problems at your end?

Mr Ryan: No. I think we will always try and work through the problem—and take what the court gives us.

MR STEFANIAK: So basically the problem is at the court end.

Mr Ryan: I would not say it is a problem. We just—

MR STEFANIAK: The issue, shall we say?

Mr Ryan: The issue.

MR STEFANIAK: I will call it a problem, but the issue is at the court end.

Mr Ryan: I believe so.

MR STEFANIAK: Thank you. That does not surprise me.

Ms Leon: Mr Stefaniak, that is simply to state that sentencing is a matter for the courts.

MR STEFANIAK: Sure.

Ms Leon: And the courts exercise the principles that are set out in the sentencing legislation when they are deciding what sentence to impose.

MR STEFANIAK: You can only do so much. As long as the department is playing its role in the system. Yes.

THE CHAIR: Are there any more questions for output class 2.1?

MR STEFANIAK: Yes. Sorry, Mr Seselja.

MR SESELJA: Minister, are you able to clarify something for us? With the reduction in beds, just where are they coming from? It was initially 139 remand, 175 sentenced and 60 transitional. Where are the 74 coming from out of those three categories?

Mr Corbell: I will again ask Mr Paget to answer; he will be able to give you that detail.

Mr Paget: You may recall that we discussed this a little at the last estimates. We took out 45 beds from the transitional release centre, which was on the exterior of the facility. We took out five beds from the female interior area. We took out one of the 20-bed male sentenced cottages and one of the five-bed remand cottages.

MR SESELJA: Sorry, I missed the last bit—one of the five-bed male sentenced cottages?

Mr Paget: We took out one of the 20-bed—

MR SESELJA: Twenty-bed, sorry.

Mr Paget: Yes. That is what we reduced it by.

MR SESELJA: Okay. I understand the construction of the gym and the quiet area has been deferred.

Mr Paget: That is correct.

MR SESELJA: Is that likely to still form part of the project at some stage, and, if so, when?

Mr Corbell: It is certainly my view that those facilities should be provided, and I will be pursuing that at the appropriate point. I think the provision of those facilities is important in the short to medium term for the facility. It is important to note that the foundations for those buildings are now in place physically. At an appropriate point, we will be able to move forward with the construction of those.

MR SESELJA: But it is likely that it will open without those as part of the initial construction?

Mr Corbell: That is correct.

THE CHAIR: Mrs Burke.

MRS BURKE: I am interested in the prisoner-tracking system. Firstly, can you tell me how it works and whether it has been signed off? And then can you tell me whether it will work in the new prison? And possibly a cost—if you have a cost of what the system is going to cost us.

Mr Paget: We had a service specification that we required for the system and were not convinced that there was anything on the market which would meet the specifications that we laid down. Accordingly, at this stage we have not signed a contract with anyone to provide an RFI tracking system. Having said that, we are conscious that this area of technology is moving very quickly. We are keeping an eye on what is happening in the marketplace. We know that one company, for instance, is about to do a presentation in another jurisdiction. We will go and have a look at it. We have also—

MRS BURKE: Whereabouts is that?

Mr Paget: I think I will just leave it as “another jurisdiction”. They are just getting a commercial presentation.

MRS BURKE: I see.

Mr Paget: They are not installing it.

MRS BURKE: Okay, apologies. Thank you.

Mr Paget: We have also had discussions with another company that believe they can meet our specifications.

MRS BURKE: Right.

Mr Paget: Time will tell and we would expect to know a little more about that by the end of this month—whether or not that is likely to be realised. It depends entirely on what such a system would cost. I don't want to say what I have budgeted for it, because that is immediately going to tell anybody listening how much is in the kitty and that would not be smart.

MRS BURKE: Yes, I respect that.

Mr Paget: The point would be that we would hope that a company that is interested in our very small prison might be interested in doing something to show the larger marketplace what the potential is.

MRS BURKE: Are we looking locally, nationally and internationally? Is that how far we are going?

Mr Paget: We have looked at local companies that have got an interest in and some degree of expertise in this area, from—this may sound weird—tracking stud bulls on properties to other agencies that are international and have already got this established in jurisdictions with a human rights tradition, such as Sweden and Holland, and to American places that have got it in juvenile facilities and in adult facilities. So there are Australian companies and there are international companies, all of whom have different varying levels of expertise and equipment that might or might not be suitable to meet our particular needs.

MRS BURKE: I guess it is a matter of how long is a piece of string. Given that the prison will be completed on time, how far out from that do you expect it will be? You have got to have a cut-off date.

Mr Paget: Well, no, not—

MRS BURKE: And is it getting a bit near to—

Mr Paget: We became aware of RFID well after we started the design work and this almost is an overlay on top of our other security. Our security system does not hinge on the RFID system.

MRS BURKE: RFID?

Mr Paget: Sorry, radio frequency identification.

MRS BURKE: Thank you.

Mr Paget: So, conceivably, if nothing meets our needs by the time it is built, we will keep the amount of money we have set aside and we will wait till something comes on the market that does meet our needs.

MRS BURKE: And what system will you have in place there to track prisoners? Will you have to have a temporary measure in place?

Mr Paget: Most prisons don't have a tracking system at all. This is something that we wanted to do because it would allow us to do some things we wish to do a little better than we will be able to do without it.

THE CHAIR: Dr Foskey, do you have a question?

DR FOSKEY: I have two things. I am interested in how you made the decision about which buildings would not be built and, in particular, in relation to the women's unit or beds. Secondly, I am wondering whether any sustainability issues to save or reduce the use of electricity for heating or air conditioning and lights et cetera, as well as, of course, water and sensitive urban design principles, were taken into account in the design of this prison.

Mr Paget: We only took five beds out of the women's area, which gives us plenty of capacity for the women.

DR FOSKEY: Out of what number? Out of a total of?

Mr Paget: Of 40. In regard to the way we did it, you would be aware that we had to negotiate long and hard with the company. It was a matter of going back with various permutations of what could we live with, what could come out to fit within the budget that was available. In the end we cut the bed space to bring it down to 300, as I have explained, and that was within the budget then.

In terms of the ESD, on the website is a report called the *ACT prison project sustainability plan: beyond compliance*, which lists exactly what we are doing to meet the green star rating of four, which we will get for this prison. In short, I guess it is the recycling of the grey water, the lack or absence of air conditioning, and using the building mass and underfloor heating and thermal chimneys in buildings. It is also the orientation of most of the buildings, bar the gatehouse and the bulk store on the east-west axis, to make use of the sun. Amongst the building industry there has been a lot of interest in the extent of the ESD measures that have been employed, which are laid out and detailed in that report.

DR FOSKEY: Okay. We will look at that.

MR STEFANIAK: Will there be a needle exchange and a tattoo parlour, and, if so, why?

Mr Corbell: In relation to the provision of syringes, that is a matter which will be considered in the corrections' health plan. There are a range of issues that need to be considered by government and will be when the corrections' health plan is put before cabinet in relation to syringes. Obviously, the issue of the spread of blood-borne

disease is a very significant factor in other prisons. The issue is whether or not we can manage the environment in the ACT prison differently or whether we need to take steps immediately to prevent any significant increase or spread of blood-borne disease.

In relation to tattooing, no, it is not proposed to have a parlour. But the issue around tattooing is the same as the issue around illicit drug use: illicit injecting drug use and tattooing, if it is done informally and uncleanly, can spread disease in the same way as injecting behaviour can. So consideration will need to be given to how we prevent the spread of blood-borne disease, particularly hepatitis C, as well as other serious diseases, through tattooing or illicit tattooing activity. But, no, we are not building a dedicated parlour for the purposes of tattooing.

MR STEFANIAK: I am glad to hear that, minister. My other question relates to the gym, which I think has been deferred. Whilst I have absolutely no dramas with an indoor area where people could play basketball or volleyball, some people have asked me why do we constantly have weight rooms in prisons because this means that you end up with muscle-bound monsters who can monster staff and belt people when they get out? They suggest that it would be better perhaps to concentrate on providing aerobic fitness. Given that this is meant to be a model prison, with new ideas and new rehabilitation techniques, all of which is very commendable, has any thought been given as to whether you actually do need, say, a weight component of any gym, and wouldn't it be better for everyone concerned if perhaps we did not go ahead with that?

Mr Paget: Well, you won't get any argument from me on that point.

MR STEFANIAK: Good.

Mr Paget: Like you, I am not interested in those anaerobic stations. The functional brief that we wrote back in 2003 makes it quite clear that we are more interested in aerobic rather than anaerobic activity.

MR STEFANIAK: Good.

Mr Paget: The design of the gym reflected that, as did the issue of putting in the 75 per cent scale football field rather than fences as the area to separate remand and sentence people. So I am with you on that.

MR STEFANIAK: So you are not going to have weights there?

Mr Paget: We probably will but we are not going to have weight stations all over the place. We will give some emphasis to a limited area, but the gym will probably have—and we have not selected the equipment but exercise—

MR STEFANIAK: I just wondered if you need it at all.

Mr Corbell: I think some level of resistance training is important and acceptable. The important thing is not to create the culture that perhaps we see most vividly portrayed in movies from the United States—

MR STEFANIAK: In some New South Wales prisons too.

Mr Corbell: which is excessive and which creates a culture which, in itself, can be quite unhealthy within the prison environment in terms of management of behaviour and so on. So the emphasis is on creating an environment that provides that opportunity but without the issues around the behaviour that can come with excessive use of weights.

THE CHAIR: Okay, shall we move on to output class 3?

MR SESELJA: I just have one other question, chair, if that is okay.

THE CHAIR: Yes, Mr Seselja.

MR SESELJA: Minister, last year we discussed the issue around the residence of ACT prisoners. We obviously went back and forth, and I will not revisit that. But there was the issue around the 45 per cent back in the late 90s, which was disputed by you and your officials. Are you able to give us an update now of what your figures show in terms of the residential address of ACT prisoners?

Mr Paget: I had occasion a couple of months back to go through that, because the issue came up again of next of kin. We went back and got the New South Wales people to indicate or our data people to collect all the postcodes of next of kin. It came up with similar figures to the ones that we discussed here a year ago, which was 85 per cent ACT postcodes of next of kin, which was consistent with what we have said about ACT postcodes for the detainees themselves.

MR SESELJA: Okay. So was there a change in methodology somewhere along the line for those Treasury figures to change, which showed 45 per cent from New South Wales as opposed to the 85-15 which you are finding consistently now?

Mr Paget: Well, I am not in a position to talk about the origins of whatever figures Treasury had. The figure that we have used consistently—and I made this point last year—was 85 per cent ACT postcodes, and I think it was five per cent Queanbeyan, five per cent regional and the remainder scattered all over the place. We have consistently stuck by those figures.

THE CHAIR: Mrs Burke.

MRS BURKE: This question, which probably should have been asked earlier and which may need to be taken on notice, relates to staffing. I know that in 2006-07 there was 1,263 and that has gone up to 1,310. Did I read somewhere that that was just an increase in ambulance staff?

MR SESELJA: I think that is a broad figure in relation to all of JACS.

Mr Paget: This is for the whole of the department.

Mr Corbell: That question was answered this morning. The single largest group is the increase in ambulance staff but there is a number of other figures as well.

MRS BURKE: Okay, thanks, minister.

THE CHAIR: Okay, we will move on to 3.1. Ms Porter.

MS PORTER: Thank you very much, chair. I note that there is a dot point on page 231 under priorities in respect of improving ACT courts and tribunal security for public, judiciary and court staff and upgrading the Supreme Court. I was just wondering if you could give us a bit more detail about that.

Mr Corbell: Yes, I will give you a bit of an overview and then ask Mr Johnson, who is the court administrator, to give you some more detail. The issue of concern for us is that the Supreme Court in particular and also areas of both courts have not had sufficient security measures in place, either to protect judicial officers from people who may be wanting to vent their spleen at decisions that they make or, indeed, for witnesses and accused, and the separation of those wherever that is possible, and other measures such as that. It is important that we provide for a greater level of security.

Our courts, until this announcement in the budget, I think were the only courts in the country that did not have the equivalent of airport-style security screening—certainly the majority, in any case, Mr Johnson advises me—and it is important that we do provide that level of protection. But Mr Johnson can give you some more detail on it.

Mr Johnson: Thank you, minister. The provision of security around the country now is going along the lines of airport-style screening and baggage screening. It is pretty much the same as you will see in airports, and that is why, I suppose, you get that name. In particular, in the ACT courts one of the things that I noticed when I got here was the number of entrances to the courts. Normally court buildings only have one entrance and then you have other entrances for court staff and/or other secure entrances. So that causes us some concern about the level of security that we can provide.

As part of the planning and part of the report that we got, it is imperative that we will have to review the number of entrances that we have to the courts and then use airport-style screening and baggage screening at the one major entrance. As I said, that will cause us some concern in the Supreme Court. Disabled access may be at the Vernon Circle end but we are able to accommodate and still use that entrance by way of procedures in place and other types of security on the doors at that location.

The other types of security that we will be providing is better security in laneways for driveways for magistrates' and judges' vehicles. We will upgrade. We have had a recent project to install duress alarms in the Supreme Court but we will update the ones in all courts and also for staff, particularly in the conferencing area and also in the library areas.

We will be upgrading the CCTV video server and cameras and monitors throughout both buildings. That will be something like an extra 20 new cameras. We will also upgrade the monitoring room in the Magistrates Court. The monitors and also the work space that the security staff use there are outdated, as are the cameras. So we will be updating that to the latest technology. We will be replacing our key management system and introducing an electronic key management system

throughout both buildings. With the airport-style screening and baggage screening we will have an extra six security staff. That will be the recurrent expenditure that is in the budget for those extra officers in the Magistrates Court and the Supreme Court.

Also for staff there will be a reconfiguration, if you like, of the counter area in the Magistrates Court that will provide better secure services. Also, it will bring it up to date with the proper counter services that we are required to provide, particularly for people who might have disabilities. It is really for people who can stand at only certain heights. We need to be able to cater for all types that come in before us, because we have a variety of people that frequent the courts. They are the basic areas. There are other minor things like upgrading certain locks and bolts and doorways, including basement doorways, to the appropriate security level.

THE CHAIR: In respect of your discussion on the increase of security services, Mr Johnson, have you received an upgrade in the security assessment? Has there been a bigger threat level at the court?

Mr Johnson: There has not been a bigger threat level. We have various incidents from time to time but, thankfully, in the ACT courts there have not been a huge number of serious threats. But you always get irate people attending courts because of the nature of the business we have. We have had some minor incidents since I have been here. We have some security people here and they have been able to attend to that.

But the report we got on the security indicated that the implementation of security like the airport-style screening and baggage screening has detected large numbers of weapons, knives and other weapons. I think from memory there are three to four a week in a smaller jurisdiction, but in others 30 to 40 a week are detected. So I have got no doubt there will be quite a few implements, for want of a better word, that do get into the courts because we do not have the proper screening.

THE CHAIR: Thank you. Ms Porter.

MS PORTER: I have a quick supplementary question. There is an additional amount in the budget this year for the courts and tribunals, and this is mentioned on page 237. Is that to do with what we have just been discussing or is it money for other reasons as well?

Ms Leon: The changes in the courts budget on that page relate to two different aspects. The primary one is the upgrade of court security. There is another aspect to the upgrade of the facilities as well, which is to make the Magistrates Court just somewhat more user friendly, not in relation to security but installing a better queuing system at the counter and so on. Those upgrades come to something in the vicinity of \$650,000. The other change to the courts budget is just a transfer of funding of an amount that is associated with the victims of crime coordinator, which will be transferred out of the courts with the integration of the victims of crime coordinator and the victims services scheme. So it is just a transfer within the portfolio.

MS PORTER: Thank you very much.

THE CHAIR: Dr Foskey.

DR FOSKEY: Bearing in mind the expenditure on the security system, a roof replacement and an air conditioning systems upgrade, I guess the justices will have to wave goodbye to the idea that they might get a wonderful new state-of-the-art building sometime soon. I am interested in whether these two expenditures are part of a sort of staged strategic upgrade vision which has been prepared in collaboration with the—I am not quite sure what you call them but I will call them this—justices. I am interested in that and what other future plans there might be. Secondly, I am interested to know whether there is more money this year just for the general operations and contingencies of the running of the courts.

Mr Corbell: Your first question, Dr Foskey, deals with upgrade to buildings. There was a condition report undertaken and completed a couple of years ago which identified some urgent and pressing matters. Without doubt, the justices would tell you that the Supreme Court building is increasingly showing its age and has a propensity to leak when it rains.

MS PORTER: A bit like here.

Mr Corbell: It is not dissimilar to this building in terms of its age and construction. During the large-scale storm that occurred earlier this year, I understand that Justice Connolly's office was pretty much inundated. That simply highlighted further the need to replace the roof of the Supreme Court, so money has been made available to do that. The same is the case with air conditioning. The Supreme Court building is not a particularly comfortable place in the summer and basically has been relying on portable air conditioning equipment to see occupants through the hotter months. Both of those matters were pressing and the government felt it was important to deal with them immediately. It is not a long-term solution but it will provide for greater workability of those buildings for the short to medium-term.

In relation to the operations of the courts themselves, the government is keen to see the courts work within their budgets and I think a number of mechanisms that we put in place prior to and following the Auditor-General's review into courts' administration are starting to yield some very positive outcomes. Obviously, Mr Johnson coming on board as the new court administrator has given us added impetus in doing that work.

Also, the government has established a new courts governance committee. I meet with the Chief Justice, the President of the Court of Appeal and the Chief Magistrate every quarter, along with Mr Johnson and Ms Leon, and we discuss the budget management of the courts, any emerging cost pressures that may come to light, and other factors that are affecting the good operation of the courts. I think that forum is really starting to mature. We are up to, I think, our third or fourth meeting with me as attorney and it is starting to prove a more and more valuable forum in which to focus discussion and to allow the various presiding officers of the courts to raise issues of concern directly with me. So that is the mechanism we are using to manage the budget of the courts. I have to say that overall we are looking at the courts coming in on budget this coming year, or close to, and that is a trend we want to continue.

DR FOSKEY: Is there scope with those quarterly meetings to sort of tweak the budget if a good enough case is made to you? Does it work both ways?

Mr Corbell: Most of these issues would be dealt with in discussions between the relevant judge or magistrate and Mr Johnson, and most of that day-to-day adjustment is made within the courts. There is no need to go to a larger forum than that. For more significant matters, obviously it does and Ms Leon, or Ms Leon and I, would need to have a discussion with the relevant people about how that is managed. But in the great majority of cases those are matters that are simply resolved by the court administrator with the judges and magistrates involved.

THE CHAIR: Mrs Burke.

MRS BURKE: Thank you. Minister, my question is centred around the independence of judicial officers. In her report you would recall that Coroner Doogan raised concerns about the independence of the courts as a result of the ACT government's unprecedented legal action against the inquest itself. In their 2005 judgement on that issue, the Chief Justice and Justices Crispin and Bennett, raised concerns about the blurring of the boundaries between the executive and the judiciary—that was in volume 2, chapter 9, of *The Canberra firestorm*. I would be interested to know why judicial officers are concerned about their independence under this government, and what are you, as minister, doing to reassure them of their independence? Are there any initiatives in this budget to address this matter?

Mr Corbell: Mrs Burke, the administrative arrangements, as far as they affect the operation of the courts, are a matter of some discussion amongst the judiciary across the country. A range of views are being expressed, I note most recently by, I think, the Chief Justice in WA and I think the Chief Magistrate of the New South Wales District Court, or was it the Chief Justice?

MR STEFANIAK: The Chief Justice of the District Court.

Mr Corbell: The Chief Justice, I beg your pardon. They raised the issue of an independent courts authority and have stressed that they believe that is a more desirable mechanism for ensuring that day-to-day operational matters do not create a circumstance where someone may perceive there is some compromising of the independence of judicial officers. The government does not agree with that view and I have communicated that to the Chief Justice, who is the person raising this matter.

The issues dealt with in the coroner's report are quite complex, and essentially they revolve around who appointed the so-called expert witnesses. The view that I understand the Supreme Court took was that those witnesses were effectively appointed by the territory and not by the coroner, and therefore claims of perception of bias could not be substantiated. That is a technical issue around who appoints expert witnesses, and the government has agreed in our response to the coroner's report that we will conduct a full review of the Coroner's Act, looking at that and a range of other issues.

MRS BURKE: That has not started yet.

Mr Corbell: That has not commenced at this point but it will commence later this year.

MRS BURKE: And is a budget allocation needed to go into that?

Mr Corbell: No, that will be done internally within the department's existing resources.

I have said to the Chief Justice, and indeed to the other judicial officers that I meet and to talk with, that if there are matters where they believe the independence of the court is being compromised, they should raise it with me. They have not indicated that there is any substantive matter where they believe the independence of the court has been compromised. In fact, they have indicated to me that the issue lies more in the potential rather than the actual. And it comes down to essentially who is responsible for the management of resources.

The Auditor-General looked at this issue closely. The Auditor-General agreed that a collegiate approach, a joint approach, from the courts and the executive was the most appropriate way forward. That is why we have established the courts governance committee, which I chair and which meets quarterly, to provide for a more collegiate, coordinated and cooperative approach on managing the resources of the courts to ensure the delivery of the effective administration of justice. So that is the government's position. I know that some members of the judiciary do not agree with the government's position. I also know that some members of the judiciary do agree with the government's position. So there is a range of views, both within the ACT and outside of the ACT, as to whether or not you need an independent courts authority. That is not the government's view. I think the fact that the coroner raised it in her inquiry and made a recommendation on it when she took absolutely no evidence on that matter was, I thought, quite unusual.

THE CHAIR: Thank you, attorney. It is 3.30. We still have questions on output class 3. We will resume questioning on that output class when we come back from the break.

Meeting adjourned from to 3.30 to 3.48 pm.

THE CHAIR: We are still on output class 3.1.

Mr Corbell: Before I take another question, can I add very quickly to an answer I was giving just before the afternoon tea break?

THE CHAIR: Yes, of course.

Mr Corbell: There were two things I neglected to mention, which I should mention to give you a more complete picture of how we are developing a good working relationship with the courts. The first is that the—

MRS BURKE: Sorry, minister; this was in response me asking you—

Mr Corbell: Yes, it is in response to your question.

MRS BURKE: Thank you—just for the *Hansard*.

Mr Corbell: There has recently been completed a memorandum of understanding which has been signed between Ms Leon as Chief Executive of JACS, the chief justice, the chief magistrate and the President of the Court of Appeal. That outlines the principles on which decision making will occur, in terms of the court's budget. What is now being developed is a service-level agreement that will outline in specific form where decision making rests for particular types of decision. Essentially that will allow for a lot of the day-to-day decision making of the court in terms of its resources—not its judicial function, but its resources—to be handled by the courts themselves—and, to the extent appropriate, by the presiding officers.

So we are very much in the process of devolving responsibility to the courts—in response to the findings of the Auditor-General and also the commentary from some members of the judiciary about the need to have greater control over these resources. Just to complete the picture, we have taken some very concrete and very positive steps to developing a collaborative relationship. It is really going from strength to strength.

MRS BURKE: Will that have any budgetary impacts as far as you can see?

Mr Corbell: No, it does not have any budgetary impacts; it is about—

MRS BURKE: None at all?

Mr Corbell: It is about the administration of those funds and about where decision making rests for certain types of decisions involving resources.

MRS BURKE: So the government did recognise that there was a problem with independence among judicial officers?

Mr Corbell: No, it is not about the independence of judicial officers; it is simply about ensuring that judicial officers, and the courts as a distinct entity, have a greater ability to manage their day-to-day resources. That, I think, will go a significant way to addressing the concerns of some members of the judiciary on this point.

MRS BURKE: That is what I am saying. The MOU did not just come out of thin air, did it?

Mr Corbell: It was suggested, I think, by the Auditor-General.

MRS BURKE: Right.

Ms Leon: The Auditor-General recommended a more collaborative relationship. I meet every month with both the chief justice and the chief magistrate, and it arose out of those discussions. They expressed the view that—theoretically, as the minister indicated, the concern has always been with the potential for the administrative role of the department to interfere with the independence of the judiciary. The comment was made that theoretically the government—the department—could use its administrative control over resources to impact upon the independent exercise of the judicial

function. While I can assure the court that that will not happen, the MOU is a means of giving a more concrete form to that assurance so that those concerns of the judges can be addressed.

The judges never indicated that they thought the department was using its administrative power in a way that interfered with the independence of the judiciary; they merely reflected the fact that the existing arrangements, in their view, gave rise to the potential for that to occur. The MOU and the service-level agreement that will be developed underneath that are designed to address that concern by the judges and to demonstrate in as clear a fashion as is possible that the administrative arrangements do not and will not impact upon the independence of the judicial function.

MRS BURKE: Again that enhances the role that the minister would play overall in terms of shoring up a perception—perceived or otherwise—that independence was not there.

Ms Leon: There is not any basis for a perception that there was no independence. As the minister said, no judicial officer, even when expressly asked, has indicated that there has been an interference with independence. They merely have raised the prospect that there could be the potential for that to occur. The kind of example that is given is that, in the course of a hearing, if a judicial officer wished to hear from a particular expert witness and wished to order such and such an expert to come from another jurisdiction, theoretically the department could prevent that happening by refusing to approve the expenditure of the money to pay for the travel of the witness. The fact is that that has never happened, and never would happen, but entering into an MOU which makes clear where decision making lies and entering into a service-level agreement which will, to the greatest extent possible, delegate all of that decision-making function will remove the concern of such a theoretical possibility eventuating.

MRS BURKE: So the concerns of Justice Crispin and Justice Bennett about the blurring of lines—the boundaries between the executive and the judiciary—were not correct?

Ms Leon: As I say, I think that relates to a perception that there is a theoretical possibility for that to occur—not that in fact there has ever been any interference by the department with the judicial function.

MR STEFANIAK: In South Australia the court administration basically looks after itself within the court. They are given a lump of money and told to look after themselves. One of the concerns expressed by a magistrate to me was “we can’t even hire, say, an ASO4; it has to be done in the department”. I do not know if you have looked at the South Australian model, but that might be almost easier for government in terms of it being cheaper if you just give them, say, \$20 million and say, “Right; look after yourself.”

Ms Leon: Effectively, that is what we do. The court has a budget. It is separately identified in the budget papers; it is administered on a day-to-day basis by the courts administrator. I can assure you that the court never comes to me and asks, “Can I employ an ASO4?” It is completely left to the court to manage its own budget. The courts administrator at the beginning of the year develops a budget against which the

staffing expenses are identified, the fixed costs are identified, and the expected expenditure on things like training, consultants and travel are identified. The court then simply administers that budget over the course of the year without any interference from the larger department.

The only reason why the larger department would need to become involved—and by that I mean why something would need to be elevated up to me—would be that the courts administrator was not managing within the budget. If I looked at the quarterly report and discovered that we were vastly exceeding the budget, then of course I would have to have a word with Mr Johnson. But the scenario that you paint, where the government simply allocates \$20 million and lets the courts get on with it, is in effect what we have today.

MR STEFANIAK: I turn to page 247 of BP4. I am concerned to see the entries for (f), (g), (h) and (i), for starters. The target score is zero percentage of pending criminal cases in the Supreme Court for more than two years; none for more than one year in the Magistrates Court; and no civil cases for more than two years in the Supreme Court and none for 12 months in the Magistrates Court. Yet you have five per cent of criminal cases which are over two years old waiting in the Supreme Court, nine over 12 months in the Magistrates Court; and 19 per cent of civil cases and 12 per cent for over 12 months in the Magistrates Court—again the target of zero per cent. I understand that in 2005-06, for example, only two per cent of cases in the Supreme Court were two years old or longer, and there were none in either jurisdiction in 2004 and 2005. What are the reasons for these backlogs and what are you doing to address them?

Ms Leon: There are two things I would say about the accountability indicators. One is that those targets are national targets; they are taken from the report on government services prepared by the Productivity Commission. I think all jurisdictions struggle to meet those targets; I do not think anyone is meeting them. As with any target, there is always a constant tension between whether one ought to revise the target and whether one can realistically achieve it. I think it is worth while noting that that is the background against which these targets need to be considered.

The second thing I would say is this. I will see if Mr Johnson has anything to add, but in relation to the Supreme Court, because it does have a fairly small number of cases, you do not need to get very many running a little longer than normal before it affects your percentages. I would not read too much into an increase of one or two per cent in a court the size of the Supreme Court, because that could mean one or two cases rather than a significant increase in workload.

In terms of what we are doing to address backlogs, if you look at the entire report on government services and the statistics that that demonstrates, you will see that the Supreme Court does rate very well compared to other jurisdictions in the throughput of its cases; it has an efficient case management system that disposes of cases quite quickly.

MR STEFANIAK: We will come to that.

Ms Leon: There will always be one or two cases which, for reasons to do with the

case, will go on a little longer than the ideal. To an extent, this relates to the material that Mr Refshauge was referring to this morning, albeit in the criminal context, which indicates that in many instances the management of the case is influenced by the conduct of the parties. One can have a lot of carrots and sticks to try and get parties to the table, but it is sometimes not effective with every party to achieve that outcome.

In relation to the Magistrates Court, I can say that there is a very active program underway at the moment to improve the management of cases in the Magistrates Court. You might be aware that the Chief Magistrate has designated Magistrate Burns as the magistrate in charge of listings.

MR STEFANIAK: Yes.

Ms Leon: The discussion paper has been presented to the whole range of justice system stakeholders, proposing a new model for the management of cases which I think will have a significant impact on the effectiveness of case management in the Magistrates Court. That is expected to be implemented around July or August. I would envisage that that will start to make quite an impact on the figures in the courts.

MR STEFANIAK: John Burns briefed me last year on that. I am not so much concerned about the civil cases. As you say, there is probably a small number in the Supreme Court—even 19 per cent over two years. For some detailed and complicated personal injuries cases, that may not be surprising. It is a bit concerning, however, when you see a criminal case—probably a couple of criminal cases in this instance—going more than two years. That probably means either that the courts are not being robust enough in making sure that the defendant gets their act together or that there is something awfully wrong somewhere. That would be if the person is on bail; if the person is on remand in custody, that would be even more concerning.

Ms Leon: We have talked about criminal cases in this forum before, but I will refer to some of the research that is around about criminal case delays that demonstrates the complexity of trying to influence criminal case delays. The research indicates that at least 50 per cent of the delays in criminal cases are defendant generated.

MR STEFANIAK: Yes.

Ms Leon: There are very often reasons why it is in the interests of the defendant to prolong the time prior to a matter being heard.

MR STEFANIAK: Very much so.

Ms Leon: That applies not only when on bail but also when on remand. I think the incentive will disappear to an extent once we have our own prison, but at the moment a defendant who thinks that it is reasonably likely that they will be convicted might well think it is better to run up a significant amount of time on remand, where they are at least close to their family, than to be convicted and at that point be shipped out of the ACT, potentially to a very distant location. So there are some incentives in the system at the moment that will go away.

MR STEFANIAK: Indeed—if you are on bail, to put it off as long as you can.

Ms Leon: That is right. While we are doing a lot to improve case management, and I think it will have an impact on the figures, I do not think one should expect that one will ever be able to get rid of the incentives that exist for parties and defendants to prolong matters.

MR STEFANIAK: In (j), (k), (l) and (m) there seems to be almost a duplication in terms of the accountability indicator. You have 100 per cent clearance in the criminal, but with the civil clearance indicator you have some interesting figures there. The outcome is greater than 100 per cent. Would that be the court catching up on itself?

Ms Leon: That is right.

Mr Johnson: Yes.

Ms Leon: That means that there are more finalisations than lodgements. So that is a good figure.

MR STEFANIAK: That is good. That is how I would read that. In terms of the case management system, I still get practitioners—on both civil matters and also criminal matters, on both sides of the fence—complaining that the case management could be a lot slower than even before we had case management, when the parties would get together and sort out things like what evidence should be admissible. There are still complaints that there are too many steps in the chain and that it can be simplified. What, if any, steps are being taken to finesse the case management systems in both the civil and criminal jurisdictions to ensure that they are as efficient and quick as possible?

Ms Leon: The courts have recently commenced holding a regular stakeholder forum, which is a forum for users of the courts to express views about matters affecting them as users of the court. That is an opportunity for them to raise issues. There is also a rules advisory committee that keeps the rules of court under review; any issues that practitioners wish to raise about the case management system and the rules that support it can be raised there. In relation to case management systems, I think you will get as many views about them as there are practitioners before the court.

MR STEFANIAK: Sure, yes.

Ms Leon: Because different parties will perceive their interests as having been adversely affected or benefited, depending on their particular experience in the system. But certainly the department and the courts are very open to consultations with practitioners if there are concrete suggestions they wish to make for improvement.

MR STEFANIAK: Okay. What if—

THE CHAIR: We will go through one more question before we move onto the next outcome.

MR STEFANIAK: One final one for me concerns the parking voucher issue—scandal, whatever you want to call it: the parking voucher matter. I understand that

some three-for-one vouchers were found where they should not have been, which indicated that some court staff might have been abusing that system. I have received a number of complaints about the department basically blaming everyone and people being forced to talk to the investigators—otherwise they might get into trouble—and things like that. Why was that matter handed out to private investigators and why—as has been suggested to me by a number of people—weren't the police, being totally independent, called in to get to the bottom of it?

Ms Leon: The ACT has a series of guidelines that apply to agencies when they are investigating possible misconduct or fraud. Those guidelines provide that it is only in serious and complex matters that the matter should routinely be referred to the police, and that for less serious or less complex matters the department could either choose to investigate it internally or engage an independent and external investigator to undertake the investigation for it.

In accordance with those guidelines, I have engaged an external investigator—an investigator that has been used by ACT and commonwealth agencies for a very large number of investigations of this sort—to conduct an investigation that is at arm's length from the department, in the sense that all of the interviews and so on are being conducted by people who are not employed by the department. That investigation is still on foot.

I can assure you that there has not been any coercion of staff. There was only one person who was directed to answer questions. All other staff have been encouraged voluntarily to answer questions. I have not seen the results of that investigation to know how many of them have in fact—

MR STEFANIAK: Can you direct staff to answer questions? Surely that is—

Ms Leon: I can give staff a reasonable and lawful direction under the Public Sector Management Act.

THE CHAIR: We will move on.

MR STEFANIAK: Apart from this instance, has that been exercised?

THE CHAIR: You have asked your last question twice already, Mr Stefaniak.

MR STEFANIAK: A supplementary—

MRS BURKE: I have a very quick—

THE CHAIR: We do have a time line to try and fit in.

MR STEFANIAK: If you just answer that, I will stop.

MRS BURKE: Mr Chair—

THE CHAIR: You have other colleagues that want to ask questions too. Mrs Burke.

MRS BURKE: It is very quick really—in relation to personal injury claims. How many are there at this stage?

Ms Leon: We would have to take that on notice, I am sorry.

MRS BURKE: Okay, thank you.

THE CHAIR: We will move on to—

MR STEFANIAK: You can answer mine on notice too if there is an answer to it.

Ms Leon: Yes.

THE CHAIR: We will move to the Legal Aid Commission—budget paper 4, pages 529 to 539. Ms Porter.

MS PORTER: On page 529, under the 2007-08 priorities, it mentions negotiating a new ACT-Australian government funding agreement. I was wondering if the committee could be told what the ACT government hopes to achieve from these negotiations.

THE CHAIR: Mr Crockett, before you begin, were you here when we read out the privilege card earlier on? Are you aware of its contents?

Mr Crockett: Yes, I have read this in an earlier document I have seen.

THE CHAIR: Thank you.

Mr Crockett: The objective, I think, from the ACT government's point of view in the negotiation will be to try to ensure that the commonwealth continues to fund the commission to the extent necessary so that we can grant assistance and provide other services in matters of commonwealth law. We are going to seek an increase in our core commonwealth funding to take account of increases in the ACT population since 2004 when the current agreement was based and also to take account of the fact that we are increasingly providing services across the border into southern, eastern and central New South Wales, particularly family law services to indigenous Australians, and that is being done in conjunction with the Aboriginal Legal Service. So there will be two areas there where we will try to seek an increase in our core commonwealth funding.

In addition to that, we will be seeking some special program funding from the commonwealth to cover some existing commonwealth programs which are separately funded from the core. They include funding for the family dispute resolution program, which is closely linked with changes made to the Family Law Act in July last year which are having a major impact on the way that family law is practised and therefore our involvement in providing legal aid services in family law matters.

We are also, in addition to seeking special funding for current programs, putting in a

bid for some additional commonwealth money so that we can expand our outplacement program with the Aboriginal Legal Service. At the moment we have one family law practitioner who is placed in the ALS's Canberra office and she goes on circuit to the ACT region, including centres in New South Wales. We hope to get another legal position to assist her and meet the very high level of demand in indigenous communities in that region for legal assistance, not just in family law matters, but also care and protection and in civil matters generally.

MS PORTER: Page 530 of the same budget paper mentions an increase in spending on private legal practitioners. I wondered if you could explain why we have increased spending in this area.

Mr Crockett: The increase is, I think, mainly due to the fact that we have had a number of vacancies in our in-house practice over the last 12 months and that has meant that we have had a slightly reduced capacity for part of the year to take cases in house. The percentage of work going to the private profession is comparable with previous years. I would expect to see a slight increase in work taken in-house in 2008-09 once we are back to full strength in the legal practice.

DR FOSKEY: It is nice to meet you, Mr Crockett.

Mr Crockett: Thank you.

DR FOSKEY: Table 1 on page 531 indicates that 58 per cent of recipients of legal aid are female, and this percentage is projected as remaining constant into the future. I also note that six per cent and seven per cent are Aboriginal and Torres Strait Islanders. I have two questions. Firstly, why is there a higher percentage of females in the successful grantees and why will it remain the same? Secondly, how much of the Aboriginal and Torres Strait Islander clientele do you take up compared with, say, the Aboriginal Legal Service? Do you have any idea, if we put those figures together, what we might have, if we would have a different percentage?

Mr Crockett: I think I would need to take that second question on notice and have a look at the ALS figures. The reason we are predicting a one per cent increase in our involvement in that area is as a result of our outplacement program with the ALS which I have just referred to. We do expect to have more indigenous clients over the next 12 months and going ahead. That is why we are predicting a small increase there. In relation to female applicants, the majority of applicants in family law matters, we find, are female. Family law is probably our single major area of activity after criminal law. In criminal law, of course, you find the majority of applicants are males. The overall spread is that just on 60 per cent of assisted people are females, but that is predominantly because of the family law picture.

DR FOSKEY: I have just one more question before I disappear from the scene. Has any consideration been given to providing legal aid for people who run civil actions or freedom of information or AD(JR) type actions where there is an obvious public benefit?

Mr Crockett: We are always on the lookout for suitable cases. It is a matter of attracting applications in those types of matters. The committee might be aware that

civil legal aid has been in decline for some years, principally as a result of a decision by the commonwealth government in 1995 really to depart from the civil law area and say that from then on commissions would be allowed to spend commonwealth funds only on matters of commonwealth law, very few of which of course are civil.

We are trying to reinvigorate, as I mention in the list of initiatives there, our civil law practice, and as part of that we are engaged in discussions with community legal centres and other agencies in the ACT to try to discover areas where there is unmet need for legal aid in civil matters. The matters you mentioned may well come into that category. We have only just started that work and I would hope by November to have a far clearer picture of what scope there might be to increase assistance in those areas.

The problem we are finding is that there is a perception in the community that it is no good applying for legal aid in civil matters because assistance has been so restricted in those matters in recent years. So we have to turn that perception around to some extent while making sure, of course, that we are not duplicating services that are being provided by some of the community legal centres in areas like tenancy law, consumer law and so on.

DR FOSKEY: Do you have relatively good communication with the other community-based legal centres?

Mr Crockett: We do. A number of our staff are involved in committee work with community legal centres. I speak to the centres on a fairly regular basis to try to ensure that legal aid services in the ACT are properly coordinated.

THE CHAIR: Mrs Burke, do you have a follow-up question?

MRS BURKE: No, you have almost answered it. I was just wondering why you have extrapolated the females and not shown groups and categories.

Mr Crockett: I don't think I can answer that question. I inherited this format.

MRS BURKE: But it is rather strange to pick out one group. Maybe it was done for a reason, but it may be interesting to be able to do comparisons.

Mr Crockett: Yes. My feeling is that it would be far more useful to show the gender mix across different types of law. You would get a far better picture of who is actually receiving assistance.

MRS BURKE: We could put that as a recommendation, Mr Crockett.

MR STEFANIAK: You have two new staff; congratulations. What will they be doing?

Mr Crockett: Two new staff! It is hard to say actually who those two are. There have been no new positions created, certainly not since I have been at the commission in December. In fact, our major task has been to try to fill one of our key positions, that of the head of corporate services, and we have had great difficulty filling that position. There were some other vacant positions when I took over in December and we have

filled those, but I couldn't pinpoint two positions and say they are the ones that make the difference between 54 and 56 staff.

MR STEFANIAK: I note that you are undertaking a feasibility study into a legal advice service for prisoners at the ACT prison.

Mr Crockett: Yes.

MR STEFANIAK: What sort of format do you intend there? Are you looking at having someone stationed there or just visiting there?

Mr Crockett: No, it would be a combination of a visiting service plus advice by telephone and possibly through video link. At the moment we have a weekly service to the remand centre. We would be continuing that and expanding that to provide a service to sentenced prisoners. Unlike the remand service, which, of course, is involved predominantly with criminal law problems, the prison visiting service would also deal with prisoners' concerns relating to family law, housing, debt and the whole range of issues that confront prisoners, particularly prior to release when they have got to assimilate back into the community. So we see it as a very important adjunct to the government's desire to place emphasis on rehabilitation in the new prison.

MR STEFANIAK: Finally, looking at the output class on page 530 and comparing it with your operating statement on page 535, it seems that in your payments to legal practitioners you have incorporated virtually everything, including supplies and services. Is that an accurate way of doing it? Could you explain that? The output class on page 530 explains it as it is, but it just seems a bit strange when you have a much better break-up on page 535.

Mr Crockett: Again, I am not sure of the history of the format of these accounts. I don't know that I can really comment on why it is in that particular format.

Mr Corbell: I think we will need to take that question on notice and give you an explanation.

MR STEFANIAK: If you would. It just seems a bit confusing when you compare it with the very detailed statement which is quite easily understood on page 535.

THE CHAIR: Mr Mulcahy is keen to ask questions on the ICRC. We will now move to that output class. Dr Faulbaum, were you here when I read the card that is in front of you?

Dr Faulbaum: Yes.

MS PORTER: On page 509 of budget paper 4, under the priorities, the second dot point talks about consulting widely on issues involved in and leading to the determination of prices for water and waste water services. I was just wondering if you could give us a bit more detail about which parties would be consulted on these issues and how that would be done.

Dr Faulbaum: We consult widely in all the reports and reviews that we do. Basically,

we advertise in the newspaper, we have a list of stakeholders that we consult, we give press interviews, and we have information on our website. With something like the water and waste water determination or review, we will probably have public hearings as well.

MS PORTER: So you advertise and invite submissions and invite people to public hearings; is that what I am hearing you say?

Dr Faulbaum: Yes. Also, with this one we have produced a number of issues and discussion papers so far and there is another one that we will produce. So basically all along that process we are inviting comment and submissions.

MS PORTER: There is also a dot point there about overseeing the pricing arrangements for retail electricity. I was wondering if you could give us a little bit more detail about that.

Dr Faulbaum: As you are aware, we have just released a final decision on pricing for non-contestable electricity customers. I might just bring in my colleague at this point.

THE CHAIR: Dr Logan, are you aware of the blue card, the privilege card?

Dr Logan: Yes, I am. Could you repeat the question, please?

MS PORTER: I was referring to a priority listed on page 509 of budget paper 4 which mentions overseeing the pricing arrangements for retail electricity and I was just wondering if you could give us a bit more detail about how those pricing arrangements are arrived at and the processes that you go through.

Mr Logan: The commission recently released report No 7 of 2007, which was the report on the prices for non-contestable electricity customers in the ACT. That report contains the detail on how we arrived at that decision for 2007-08. In the process of the year we will ensure that ActewAGL is going to meet that requirement by setting prices that are within the limits that we set in our price determination.

MR STEFANIAK: Dr Faulbaum, given that you have looked at legal advice in relation to the water abstraction charge, have you also looked at legal advice for the utility tax and why was it changed from a user charge to a tax?

Dr Faulbaum: I can't answer that.

Ms Leon: I think that is a matter for Treasury, that question.

MR STEFANIAK: Do you guys know?

Mr Corbell: The charging regime, the method of the charge, was determined on advice from Treasury.

DR FOSKEY: I have a couple of questions. You announced last week your decision about the electricity price rise. I am just looking through your objectives here and I cannot see anything that indicates that you are under any obligation or that you choose

to consider social and environmental impacts of decisions of that kind. I was just wondering if, in making decisions, you factor in, for instance, the impact of a price rise on particular households. I know that in the case of the recent issue there had been a submission that suggested there could be a staged price rise—for instance, a winter price rise and a summer price rise—which could have been reviewed if there were changes in the level of water in the hydro scheme. Could you let me know whether you do take a triple bottom line approach or whether you don't and you just consider economic issues alone?

Dr Logan: The commission is required under section 20 of the ICRC Act to take into account a whole variety of issues which include environmental and social impacts, and we took those into account in making our decision.

DR FOSKEY: How did you do that? Could you give me an indication?

Dr Logan: In our report, we detail quite thoroughly that we took into account the social impacts. With respect to environmental issues and retail prices for electricity, there is very little impact, especially given that the changes in prices will have very, very small impacts in the volume of electricity that will be consumed.

DR FOSKEY: Except for those people who are already having trouble paying the bills.

Dr Logan: For environmental impacts, prices will have no effect. For social impacts, yes, we took that into account in making our decision.

MR MULCAHY: Attorney, Dr Faulbaum or Dr Logan, pursuing that very same issue, there would be a body of thought out there that you didn't grant the full requested amount of increase that was sought by Actew even though it may have been supported by economically sound facts and that it may, on the other hand, have been somewhat ambit in the extent of its request for increases. As I recall, the amount asked for was less than you agreed to.

I think we are curious to know what impact you give or what weighting you give to the adverse social impacts of such a substantial increase in your work, even though you have addressed that. How do you balance the adverse consequences for people on fixed incomes, superannuants and the like versus the justification for the electricity authority getting that level of increase?

The second question I have follows on from the one Mr Stefaniak raised and the Attorney-General responded to. Given that in previous estimates committees the ICRC has indicated that it has sought independent legal advice on the constitutionality of the water abstraction charge separate from other parts of government, I am curious about why in relation to the utility tax passed through, which was signed off earlier this year from memory and was changed in terms of what was originally presented to the Assembly, you wouldn't have sought some legal advice in relation to that tax. Are you able to answer those two issues?

Dr Faulbaum: I will have to take the second question on notice.

MR MULCAHY: All right.

Dr Logan: On the first question, with respect to the price of electricity, ActewAGL retail was asking for an increase in the price of electricity of about 30 per cent. That was based upon the observation that the current wholesale price of electricity had risen from about \$50 a megawatt hour in November 2006 to currently about \$80 a megawatt hour. Given that the wholesale price of electricity makes up about half of the final retail price, if we granted a full increase in the price of electricity that accounted for that we would have had a price increase in the order of 30 per cent, given that we had had a 60 per cent increase in the wholesale price of electricity.

The commission didn't accept ActewAGL's argument that the current wholesale price of electricity was the appropriate price to use because we believe, if ActewAGL are behaving efficiently, that they have effectively hedged against some of the price increase temporarily. As such, we constructed a model that took into account the fact that we believe that they are efficiently hedged and that only a small portion of that price of electricity would actually flow through currently. If the price increase for electricity remains at \$80, then ultimately at some point that will have to factor into the price of electricity.

MR MULCAHY: I asked about the social weighting, too.

Dr Logan: We took into account the social weight.

MR MULCAHY: The social impact.

Dr Logan: There are competing pressures that go on here. One of them is that the commission is concerned about the increase in the prices and the effect it will have on consumers. We also have to take into account the fact that we need to maintain a viable retail electricity sector in the ACT and there are two components to that. One is that we are trying to maintain some degree of competition in the market and, if the price increase was too small, then all the other retailers who currently sell in the market would withdraw their offers and withdraw their competition.

The second is that we need to make sure that there is a stable and long-term supply of electricity in the ACT and, if we were selling electricity at a price below the cost it was for ActewAGL to buy it, they would have an incentive not to provide electricity, or they would be losing money and would have no incentive to continue and we would end up in a situation potentially like ended up in California, where the wholesale price of electricity was actually greater than the retail price. So we took all that into account and tried to come up with what we thought was a fair and reasonable price for electricity.

MR MULCAHY: You haven't said anything really about the weight given to the social impact. It sounds like you have given us a good analysis of the necessity for the price rise, but you haven't mentioned any significance in terms of those groups that we've spoken about.

Dr Logan: We tried very hard to keep the price of electricity at the lowest level that we could, that we thought took into account all those factors I mentioned.

DR FOSKEY: I have a supplementary to that. I want to draw you out on the two-stage price rise introduction. I would like to hear your arguments against that as a measure to protect some of those groups, especially in winter. As we know, many of the people that we are talking about here can't really afford to stint on heating.

Dr Logan: The commission considered that and took the view that if the price of electricity needed to rise by 16 per cent and we did it in two stages, then we would have an eight per cent increase in the first half of the year and subsequently another 16 per cent increase in the second half of the year, so that we came up with an average increase of 16 per cent over the course of the year.

We also got advice that in the absence of an explicit formula for changing prices come 1 January, we would need to go through a complete review again and follow the same procedures we are doing now. So we would need to incur all the additional administrative costs of actually running an additional review for electricity prices at that time and there would be no guarantee that prices would remain at, say, 24 per cent at that point in time. We would have potentially ActewAGL making against the same claim for a 30 per cent increase. So we actually took the view that we were minimising the administrative burden by having a single price increase, rather than potentially subjecting the ACT community to additional electricity price reviews every six months.

MR MULCAHY: Dr Logan, I take you to the issue of water. I know there have been issues in the past in terms of your view on the treatment of capital works and infrastructure for the electricity agency, and there were some issues of, I guess, the gifting of infrastructure that you took into account in earlier pricing decisions. How do you treat the prospective capital works in water that are currently before the community in terms of requests for water price increases that I know you have to action between now and 1 July 2008? What is your treatment of those things in terms of the economic approach you take to those requests?

Dr Logan: Is this about gifted assets?

MR MULCAHY: No, I am just moving on to capital works that are coming up or being considered. How do they impact, in terms of your decision making, on what is an appropriate pass through on water pricing? Do you treat them in a different fashion to operational cost increases and the like?

Dr Logan: No, we don't treat them any differently. We evaluate all proposed capital expenditure in a two-step process. The first is whether or not it is prudent, and then the second step would be what would be efficient costs for providing that infrastructure.

MR MULCAHY: If you are satisfied, they can be passed through into the pricing structure. For example, the \$350 million proposal being considered, if it gets the sign off, you will examine and consider if it is reasonable and, if so, it could well see its way into the water pricing structure from July onwards next year.

Dr Logan: For all capital expenditure and for all proposed operating expenditure, in

the upcoming price review we will first examine whether it is prudent and, second, whether it is efficient; that is, whether it is being provided at the least possible cost.

THE CHAIR: I have a question on staff numbers before we go back to Dr Foskey. Page 510 of budget paper 4 shows that your FTE staffing level for 2006-07 was three and by 2007-08 was six, which is double the number. But in the expenses column on the next page it shows employee expenses going up by only three per cent—a difference of \$19,000. How are we going to pay for those three people?

Dr Faulbaum: We contract a number of our staff, so they will not show in the employee expenses.

THE CHAIR: It comes out of a different column. Okay.

Dr Faulbaum: I think it is supply and services.

THE CHAIR: Dr Foskey.

DR FOSKEY: I note that you determine the electricity sector benchmarks and you report on compliance with the greenhouse gas abatement scheme in the ACT. First of all, I would be interested to know whether participants have been complying easily with the greenhouse gas benchmark.

Dr Faulbaum: They have.

DR FOSKEY: We have some legislation before us right now. Given that they are complying easily and we have a bit of a challenge with climate change, I wonder if the commission would therefore consider proposing to the government that the benchmarks should continue to be lowered from 2007 instead of staying at a set level until, as is currently the case, 2012?

Dr Faulbaum: It is not something that we have considered. It is a difficult one, given that there are changes in the national sector.

THE CHAIR: I think that is probably a policy decision, too.

DR FOSKEY: It says that the commissioner actually determines the electricity sector benchmarks; therefore it did seem relevant to ask it here.

Dr Faulbaum: We determine individual benchmarks for retailers as a whole. That is based on projected electricity demand and population growth, and there is a greenhouse coefficient that we use to determine that. The actual benchmarks are set in legislation.

DR FOSKEY: So you do not advise the government on this? Do you have a role? Does the government ask you for advice in relation to those benchmarks?

Dr Faulbaum: We have not been asked for advice. To date, we have advised on how the scheme has operated, whether benchmark participants are meeting their benchmarks, and whether there are any issues with them meeting that.

DR FOSKEY: Are we allowed to ask about the pricing of taxis and how that is going now that there is more than one company?

Dr Faulbaum: We no longer regulate taxi prices.

DR FOSKEY: Okay.

THE CHAIR: Mrs Burke.

MRS BURKE: Minister, perhaps you might want to give an overview of how you are going to ensure that this does happen and help the commission to make sure it happens. The second dot point of the priorities set out on page 509 refers to “consulting widely on issues involved in, and leading to, the determination of prices for water and wastewater services for the period commencing 1 July 2008”. How are you proposing to do that?

MS PORTER: That was my first question.

MRS BURKE: Sorry?

MS PORTER: I already asked that.

MRS BURKE: Did you?

Mr Corbell: Ms Porter has already asked that question.

MRS BURKE: How it is going to be done? I beg your pardon. I was upstairs.

Mr Corbell: That is all right.

MRS BURKE: In terms of getting feedback, it is a very contentious issue. That is the point I would make. When is that starting? Was that answered? When is the process actually going to start?

Dr Faulbaum: We have actually already started—

Mr Corbell: Are you referring to the determination of prices or are you referring to the policy matters around recycled water?

MRS BURKE: No, the “consulting widely on issues involved in, and leading to” in regard to the price rising come 1 July 2008. When is the process starting? Was that actually answered?

Dr Faulbaum: We have actually already started; we have released a number of issues papers. We are seeking comments and submissions on that. There is another paper due. And fairly soon we will be starting a review of capital and operating expenditure, as well.

THE CHAIR: Thank you. I am aware of the time. We will move on to the Public

Trustee for the ACT. Mr Taylor, were you here earlier when I read out the blue card? Are you aware of the card in front of you there?

Mr Taylor: No, I was not, I am sorry.

THE CHAIR: Could you just read that and acknowledge it.

Mr Taylor: Yes. That is fine.

THE CHAIR: Thank you. Ms Porter.

MS PORTER: On page 541 of budget paper 4, under the priorities, it mentions building the branding of the public trustee through a strong marketing and promotional program. I was just wondering if you could explain to us how you intend to do that and what you hope to achieve through it.

Mr Taylor: Sure.

MR MULCAHY: And how much it costs.

Mr Taylor: It is probably best to explain that by saying that the public trustee does not receive direct funding for its total operational cost. We have community service obligations in the order of \$400,000, and we receive total funding of about \$615,000 a year. We are required to generate the remaining income—it costs us around \$3½ million a year to run—through commercial undertakings.

One of the difficulties I faced when I started in this job was that people said to me, “Where do you work?” and the following question was “Pardon me; what do they do?” We have an identity issue. If we are required to function on a commercial basis, we really need to have a branding and to have recognition to support the commercial undertakings as well as the community obligations that we have.

In answer to your question, we have commenced. We have, first of all, built a new website. We commenced that at the beginning of the year. We have re-branded through the commissioning of a logo. I think the other one was a result of an office competition or something and it did not work very well.

We have entered into an arrangement with the *Canberra Times*, through which we provide regular advertising through “Start Living”; we also provide advertorials for them in every supplement. More recently, we have signed an agreement with *Capital Magazine* to place advertising with them. That was particularly aimed at trying to generate some community interest in the Capital Region Community Foundation, which we have recently established—I think it was in November last year. We have secured \$10,000 worth of advertising a year at no cost through that magazine.

Apart from that, we have achieved some better market presence through our relocation to ActewAGL House. We moved there on 1 September. Quite fortunately, that was achieved at no cost to government; it was paid for by the commonwealth in an effort to get us out of where we were. It has achieved a much better street-front market presence than where we were.

In summary, that is pretty well what we are doing from a marketing perspective.

MS PORTER: Are you seeing any effects from that already?

Mr Taylor: Most definitely. I think for the first time in the public trustee's history we will achieve a \$4 million income. We are aiming, in a period of five years, to be able to be financially autonomous in the sense that we would at least return to government a dividend equal to the amount that is paid to the public trustee at the beginning of each year. That would mean that we would need to generate a surplus of \$1.2 million in a year to return government the \$600,000 that is provided in funding—given that we have an arrangement with Treasury that any surplus that we achieve in a financial year is divided by two, and we keep one half and return the other half to Treasury.

THE CHAIR: Dr Foskey.

DR FOSKEY: I am interested in the Capital Region Community Foundation. Could you tell me more about it—how it operates, what its function is? There may be other questions along the way.

Mr Taylor: I cannot take any credit for the Capital Region Community Foundation. It was the brainchild, if you like, of Doug Gillespie, who is my deputy public trustee. He had been an employee of various trust companies in Queensland and had been familiar with what they were doing there. The bushfire recovery appeal, which was administered by my office as trustee, made it possible for that foundation to be born, if you like—in the sense that I do not think there had been any belief that Canberra was interested in philanthropy or financial support. There was talk that we did not have a heart or a community spirit. Well, it certainly was evident in the appeal that that was not the case. The surplus from that became the first funding for the Capital Region Community Foundation.

As a trustee, we set the trust deeds up through the ACT Government Solicitor. Under the foundation which is known as GreaterGood, we have gift recipient tax-deductible status. We have the total infrastructure that anybody who wanted to create a fund or a gift to charity could do without having to establish themselves as a foundation.

We have something in the order of \$2.9 million in the foundation. The difference between a foundation of this kind and the kind that you might see around councils in Australia is that this is a facility by which people give money the capital of which stays in the foundation. It is invested through our common fund structure, and a dividend equal to the amount of interest that we receive on that investment is paid to the nominated beneficiary.

DR FOSKEY: Nominated by whom?

Mr Taylor: Nominated by the person who gives the money.

DR FOSKEY: I see.

Mr Taylor: For example, if Deb Foskey decided she wanted to give \$20,000 to the

Spastic Centre, we would keep that, we would lump it in with everybody else's \$20,000, million or whatever it might be, and return a cheque to the Spastic Centre. Last week we gave \$27,000 to Vision Australia; next week we are giving \$27,000 to the Spastic Centre. Our patron is Lady Helen Deane; the chair of the board is Margaret Reid. We meet once a month. The board is appointed by me and consists of prominent ACT business and community people. We have a management committee. Activities are promoting the foundation—we have had a charity ball—seeking to find people who are prepared to fund charitable activities within the ACT.

DR FOSKEY: Is there a hope to grow that initial—what was it: \$2.7 million?

Mr Taylor: We think that within five years we will be over \$10 million.

DR FOSKEY: I wondered how widely known that is. The fact that I did not know about it probably does not mean a huge amount, but—

Mr Taylor: It has been—

DR FOSKEY: I know there are a few interested faces in this room.

Mr Taylor: Yes. It has been a difficulty because, apart from the support of the public trustee, we do not receive any funding to establish the foundation. It is totally reliant upon the sponsorship and the goodwill of business and the community—until we can establish enough capital to be able to be self-funding. The foundation was launched at a public launch at Regatta Point in the latter half of last year. We had about 150 people present. We are giving regular talks to the financial planning industry, because we see that as the source of a lot of referral. We are also working very closely with the ACT law society—hoping to get a member of the executive on our board.

A lot of the credit has to go to Diane Kargas, who was my predecessor in my position. She has taken the honorary position of executive officer and does an enormous amount of work—unpaid—to further the foundation.

It has been a really good success story. The public trustee makes its money from the foundation only by taking a percentage of the amount received on investment—as we do with any other trust moneys that we receive. Unlike other charities, the capital always stays—at least, what was donated. There is nothing taken from the capital to run the foundation.

MS PORTER: Thank you.

THE CHAIR: Mr Stefaniak.

MR STEFANIAK: What are the levels of increased business activity referred to on page 549? The fourth dot point says:

... employee expenses and superannuation: the increase of \$0.208 million in the 2006-07 estimated outcome from the original budget is due to additional staffing requirements to meet increased business activity.

What are the levels of those activities? And why aren't there any accountability indicators to reflect that—or indeed accountability indicators generally in this section?

Mr Taylor: A significant amount of the increased work that my office has undertaken has come from the Guardianship and Administration of Property Tribunal. I guess it is true to say that we are really appointed to act as financial manager for persons who have impaired decision-making ability in the opinion of the tribunal.

Very often, matters are referred to us on an emergency basis that require a lot of work to tool up—if I can use that term—to achieve the desired result and that are quite costly to do. The number of matters under management and under power of attorney has gone up, and is steadily going up every year. Additionally, the nature of some of the people that we are responsible for in that activity are quite difficult and aggressive—the type of people that might, for example, continuously ring all day, wanting service. We have had to increase our reception staff by one to cope with that kind of thing.

In addition to that, we would like to say that perhaps our business is growing. It is reflected in our financial statements. That brings with it a need to employ an appropriate level of staff. Our objectives in our statement of intent clearly indicate that we must operate in a businesslike manner on a commercial basis. During the last 12 months, we employed a practising solicitor purely to write wills; and we employed a CPA to undertake the 900 tax returns that we prepare and lodge every year. The complexity of people's financial affairs and estates—with blended families and globally situated families—has made the work that we do a lot more complex, and with that complexity comes a greater amount of input.

MR STEFANIAK: Is there any reason why there are no accountability indicators for the portfolio? Minister, perhaps that is one for you.

Mr Corbell: I would need to get some advice on that matter.

MR STEFANIAK: If you could. Mr Taylor, you seem to be doing very well, but I still wonder why we do not have indicators.

Mr Taylor: My focus has been to cut costs rather than increase costs.

MRS BURKE: It is just that when funding is given by government one would expect to see in the budget papers some accountability.

Mr Taylor: Sorry.

MRS BURKE: When money is given by the government to people like you—I mean, you are not the only ones. We are just asking a broader question of why, in the budget papers, there are no accountability figures or no accountability indicators.

But that was not my question. I will be brief; I am cognisant of the time. Page 541 mentions your objectives. Firstly, I would like to put on the public record what excellent work you do. In a former life I had a lot to do with the public trustee's administration, and since being in the Assembly I have needed to call upon you for

somebody who approached my office on more than one occasion.

Mr Taylor: Thanks for the feedback.

MRS BURKE: It has been excellent. Thank you.

Mr Taylor: That is much appreciated.

MRS BURKE: What I wanted to ask you was this. You can take this on notice—

Mr Taylor: Page 541?

MRS BURKE: Page 541, referring to objectives of the Public Trustee for the ACT. Amongst all the other things that you do—and I am staggered at the 900 tax returns; I do not know how you do that—there are a number of cases involving persons with a legal disability. I am wondering if you would be able to give us that figure—indeed, if you are able to, give the committee a breakdown across the board of cases that you manage, maybe reflecting back to last year and then giving us this year so that we can have a look at where the areas of high need are and what areas you are focusing on as the public trustee.

Mr Taylor: In terms of our community service obligations and the financial management function that we have, the landscape that we live in is that—we all know Canberra has an ageing population.

MRS BURKE: Yes.

Mr Taylor: We have a significantly rising level of dementia in the ACT with that ageing population. With that comes a need for people to think ahead and either make plans through an enduring power of attorney—

MRS BURKE: Yes.

Mr Taylor: We can prepare powers of attorney, but we may now act only as a financial manager; we cannot be appointed for any other purpose. Where people fail to prepare a power of attorney for themselves and subsequently lose capacity, somebody may seek orders on behalf of that person to appoint a financial manager or a person to look after their health, welfare and lifestyle issues. The simple reality is that the number of people that are being referred to us through the tribunal is increasing, mostly as a result of dementia.

Other factors that impact on that might be just people who have an inability to make decisions for themselves. We have a number of clients who are homeless. I think one of them—I was talking to the public advocate the other day—lives in a tent on Black Mountain. We have people with drug dependency who cannot make decisions for themselves and need to have their income fed to them every day, instead of fortnightly. That is pretty well it.

MRS BURKE: That has given me a good idea, but would it be possible for you to provide figures to the committee on a breakdown of the cases?

Mr Taylor: I do not believe that I can.

MRS BURKE: Right.

Mr Taylor: I have difficulty getting figures on the break-up through the courts. I am not blaming the courts; I do not think it is a thing that they really need to do with the staffing that they have.

MRS BURKE: Okay.

Mr Taylor: But I do know that, of all of the thousand people in the ACT who, through this process, have been identified as having impaired decision-making ability, we represent 50 per cent.

MRS BURKE: Sorry, 1,000?

Mr Taylor: We represent 50 per cent of those; the other 50 per cent are appointed as family members. The law prefers the appointment of a family member. We were previously called the financial manager of last resort, but we have 50 per cent.

MRS BURKE: The only point I would make is this. Is it at all necessary—so that you can identify what sorts of skill sets you would need in terms of employment of people in your area so that you can deal with the demographical changing need of people coming to you. That was my thought on that.

Mr Taylor: Yes. It is a very difficult thing to do—to employ the right people to deal with those. The only successful means of being able to keep people in that kind of work and in that area is to rotate staff on a regular basis.

MRS BURKE: That is not a bad thing either.

Mr Taylor: We have enough areas of business that are dramatically different from one another to be able to do that.

THE CHAIR: I thank the attorney and officials for coming in this afternoon.

MR STEFANIAK: Keep up the good work.

Mr Taylor: Thank you.

THE CHAIR: We will see the attorney back tomorrow afternoon for Police and Emergency Services. We will resume tomorrow morning with the minister for education at 9.30.

The committee adjourned at 5.00 pm.