



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STANDING COMMITTEE ON LEGAL AFFAIRS**

**(Reference: Annual and financial reports 2006-2007)**

**Members:**

**MR Z SESELJA (The Chair)  
MS K MacDONALD (The Deputy Chair)  
DR D FOSKEY**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**FRIDAY, 2 NOVEMBER 2007**

**Secretary to the committee:  
Ms R Jaffray (Ph: 6205 0199)**

**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).

## APPEARANCES

<b>ACT Emergency Services Agency .....</b>	<b>90</b>
<b>ACT Fire Brigade .....</b>	<b>90</b>
<b>ACT Policing .....</b>	<b>90</b>
<b>Department of Justice and Community Safety .....</b>	<b>90</b>

**The committee met at 9.34 am.**

Appearances:

Corbell, Mr Simon, Attorney-General, Minister for Police and Emergency Services,  
Acting Minister for Health and Acting Minister for Disability, Housing and  
Community Services

ACT Emergency Services Agency

Manson, Mr Gregor, Commissioner  
Parry, Mr Brian, Deputy Commissioner, Fire and Rescue  
Foot, Mr David, Deputy Commissioner, Ambulance

ACT Policing

Phelan, Mr Michael, Chief Police Officer  
Close, Commander Leanne, Deputy Chief Police Officer  
Connelly, Commander Shane, Deputy Chief Police Officer  
Williams, Mr Paul, Director, Corporate Services

Department of Justice and Community Safety

Leon, Ms Renee, Chief Executive Officer  
Goggs, Mr Stephen, Deputy Chief Executive Officer  
Carter, Mr Robert, Deputy Chief Executive Officer

ACT Fire Brigade

Barr, Mr Conrad, Director Operations

**THE CHAIR:** 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 that 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 that evidence to the Assembly. I should add that any decision regarding publication of 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.

Could people please turn off their mobile phones or put them on silent. I ask witnesses to speak directly into the microphone for Hansard, one person speaking at a time. When witnesses come to the table, could they could state their name and the capacity

in which they appear. I welcome the minister and officials. We have the emergency services authority this morning. Would you like to make an opening statement?

**Mr Corbell:** We have the Emergency Services Agency.

**THE CHAIR:** Sorry; agency. My apologies.

**Mr Corbell:** I am sorry about pointing that out, but it is a point of some dispute.

**THE CHAIR:** Indeed it is. Would anyone like to make an opening statement?

**Mr Corbell:** No, thank you. I am very happy to answer your questions.

**THE CHAIR:** I will throw it open to members.

**DR FOSKEY:** Thank you. On page 258 it says:

The Agency inherited an embedded over expenditure of over \$5 million per annum. Two rounds of budget initiatives this year have seen the budget come back into balance without any impact on front line service delivery.

Where exactly have those savings been made?

**Mr Manson:** Those savings have been made generally in our support services, in particular by more efficient purchasing and tendering procedures. We have been able to make significant savings on a number of purchases, which brought down our overall expenditure.

**DR FOSKEY:** I want to turn to volume 2, page 28, in relation to this. There is a statement of accounts there, an operating statement. I am a little confused about the actual and the original budget for 2007. I am particularly interested in the non-ACT government user charges, which were about \$7.5 million more than expected. Could you please explain to me who the non-ACT government users are and why there was a \$7.5 million excess over what was expected.

**Mr Manson:** That expenditure is part of the national aerial firefighting arrangements for Australia: \$4.9 million comes in and out of that account as the ACT manages that account for the national system. It is an in and out equation. That is why you get an overrun in the statement of accounts.

**DR FOSKEY:** So is this a snapshot figure?

**Mr Corbell:** What occurs is this. The territory was asked last summer—and I think we are being asked again this summer—to host the stationing of the Ericson sky crane here as part of the national aerial firefighting arrangements. As a consequence of that, we make payments to the contractor who runs the helicopter to meet its costs, and we are reimbursed by the commonwealth for those costs.

**DR FOSKEY:** I see.

**Mr Corbell:** That is what that figure is; we spend the money and then we get the money back.

**DR FOSKEY:** Okay.

**Ms Leon:** Because those arrangements—exactly where the sky crane is going to be hosted each year—are not known at the time the budget paper is settled, it is not possible to put it in the budget as revenue that we expect and to expend to that we expect. Therefore, in this year—and likely in any other year when we are the place where the sky crane is based—there will be whatever the amount is. In this case it was nearly \$5 million. It will appear as if we have overspent by \$5 million and received \$5 million more revenue than expected, but they cancel each other out.

**DR FOSKEY:** What does “Other Revenue” account for, and why is that \$750,000 more than expected?

**Ms Leon:** That was the fire alarm monitoring fees.

**DR FOSKEY:** So that is the ESA—there is a charge for that?

**Ms Leon:** That is right. It was \$710,000 of fire alarm monitoring fees.

**DR FOSKEY:** And what are the other gains, of \$353,000?

**Ms Leon:** There was a donation of assets by EMA—so a commonwealth contribution—of nearly \$300,000, and then there was a small amount from the sale of assets, of \$75,000.

**DR FOSKEY:** And the other expenses—\$3 million?

**Ms Leon:** That is a combination of things. Some of it is a write-off of debt and some of it is a downgrade of software.

**THE CHAIR:** Mr Pratt.

**MR PRATT:** Thank you. Are we following a sequence or can we just move around?

**THE CHAIR:** We are going wherever you would like to go, Mr Pratt.

**DR FOSKEY:** No, not wherever Mr Pratt would like to go.

**THE CHAIR:** Within the bounds.

**Mr Corbell:** It is a moving feast, Mr Pratt.

**THE CHAIR:** It is indeed.

**MR PRATT:** Thank you, minister. I want to go to page 6 in volume 2, FireLink, and then perhaps ask some communications questions. Could I ask you to explain the rollovers of the following programs. The first one is ESA communications, \$5.7

million.

**DR FOSKEY:** Did you say page 6 of volume 2?

**MR PRATT:** Sorry, that is not correct?

**THE CHAIR:** ESA communications, yes.

**Ms Leon:** Yes, that is correct.

**DR FOSKEY:** It is the second volume.

**MR PRATT:** The listing, volume 2.

**DR FOSKEY:** You are looking at volume 1.

**Ms Leon:** I think the member is referring to page 6 of volume 2, the rollover of \$5.7 million for the ESA communications project.

**MR PRATT:** Yes.

**Ms Leon:** In brief, that is the money that was appropriated some years ago for the overall radio project within ESA. Most of that has been expended, but some of it has not yet been and it has been rolled over into this year. Mr Manson might want to say more about that.

**Mr Manson:** The radio project has a number of elements—like Mount Tennent—to be completed. There are tenders being put in place at the moment to put power to that site. There are a number of projects like that to complete the radio system and a number of associated systems with our communications which are either being tendered or being finalised to complete our system. We expect that completion of those projects will be done by the end of this financial year.

**MR PRATT:** Can you provide an estimate of the total cost of associated agency overheads of the scrapped FireLink project over and above the 4.5 million? There is talk of an extra \$592,000 in the Auditor-General's report. Can you explain what that entails, please?

**Mr Manson:** The overhead costs were not provided in the Auditor-General's report as a separate item. The Auditor-General's report had the capital costs and licensing software costs and quoted a figure of, I think, \$495,000 or \$595,000 for consultant costs, part of which was related to FireLink and a number of other radio projects. We have not calculated all of the staff time and incidental staff time which would be involved in managing a field project like FireLink, but generally about 10 per cent would be the normal overhead cost for projects of this nature. So you could say that there was 10 per cent of the \$4.5 million for the whole project. Some of that would be in the overheads, but it would be in the order of 10 per cent of that figure.

**MR PRATT:** Okay. Can I just go back to volume 2, page 6. Again, just on those rollovers, the ESA vehicle replacement program, there is \$1.1 million. Can you

explain what that rollover entails, please?

**Mr Manson:** There are two elements there. One is the high-rise Bronto, which is being awarded and is in the queue being built, partly overseas and partly in Australia.

**MR PRATT:** That is the 1.4?

**Mr Manson:** That is the 1.4. The rest are vehicle replacement programs which were ordered and tendered. The orders were placed but they were not able to be delivered by June last year. They will be coming in. Some of them have already arrived and some will be part of the ongoing program.

**MR PRATT:** Are they mainly tankers and other front-line firefighting vehicles?

**Mr Manson:** Our tanker fleet is completely operational. We have prepared for the government a master schedule of replacement program. That is an ongoing program which is funded by some new appropriations and the existing annual appropriations. So our fleet is in good order, and we now have a program for replacing things on time and on schedule.

**MR PRATT:** So with the replacements which were identified in 2006, as a consequence of the fact that a number of vehicles had reached their end of life and were unserviceable or needed quite strong repairs—have you now caught up entirely? Can you advise that you have got 100 per cent serviceability and a presence?

**Mr Manson:** Yes, certainly.

**Mr Corbell:** Before Mr Manson answers that, can I indicate to you, Mr Pratt, that, following that process last year, there was actually only one vehicle that was identified as not suitable for first response. That was a command vehicle at the Gungahlin volunteer RFS. All the other vehicles were subsequently determined to be available for first response. I just wanted to clarify that. In relation to what the process is now, Mr Manson can speak on that.

**Mr Manson:** All our vehicles have been serviced and are ready to go for the bushfire season. I am happy to report that everything is in order there with our slip-ons, our field units and our major tankers. We replaced seven command units, which have been delivered and are now in service. Our fleet is as modern as it can be, and with our replacement schedule now the vehicles are being turned over on time.

**MR PRATT:** Can you advise what the progress is with the supertanker program?

**Mr Manson:** Yes. In our master replacement vehicle schedule, we have indicated that the Scania will be refurbished. That is what is called a supertanker striker unit, which is a large tanker with a number of hose reels on the back. That vehicle was put to tender for complete refurbishment. It was an old vehicle but it had not done many miles. It is currently in the paint shop and should be on the road in the next three or four weeks.

The second replacement is for the Louisville tanker. The Louisville is still operational.

The new tanker was scheduled for replacement in 2009-10; however, in discussion with the bushfire council, we have indicated that we may be able to bring that forward to next year. So the Louisville will be replaced with a new vehicle. The Louisville is getting a bit old. It is still operational but we are expecting that we can bring forward that proposal. It is currently being specified in conjunction with the volunteer captains.

**MR PRATT:** So 2009 was the programmed introduction service date, but you think you can bring that forward. To when, approximately?

**Mr Manson:** We are hoping to have that vehicle in service next fire season, subject to the fact that the whole of our vehicle replacement program needs to be juggled with manufacturing across Australia, so with financial years you need to juggle back and forth across the June deadline to get in the slots for build availability with other states.

**MR PRATT:** Right. Are the units happy with the design plan for that tanker or are you still debating what the specification should be to meet operational requirements?

**Mr Manson:** The history of that was that I made a guarantee—and I think our minister did as well—that the specification for the new volunteer fire tankers would be agreed by the captains, they would make a recommendation to me and I would make the final decisions on the specification. We have had a number of meetings with the captains on those specifications. We sent a fire brigade union person, a fire brigade specialist, a rural fire captain nominee and someone from the Rural Fire Service to inspect tankers in Victoria and South Australia. They came back and did a presentation to the captains group. There have been further discussions in the last few weeks. In fact, at the captains meeting last week there was general agreement on the specification requirements. They will be prepared by our specialist technical people. That final specification will go back to the captains for a final tick-off—and to me. Then we can order them.

We are anticipating that we will be able to order off the national AFAC contracts, which will save us going through an expensive tendering process. I have had indicated to me that there are currently a number of build slots which will allow us to get some tankers delivered prior to the end of this financial year. The tankers we have in service are all fairly modern and good tankers, so this is our normal replacement schedule again.

**MR PRATT:** But I presume the supertanker is an added capability—it is not really designed to replace existing tankers, is it?

**Mr Manson:** The supertanker striker, as it is now called, is not just a water cart; it has capacity on the back with a couple of hose reels. That is what makes it special. That will replace the Louisville, which is largely just a water cart.

**MR PRATT:** I want to go to FireLink now—the FireLink program, which has now gone. Now that you have made the decision to pull FireLink—and that has been well and truly debated—what are your intentions regarding the replacement of the mobile data system which was identified as a necessary operational requirement?

**Mr Manson:** Within our computer-aided dispatch system, which was unrelated to



FireLink in the sense that it is a different system, the ambulance and fire brigade have a mobile data terminal within their vehicles. That system is coming to the end of its natural life as a piece of technology. We are going to go to tender for the replacement of those mobile data terminals in the next three to six months. When we have gone to tender, we will be replacing all the units within the ambulances and fire brigade units. At the same time, we will ask for a costing for a replacement of those new units into RFS and SES vehicles, which would give us the same capability as we have in fire and ambulance. Depending on the final costing of that, and some decisions about the operational need and the priorities for our spending, we will make a recommendation to the government for funding that initiative.

**MR PRATT:** I presume you were talking there about the replacement of the Mobitec capability within fire brigade and ambulance vehicles which link to CAD?

**Mr Manson:** I think it is actually a Technisys system, but I may be corrected.

**MR PRATT:** That might be right. I think it is Technisys, yes.

**Mr Manson:** The Technisys system is no longer going to be supported by the manufacturers; it is running out of its time in terms of support. When we put the new system in, that will go to tender. We expect that the unit cost for replacement will be up to about \$3,000 per vehicle. We will then decide whether the 100 RFS and SES vehicles should be provided with that capacity. There is some common sense in providing it to the command vehicles. Whether every vehicle needs it or not will be based on the priorities that the chief officers provide to me about that system or other systems being provided in terms of whether they want this capability versus another capability.

**Ms Leon:** I should add—although it is, I am sure, implicit in everything that Commissioner Manson is saying—that that will also be considered in consultation with the volunteers—as to whether that is a capability that they want and whether it meets their operational needs in the field.

**MR PRATT:** That would be a replacement cost of about half a million dollars, wouldn't it, if the boxes cost about \$3,000 each? Where is that money going to come from?

**Mr Manson:** We would make a decision based on the priorities across the agencies as to what are the highest-priority items that we need to purchase. We need to do a cost-benefit analysis on spending. It will probably be closer to \$300,000, being 100 vehicles. We would like to consider that a cost-benefit analysis is appropriate in conjunction with our volunteers—whether that is the most appropriate use of our funds.

**MR PRATT:** I understand that the Technisys capability meets requirements for about 80 or more per cent of the bushfire abatement zone, but of course that cannot necessarily reach out into the rougher terrain in the south. What have you got in mind as a possible replacement?

**Mr Manson:** When Mount Tennent tower is operating as the final point in the TRN

link, that will provide the Technisys mobile data to about 85 per cent of the territory. There will always be some gullies in the back country that we will not get to. However, with the new mobile repeater stations, either in vehicles or to be deployed onto hilltops by helicopters—they are the small ones—

**MR PRATT:** So vehicle relay, Mount Tennent. That would be what you need, depending on—

**Mr Manson:** Technisys will essentially work everywhere we would need it.

**MR PRATT:** Have you looked at the New South Wales RFS—what they are using in terms of mobile data streams?

**Mr Manson:** Not personally, but as part of the preparation for tenders for going to replace our Technisys system the technical people will be looking at all other systems around Australia—indeed, internationally. What is interesting in this area is that the mobile data terminal technology is advancing very rapidly and the cost is coming down very quickly. The new systems which access satellite, 3D, our own TRN and any other radio networks provide for some very good capability across the landscapes. When we go to tender, that will give us access to all of the systems which are available internationally.

**DR FOSKEY:** Can I ask a supplementary? Is compatibility with the New South Wales system part of the criteria for the tender?

**Mr Manson:** Definitely. Our arrangements with TRN and GRN in New South Wales are for complete interoperability and linked systems. For example, when our SES people went to Newcastle we were able to patch into the entire New South Wales SES and RFS system.

**MR PRATT:** When do you think you might be commencing the tendering process for this mobile data system?

**Mr Manson:** In the new year, as part of the tender process through a number of our other interlinked communications arrangements.

**MR PRATT:** So there is no way that you will be able to plug the missing FireLink capability in this current bushfire season?

**Mr Manson:** FireLink never actually worked for us, so we are not really replacing it. It did not actually work.

**MR PRATT:** Replacing the capability that you need.

**Mr Manson:** Replacing the capability, yes.

**MR PRATT:** That you actually needed.

**Mr Manson:** We will look at our budget in terms of priorities as to where is the cost-benefit in our replacement systems. As we all know, in the majority of parts of

Australia the rural fire service and SES operate very well without those tracking systems. While they are desirable, there is a cost to them and we need to establish whether the cost-benefit is there.

**MR PRATT:** I understand that there is quite a debate within the services—certainly at your level and amongst the services—about whether a mobile data system is actually needed. I have heard Val Jeffery talk about boards and markets, but it is true that a lot of your technical experts and communications experts really believe that the mobile data system identified in 2003, the operational requirement, is still essential, isn't it?

**Mr Manson:** I do not think it is necessarily essential. It is certainly desirable if, in the priorities of expenditure, you can afford it. But, as I said, bush firefighting operations in remote areas in Australia have managed very effectively without these systems for many, many years. There are alternative systems which we generally use and which have been proven to be very safe and effective. As the costs of these new systems to enable us to track and move data come down, given that we have already got radio contact with these people—a very good radio system—and contact with our people in the field, the need to go to the next level of data transfer and vehicle location is obviously desirable, just from the point of view of an added back-up safety system. We will evaluate that against other priorities.

**THE CHAIR:** Will whatever is put in place meet what was recommended by McLeod in relation to communications?

**Mr Manson:** Yes, definitely.

**THE CHAIR:** Are you able to tell the committee exactly what were the problems with FireLink as you see them—why it did not work, in your opinion?

**Mr Manson:** We had two reviews of FireLink by some independent technical experts. Essentially, the system was not operating according to the objectives of the original program—to give us a real-time and accurate location of the vehicles in the field. Unfortunately, the system was unable to do that in a number of field tests and a number of live fires. While it worked sometimes, it just was not accurate enough to give me, in particular, confidence that what was on the screen was what was going on in the field. For that reason, it was not worth pursuing continued significant expenditure to make it work, given the new technologies which are now available at perhaps less than \$3,000 a vehicle as opposed to \$15,000 a vehicle for FireLink. It seemed prudent to consider that, as the cost comes down, we may be able to do this for considerably less, and better, in the future.

**THE CHAIR:** How did we get to a situation, minister, where we spend \$4.5 million of taxpayers money and, at the end of the process, we seem to have nothing in terms of a communications system?

**Mr Corbell:** I think the Auditor-General's report has dealt with this matter quite comprehensively and she has—

**THE CHAIR:** The Auditor-General looked at the agency performance; I am

interested a little bit more in the government's—

**Mr Corbell:** She has identified what the failings were with the procurement and pre-procurement processes. Fundamentally, the Auditor-General concluded what had already been concluded by the internal ESA investigations and JACS investigations, which were that there was inadequate consultation between senior management and the then authority and the officers in charge of the various services, let alone the people who would actually be using the technology on the ground. So the scope and the operational need was not properly identified prior to procurement.

Subsequent to procurement, there was a failure to properly manage the implementation of the technology to ensure that it did meet the needs of the organisation. For example, there was an agreed three-month trial period, I think it was—it was a four-month trial period. Instead of proceeding all the way through the four-month trial period, the former authority determined that the technology on trial was a success after eight days of that four-month trial period. Now, those are the issues that have been identified in the Auditor-General's report. It was, in my view, a fundamental failure of management on the part of the ESA.

**THE CHAIR:** But where was the ministerial oversight during that time?

**Mr Corbell:** It was a failure to properly identify the scope and the operational requirements of our services. In relation to ministerial oversight, obviously, I was not the minister at the time, so I am not privy to all of the machinations that occurred during that time. But what I can say to the committee is that, from my review of the advice given to my predecessors—and there are two ministers during this period—the advice was, one, overly optimistic and, two, extremely limited. Unless we get into a debate about our preferences around the organisation in the emergency services, I think it is worth highlighting the fact that the statutory independence of the then authority in all respects did not assist in ensuring that there was adequate ministerial oversight of these matters.

**THE CHAIR:** But surely you cannot say to taxpayers that that is an excuse, that because there is an independent authority then ministers are not going to ensure that money is spent wisely. I mean, it is clear here—

**Mr Corbell:** Well, ministers rely on the advice of their agencies as to whether or not—

**THE CHAIR:** So are you saying that the advice that was given to the government was wrong?

**Mr Corbell:** Ministers do not and should not micromanage the implementation projects. Ministers need to be assured that processes are being conducted properly and need to be assured that the objectives the government has set are being met. When agencies provide that advice—which is what occurred—it is difficult to know what else the minister can do.

**THE CHAIR:** So the eight-day trial, for instance, at the end of that time, was advice given to the minister saying, “Well, we've completed the trial; it lasted for eight days,

and we think it is fine,” words to that effect, or did the minister not ask the question? Did the minister not get advice around that time as to how the trial was going?

**Mr Corbell:** I am not privy to all of the communications that occurred. As the Auditor-General has indicated, the recordkeeping on this matter was highly inadequate. But the records that are available indicate that when advice was provided to the ministers involved, the advice was “this system meets our needs, and we are proceeding with its implementation”.

**Mr PRATT:** Given that we are three years late for the introduction of FireLink, which we were told had to be fast-tracked for bushfire season 2004-05, and effectively \$5 million has been wasted, why do you think it took this amount of time for anybody to have a serious look at FireLink? Why did we wait until now before the Attorney-General had a look at this?

**Mr Corbell:** We did not wait until the Auditor-General looked at this matter. Following the government’s decision to incorporate the ESA within the broader justice and community safety portfolio, a review was immediately commenced by my department. That review highlighted the inadequacies and the failings in terms of the implementation of this project. On receipt of that review, one of the key recommendations was that more detailed investigations needed to occur around some elements of the FireLink project. That review was then commenced by ESA.

Both of those reviews concluded that FireLink was not suitable for the ESA’s requirements and that it would be wasteful to continue with implementation. The agency and the commission took the decision to no longer proceed with the implementation of that project any further. That was all prior to the Auditor-General’s findings. I think what this highlights is the ability to bring the ESA back within the gamut of the broader community safety portfolio. It gave the government the oversight it needed to get to the bottom of the problem and to identify and to rectify it.

**Mr PRATT:** You and Mr Hargreaves are on record as saying, I think respectively in September and November of last year, that you both thought that FireLink was fine. It looks like you were beginning to get a feeling for how FireLink was progressing in late 2006, early 2007. Why do you think your government took until late 2006, early 2007 to realise that something was dramatically wrong with that FireLink project?

**Mr Corbell:** I think, as I have just explained, Mr Pratt, the issue was that up until the middle of 2006 the ESA was a statutory authority. The advice and the recordkeeping by the then authority was inadequate, and it has been highlighted as being inadequate by the Auditor-General’s report and by internal reviews conducted by my agencies. It was only when a detailed investigation was commenced by the Department of Justice and Community Safety, at the government’s request, that we saw the full picture—

**THE CHAIR:** So when was that investigation again, Mr Corbell?

**Mr Corbell:** I beg your pardon?

**THE CHAIR:** When was that investigation you refer to?

**Mr Corbell:** This is the report known as the Radic report, and I am advised that it was commenced in September 2006.

**THE CHAIR:** And completed when?

**Mr Corbell:** It was completed in approximately January 2007, but we can provide you with the details.

**THE CHAIR:** This was a broader ranging report than just FireLink; this was into the management?

**Mr Corbell:** Yes, it looked at all the ESA's ICT projects.

**DR FOSKEY:** Is it possible for that report to be made available to the committee?

**Mr Corbell:** I am of the view that it should be made available. I will just double-check whether there are any legal issues around that, but I do not see why it should not be made available.

**THE CHAIR:** Thank you. When did you personally become concerned that FireLink was not up to scratch?

**Mr Corbell:** On receipt of the Radic report.

**Mr PRATT:** Which was one of two reports, distinctly the Attorney-General's report?

**Mr Corbell:** Yes. The Radic report was the first internal assessment conducted by and initiated by the justice department in September 2006.

**Mr PRATT:** Minister, if you say that the problem was this three or four-year period of failure to identify the problems with this project, and if you say the problems existed because an independent authority was running its own project beyond ministerial oversight, are you saying that all independent authorities that we have working with government, using government funding and using government procedures and equipment are beyond ministerial oversight?

**Mr Corbell:** No, I am not. What I am saying is the culture of this particular independent authority as it then existed did not ensure that there was appropriate advice provided to the ministers.

**THE CHAIR:** But is that not also the responsibility of the minister who set that up? If the culture was able to get out of control that quickly in your opinion, surely the minister who put in place the agency in the first place has to take some responsibility for that?

**Mr Corbell:** The government did take responsibility for it, and the government moved to rectify the problem by incorporating the ESA within the broader justice and community safety portfolio. We recognised that the continued failure of effective budget management, the continued failure to manage projects responsibly, was causing a serious problem for the territory's budget. That was why we took the

decision to incorporate the ESA back within the justice and community safety portfolio. So the government did take responsibility, and that was our response to that problem.

**THE CHAIR:** What were the problems, in your opinion, with the culture of the authority that led to some of these problems?

**Mr Corbell:** I think that the issues are pretty much on the record. The ESA, when it was a statutory authority, had, I think, for three consecutive years failed to meet its budget and to work within its budget allocation despite the fact that budget allocations were increased significantly in each of those years. The old ESB budget was in the order of somewhere in the low \$20 million per annum. The government increased the ESA's budget to the order of \$60 million to \$70 million dollars per annum. Despite that very significant increase, the ESA on consecutive occasions blew its budget and had to be appropriated even more money.

**THE CHAIR:** So when it blew its budget the first year—

**Mr Corbell:** Those issues and that pattern could not be sustained by the government. The government was prepared to accept that there is always a period of bedding down, there is always a period of consolidation of new administrative and operational arrangements. Clearly, the ESA and ESB had gone through a very significant change following the 2003 fire incident, and the government was prepared to be patient and to try and accommodate what was essentially a period of consolidation. But there came a point when the government's patience ran out, and it ran out in 2006.

**THE CHAIR:** So after the first budget blow-out, what did the government try to put in place in terms of the authority's operations that would try and rein in that expenditure?

**Mr Corbell:** I am not privy to the detail of the management of the portfolio at that time, simply because I was not the responsible minister at that time, but I can try to answer that on behalf of the government. My answer would be that the government relied on the advice of the then commissioner and his senior management as to what the reasons were for budget blow-outs and what steps would be taken to rectify those.

**DR FOSKEY:** I am very interested in the FireLink issue, but I think that will be pursued in another forum. I am interested in whether you think that the decision to cancel the FireLink contract will lead to savings in the future in terms of the communication system that you are considering and what those might be. Also, the issue that perhaps is most difficult to understand is the timing of the cancellation of the contract in that there was a retrospective cancellation. I would be interested in hearing how you can explain that, because it is quite unconventional. The exact timing is not totally fresh in my mind at the moment, but was it a month or two?

**Mr Corbell:** I will ask Mr Manson to answer that part of your question in a moment, Dr Foskey. In relation to the first part of your question, what I would say in response is that the decision to cancel the FireLink project certainly had nothing to do with savings per se. There is no doubt that the agency did not incur any further costs after the cancellation of the project. I think that was proved, given the advice the agency

had about the inadequacy of the technology to meet the agency's needs. But it was not about savings per se. There has been a cost to the taxpayer from this project; it has been a significant cost. It makes me very angry that that has occurred. What I have sought to do since being minister is to ensure that we have mechanisms and procedures in place to ensure that such a problem does not occur again. So it is not about savings per se. The only thing we have really saved is the additional cost of continuing a project that does not meet our needs.

**DR FOSKEY:** Again, the process is one thing and whether the technology did the job is another. There are probably still questions to be answered in relation to that second one, which will probably be pursued elsewhere.

**Ms Leon:** They are two different issues, but they are not unrelated. One of the significant criticisms that the Auditor-General made and that our own internal inquiries identified is that there had not been a proper analysis of the business need, the operational need, and whether this technology met that need. So, certainly, that was the process failing but, not surprisingly, it also led to an outcome failure.

**Mr Corbell:** I will ask Mr Manson to answer the question about contractual considerations.

**Ms Leon:** Before we do, I should say in relation to the contractual issues that there may be some aspects of that that we just cannot really get in to in a public forum, because there are still negotiations on foot with the contractors.

**DR FOSKEY:** Thanks.

**Mr Manson:** Suffice it to say that, in relation to the termination or cancellation of the contract, there were two letters, one which appeared to have an incorrect date which was corrected subsequently and was brought to the attention of myself by the other party. It was really a minor administration issue which was corrected shortly after it was noticed.

**DR FOSKEY:** Is that your answer? Have you finished?

**Mr Manson:** Yes, that was all there was to it. There was a letter provided by the ESA to the contractor which related to the contract and the termination of that contract. There was, in effect, a clerical error in the date—

**DR FOSKEY:** What was that? What was the discrepancy between the—

**Mr Manson:** It was, I think, two weeks, which just related to the way we put the date in the letter, which was an oversight on my part. That was corrected when it was brought to our attention. So, in effect, it was an administrative error which was subsequently corrected.

**DR FOSKEY:** You are saying, therefore, that it was not retrospectively cancelled?

**Mr Manson:** No. But that might be a matter for the legal people to debate, but what we are saying is that, subsequently, when that was drawn to our attention between the



legal parties, that matter was corrected. So it was really an administrative oversight, and it was corrected shortly thereafter.

**THE DEPUTY CHAIR:** Mr Seselja has had to step out, so I am chairing the hearing for the moment. Are there any more questions in FireLink? If not, we can move on to something else?

**Mr PRATT:** Could I go on to communications in general, which is partly related to FireLink?

**THE DEPUTY CHAIR:** Dr Foskey, do you have questions—

**DR FOSKEY:** Can I just chuck in a question on something else for a bit, because communications will be definitely—

**THE DEPUTY CHAIR:** We will deal with the communications, but we will just let Dr Foskey ask a further question.

**DR FOSKEY:** Yes. On page 259 it says that the minister has requested the Bushfire Council to assist the government in reviewing the implementation of the McLeod and Doogan reports. I am wondering where that is at at the moment. Will the Bushfire Council's advice be made public; if so, when can we expect it?

**Mr Corbell:** Yes, Dr Foskey, I have asked the Bushfire Council to act as the review body on the implementation of agreed government recommendations arising from the coroner's report and as they relate also to other reports, including the McLeod report. I know the Bushfire Council has accepted that request and that they are preparing and putting in place their processes for review. The review process is meant to be an ongoing one, and I understand the Bushfire Council will be making a series of regular reports to me on implementation of agreed government recommendations. The timing of that I am not quite sure of. Perhaps the commissioner can answer that. I have not had advice from the Bushfire Council on when they propose to give me their first report.

**Mr Manson:** My understanding is that the terms of reference for that review have been largely agreed. The Bushfire Council and some of our RFS staff have worked up how they are going to do that review. Some background work has been done in terms of gathering all the recommendations and sorting them. The process is in place. The government provided last year in its appropriation some funding to assist the Bushfire Council where it needs it. My understanding is the Bushfire Council is waiting for an appropriate consultant to be appointed and is going through that process at the moment. I am not sure where it is up to, but I can find out. The process will continue. We expect that certainly in the new year that process will be well underway.

**DR FOSKEY:** You are aware that the legal affairs committee is doing an inquiry as well, so that could actually cross-feed?

**Mr Manson:** Yes.

**DR FOSKEY:** So there will be a lot of work in this initial phase, but, from then on, it

should just be using it as some kind of a checklist of manual reporting?

**Mr Corbell:** Yes. The reference is a reference in relation to monitoring and implementation. Obviously there is probably more work at the beginning of that process, and then it is ongoing monitoring.

**DR FOSKEY:** Are there going to be any issues—or will this process discover them—where the McLeod and the Doogan reports might contradict each other in recommendations, and how will those be resolved?

**Mr Corbell:** It is not the purpose of the reference to the council to revisit all of the issues raised by McLeod and Doogan. The reference that I have given them was to report to me on implementation and actions arising from the government's response to recommendations which the government agreed with in the coroner's report. So where the government agreed to a recommendation, the Bushfire Council's role is to monitor implementation and our response to those recommendations to which the government agreed.

**DR FOSKEY:** I understand that by 1 November—yesterday—each year the ESA must provide the minister with a report regarding preparedness of government agencies, rural leaseholders and broader ACT community issues for the coming bushfire season. I am interested in whether you did receive that report yesterday, what the prognosis is for this fire season, how far the assessment of rural leaseholders goes, and how ESA works with the leaseholders to determine this information?

**Mr Corbell:** Dr Foskey, it is the Bushfire Council that provides that advice to me, not the ESA.

**DR FOSKEY:** Okay.

**Mr Corbell:** This was something I established when I first became minister. I took the decision that I needed to use the independence and the expertise available on the Bushfire Council to better inform me, separate from the ESA, as to our preparedness and readiness for each coming bushfire season. I started this process last year, and the Bushfire Council gave me a report last year. The Bushfire Council has not yet reported to me for this coming fire season, I am advised this morning that there has been a delay in the Bushfire Council completing its report to me for this year. I understand that is due to a field inspection that was due to take place this week, which, due to the wet weather, did not proceed. But I am advised that that will proceed shortly and that the Bushfire Council will be presenting their report to me. So I look forward to that.

In relation to the prognosis for this year's season, I might ask Mr Manson, or someone else from ESA, to give you some advice on it.

**Mr Manson:** Through the national system for preparing fire, weather and drought indices across Australia, the Bureau of Meteorology has provided a number of presentations to our service people but also formal presentations in Sydney, Melbourne, Adelaide and so forth. The CRC for bushfire research and the met bureau have released a prognosis for the season for Australia. That can be found on the web,

or we can certainly make that prognosis available to you. It is a combined CRC and met bureau assessment.

Earlier this week there was a presentation to the bushfire captains. We had Ken Batt, the weather forecaster from the met bureau, give a presentation, more particularly on south-east Australia, on what was happening for the season. Essentially, the prognosis is that we are in a continuing La Nina which is not very strong. The prognosis is that we have got somewhere around 50 to 80 per cent chance of average rainfall.

The indications so far this spring, as you are aware, is that we have had very little rain, until this particular weather event occurred. The high temperatures in the Indian Ocean have led to the streaming of moist air across Australia which has given us these significant rainfall events and storm events across Australia in the last four or five days. It is difficult, and Ken Batt suggested that this sequence of events may continue to occur but he could not be sure. So we have planned for a continuation of the extremely dry conditions.

The fire danger index remains high and will quickly move to extreme when we get any particular wind speed, particularly from the north west. Our staff have done some special assessments of the fuel in the mountains and across the ACT, as they normally do at this time of year, which has indicated that, as we would expect, the soil and the fuel on the ground is extremely dry. We are really up in the high end of the drought indices range, which means that, no matter what the fuel level is—and the fuel level is very low around the grasslands in the ACT at present—where there is low humidity, high temperatures and strong winds, we will have extreme bushfire conditions. Now, fortunately in the ACT we normally only have four or five of those days a year. I cannot predict what is going to happen this year, but we are prepared for that high fire prognosis for the season.

**DR FOSKEY:** It has been predicted that we are going to have many more hotter days this summer, which indicates that there will be more of those ignition days. But the other thing is the potential for us to be receiving more rain in summer, frequently arriving in storms. Storms, of course, are themselves ignition points, so the rain that we desire may come with something that we do not desire.

I am just interested in the other part of my question: how far the assessment of rural lease holders goes and how ESA works with leaseholders to get the information. It is probably not the ESA; it is probably the Bushfire Council. Is the Bushfire Council resourced? I thought it was a group of volunteers, or are they actually paid people?

**Mr Corbell:** No, they are paid.

**DR FOSKEY:** Okay.

**Mr Corbell:** And they are supported by a secretariat from RFS. The Bushfire Council is appointed by me, and the Bushfire Council includes representatives of rural lessees. There is a dedicated position for a representative of rural lessees; that is currently Mr Simon Katz, who is a rural lessee in the Kambah area. He is a representative, effectively, of the Rural Lessees Association for the ACT. In terms of engagement with rural lessees, it is timely you asked that question, Dr Foskey. Yesterday I was

very pleased to formally launch the farm fire wise program.

**DR FOSKEY:** I knew you'd say that.

**Mr Corbell:** Well, you asked the question.

**DR FOSKEY:** It was not the answer I was looking for, but anyway.

**Mr Corbell:** But that is one very important way which in which the RFS engages with rural lessees. That program has actually been on the ground for some time, and, so far, I am advised by the coordinator of that program that about 50 rural lessees have taken the opportunity to meet with him to have audits done of their properties or advice given to them on preparedness for bushfire.

What is very valuable about this program also is that it provides a formal link between the rural lessee and the RFS in terms of information sharing. The RFS is always interested in information which will assist their crews to access and fight a fire most effectively, and that includes things such as getting information from the rural lessee on whether there have been changes in access to their property in terms of gates and so on; where are the most suitable water points on their property should fire crews need to replenish water; issues around property protection; and issues around hazards on a rural lessee's property, for example, where does the rural lessee store all of his or her chemicals, are they stored safely, and are they stored in one location or are they in several locations. So those are all issues that are identified through the farm fire wise program.

The government has also provided a large number of what are called slip-on units to rural lessees. These are essentially small tanks and pumps which sit on the back of a ute or sit on the back of trailer which can be used by the rural lessees for firefighting on their own properties. Those have been provided by the government. I do not know how many of those there are, but there are certainly 60 to 70-odd slip-on units.

**DR FOSKEY:** Is that even if they already have that capacity, which a lot of farmers would?

**Mr Corbell:** A lot of farmers don't have a dedicated capacity. They often have a pump and a tank which they might also use for chemical spraying and things like that. But we have offered that to rural lessees and a large number of rural lessees have taken that up. It is not obligatory; if they feel they have already got that and they don't need it then they don't have to take it, but a large number have. I think they take the view that the more resources they have available, the better. Obviously, a rural property can be quite large and they may want to have that capacity in a number of locations on their property in the event of a fire.

In addition to that, the RFS brigades actively engage with and meet rural lessees in their area. Rural lessees, depending on the brigades, are active members of brigades. Certainly, in the case of brigades to the south of the ACT, around Tharwa and Tidbinbilla, the brigades are predominantly made up of rural lessees. In other parts of the territory rural lessees are less dominant but there are still strong linkages between the volunteer brigades and the rural land holders. Those are all things that are done to

engage with rural lessees. I think our relationship with rural lessees has greatly improved since 2003 and the knowledge sharing and linkages are proving to be very valuable.

**DR FOSKEY:** I think that is an excellent program. Is that funded by the commonwealth or by the ACT?

**Mr Corbell:** It is funded by a grant from Emergency Management Australia, which is a commonwealth agency, but we provide the people to deliver the program.

**DR FOSKEY:** What about the dwellers at the urban edge, which has always been recognised by analysts as a real concern? We certainly saw that in 2003. Are there any special programs to get them prepared, to make sure they are doing the work in fire proofing their properties and developing an emergency plan, for instance, for their street? We do not want to see, as happened in 2003, a person dying when it was possibly preventable if the whole community had a strategy.

**Mr Corbell:** Yes. The most obvious program is our community fire unit program. There are 28 community fire units already established around the urban interface and another 10 were funded in the most recent budget. They are currently being established; training is underway now for a large number of those units. The community fire units are part of a fantastic program. I have gone out and met with some of the community fire unit members and teams that are out there.

I think the value of these units is twofold. First of all, it gives dedicated areas a particular capacity in terms of access to hydrants, hoses, downpipes, protective equipment and training, to protect their homes and to deal with spot fires around the urban interface. The other really important part of the program is that it builds linkages in that neighbourhood. The community fire unit members become ambassadors for their neighbours, who perhaps are not in the CFU, about what they can do and what they need to do to prepare their homes. So they act as spokespeople and as a point of advice on what you need to do to prepare your home and whether you are going to be able to look after yourself if there is a fire. It helps to build the social capital in a particular neighbourhood and people talk to each other and keep each other informed. So it has that response capability but it also has that networking social capital capability. That is what is really pleasing about the program.

With respect to the 10 new units that were funded in the most recent budget, we are looking at establishing units in additional areas in Duffy, Chapman, Cook, Aranda, O'Connor, Dunlop, Curtin and Hawker. I went out a short time ago and met with one of the CFUs in Chapman and also had a chat to the fire brigade officers involved in this program. They have indicated to me that they are still getting pretty good interest in the new units and they are proceeding with the implementation of those additional units.

**MR PRATT:** Minister, going back to the farm firewise program and the rural lessees, what percentage of rural lessees have not volunteered or signed up to work with the RFS on that program and the preventative planning?

**Mr Corbell:** I am not aware that there has been any real resistance from rural lessees;

I think it is just a case of their availability to talk with the RFS coordinator. I was told earlier this week that about 50 rural lessees had participated in the program in one way or another to date. We have about 150 rural lessees. From my planning days, I think it is around that number. So we are getting reasonably good coverage to date but the program is ongoing.

**MR PRATT:** What capacity does the RFS have to reach out to all rural lessees and do the advisory preparatory work that is needed? Are you confident that the RFS brigade captains, in their particular areas, can get out to all rural lessees and work with them to identify fuel risk?

**Mr Corbell:** Yes. I know that RFS volunteer brigades are very actively involved in talking with the rural lessees in their area. It varies from area to area, depending on where the brigade is located. I know that those brigades that are located in the heart of the rural areas of the ACT have excellent linkages with their rural leaseholders.

I mentioned the brigades to the south of the territory—the southern brigade, the Tidbinbilla brigade. Their membership is strongly influenced by rural lessees, so they are the same people. In other brigades, such as Geysers Creek, Rivers and I would imagine also Molonglo and Jerrabomberra, they have close relationships with the rural lessees in their area. For example, I know the Jerrabomberra brigade has strong linkages with rural lessees in the Symonston area, which is close to where their brigade is located. I know that the captains do take engagement with rural lessees very seriously. Rural lessees, like people in the urban area, will vary in terms of their interest and availability, but I think that overwhelmingly it is a very positive relationship.

**MR PRATT:** What do you do if you are aware of rural lessee properties which may contain significant fuel hazard loads but the rural lessee is either not available or has not volunteered to work with the RFS on developing an action plan to carry out the preventative work?

**Mr Corbell:** There are a range of mechanisms, statutory and otherwise. Mr Manson can answer that.

**Mr Manson:** Particularly at this time of year, when we are watching the spring growth of grass—and we will be looking at that across the ACT—if there are areas where an individual property owner is struggling to meet their requirements, we can certainly offer assistance either through the volunteer network or, more importantly, through Territory and Municipal Services, which has a program. Its hazard reduction team works around the urban edge. If we identify those properties—and we have an active program to do that—initially it will be a matter of providing encouragement and assistance. It may be a matter of assisting them to burn off or assisting them to get access to slashers and machinery, if there are particular problems. If that fails, we have regulations which allow us to give a notice to those people, undertake the actions ourselves and recover the costs, should that be necessary.

**MR PRATT:** So you are happy that the Emergencies Act 2004 gives you the power and that it contains the regulations for you, commissioner, and your chief fire officer, to be able to audit the ACT's rural zones and carry out the preventative work that

needs to be carried out before we get much further into the bushfire season?

**Mr Manson:** We certainly have the appropriate powers within the statutory system in the legislation. Our preferred approach is obviously good planning, education, public awareness—

**MR PRATT:** And cooperation.

**Mr Manson:** and cooperation. We do assessments through the bushfire operational plans for government lands through the Territory and Municipal Services approval of their annual plan and through property plans. As each new lease is let in rural areas in the ACT, it is at that point that we encourage them to do a farm plan—at the same time as the new lease is let.

**MR PRATT:** Under the farm firewise program, and under the regulations available to you in the Emergencies Act, how much work was done leading up to the commencement of this bushfire season to get rural lands ready in terms of fuel hazard load reduction tasks?

**Mr Manson:** Unfortunately, the majority of the ACT has been in severe drought, so the fuel loads as recommended by the bushfire plan in most of the areas are actually below the target loads for those areas.

**MR PRATT:** In terms of both grasslands and wooded areas?

**Mr Manson:** Particularly in the grassland areas, which are the immediate threat to assets in the city. So dealing with those first, subject to the recent rain and a bit of spring growth, we will obviously get a build-up of fuel in some areas. The Territory and Municipal Services burning and particularly slashing plan at this time of the year is pretty well advanced. They did the majority of last year's program, which assists us this year. They are advising me that they should complete their programs as forecast. In the mountainous areas, with post 2003 bushfire fuels, again because of the drought conditions, we tend to have a lot of low fuels and low aerial fuels from epicormic growth on the eucalypts and fairly stunted regrowth of small shrubs. So in those areas they are carrying fuel loads which would act like a heathland, in effect. There is obviously heavy fuel from the dead trees which are falling over. However, those areas are fairly remote from the city, and while they may cause us difficulties in that location, between the mountains and the city the fuel loads at this point are probably generally below what is required in our bushfire plan.

**MR PRATT:** Is that because most of the forest fuel loads were burnt off in 2003?

**Mr Manson:** No, the fuel loads in the mountains will always in those forest areas be a matter of concern.

**MR PRATT:** In addition to the heath country problem, inside the forest areas are you in a slightly better position than might have been the case in 2002?

**Mr Manson:** Yes, I am certain that fuel loads in those areas are still below the maximum fuel loads of those forests, although those particular mountain forests,

except in the south-west gullies and south-east gullies, generally maintain fairly low fuel levels compared to the ash forests, which might have heavy fuel loads but rarely burn, as we found in 2003.

**MR PRATT:** On the back of the pre-season briefing that the services have had, how do you rate the drought index and the bushfire index today compared to this time in 2002?

**Mr Manson:** I do not have the 2002 figures with me but in general terms the drought index is higher.

**MR PRATT:** The bushfire index is about the same, if not—

**Mr Manson:** The bushfire index is calculated daily but today it is probably a little better than yesterday. Essentially it is higher.

**MR PRATT:** So we are in dire straits, as we perhaps were in 2002, except the fuel load problem is somewhat better. Is that how you read it?

**Mr Manson:** To the west of the urban interface, we don't have those heavy fuels that were available to the fires—the forests adjacent to the urban areas—like we had in 2003, which allowed the significant fire, when it came out of the forests, to lose its momentum and drop the ash cloud on the suburbs. So we are not in that situation around the western side of the ACT, which makes our position certainly much better than it was at that time.

**Ms Leon:** Also, Mr Pratt, we are all much better prepared than we were then. So although the drought conditions continue, and that is very regrettable—

**MR PRATT:** Surely we can't be any worse than was the case in 2002.

**Ms Leon:** we are much better prepared and much better resourced.

**MR PRATT:** Minister, just going back to the Bushfire Council, you provided a reference to the Bushfire Council to look into the government's response to the Doogan report. What did the Bushfire Council say about the Doogan report and the Doogan recommendations? Have they said a lot more than what the government has agreed to in terms of taking on board the Doogan recommendations?

**Mr Corbell:** It is a little time ago, Mr Pratt, but with Ms Leon's assistance my recollection is that the government did ask the Bushfire Council for its comments, if it had any, following receipt of the coroner's report but prior to the government's response to that. I recall that there was some correspondence to me from the Bushfire Council. The Bushfire Council expressed its thoughts on the issues raised in the coroner's report. I think the key issue where the government and the Bushfire Council did not agree was around the statutory independence of the ESA.

**MR PRATT:** Can you refresh my memory: was that report from the Bushfire Council on their initial reaction to the Doogan inquiry made public?



**Mr Corbell:** No, it was just correspondence to me. The Bushfire Council may have made it public. They tend to put a lot of their documentation on their website, so they may have chosen to make that publicly available; that is a matter for them. But it was correspondence to me and I would not normally make that sort of correspondence public.

**MR PRATT:** Would you be prepared to table that correspondence here?

**Mr Corbell:** I am happy to take that on notice. I can't recall the correspondence now; it was some time ago. I need to refresh my memory on that.

**Ms Leon:** We did consult very actively, not only with the Bushfire Council but also with the captains of the volunteers. This is from memory and we might be a bit rusty on it but my recollection is that we had a roundtable discussion with them at which we also took notes of their views. That may have then emerged in some correspondence or it may just be the notes of the meeting. So we will go back and refresh our memories as to the actual form that the documentation took—whether it is appropriate to release it and whether the Bushfire Council would be happy for it to be released.

**MR PRATT:** Minister, or you may wish the commissioner to take this one, you talked about the major preparations around the urban edge being best demonstrated by the presence of the community fire units. In terms of the strategic bushfire management plan and preparatory planning, has any thought been given to the preparation of bushfire action plans, or maybe bushfire operational plans, for each of those suburbs, for those CFUs to use?

**Mr Corbell:** The bushfire operational plans, as I understand them, essentially deal with managing risk, so they have a strong focus on fuel management, which is primarily the responsibility of the appropriate land manager, which in most instances would be TAMS, around the urban edge. The government is currently consulting on the development of the new version of the strategic bushfire management plan that was funded in the most recent budget. I was pleased to attend a meeting earlier this week with the consultative group to talk to them about their views and expectations around the new version of the plan.

There are representatives from the fire brigade. Mr Barr was there—Conrad Barr, not my ministerial colleague—from the fire brigade; representatives of TAMS were there; representatives of national parks on behalf of the Conservation Council were there; the Bushfire Council was there. A community representative, Jane Smyth, was there, and a number of others as well. The Natural Resource Management Council was represented. We are engaging all of those stakeholders in the development of the plan. Mr Barr is here so I might ask him to comment further on how the CFUs integrate with that work.

**Mr Barr:** In relation to the interaction with the CFUs and fire management practices in the urban interface immediately adjoining them, there are probably two elements to it. The CFUs' training and mandate involve property and asset protection. They don't chase out into the nature reserves to put out fires; they take defensive actions around the backyards and the immediate environment of the backyards. However, on a proactive field management basis, through our CFU management unit and at a

strategic level, we have undertaken discussions with TAMS about feeding specific local information back to TAMS that we gained through the CFUs and their intimate knowledge of their own backyard and feeding that into revised bushfire operational plans.

By way of example, in a neighbourhood where part of the area is very amenable to slashing but there are some rocky, rugged areas, the micro level operational and fuel management plan identifies that these areas might need a whipper snipper gang two or three times a year as part of fuel management. In dealing with some of these areas there are hazard reduction burns planned more readily. On a trial basis in Chapman, for instance, we have involved CFUs in an element of some fuel reduction burning that was previously done there with TAMS.

**THE CHAIR:** We will have a short adjournment.

**Meeting adjourned from 11.02 to 11.22am.**

**THE CHAIR:** We will recommence with a question from Mr Pratt.

**MR PRATT:** Minister, just before morning tea we got to the point where we now know that the drought index is pretty tough—and we knew that, I think, coming into the bushfire season—yet on 4 October, on the fourth day of this bushfire season, the government and your authorities were unable to man the watchtowers. Why was that?

**Mr Corbell:** That is not true; the towers were staffed and Mr Manson can give you information on what the circumstances were on that day.

**Mr Manson:** The bushfire tower contract was let in, I think, 2005 for five years, so the contract is in place and in each year we update the schedule of rates using a CPI system in negotiation with the contractor. The finalisation of the schedule of rates contract was ongoing in early October when the bushfire season started. However, the contract was in place and it is normal for the early part of the season for us, in consultation with TAMS, to man the towers, should we need it, in October, which is generally unusual, and that to-ban day was due to high winds. So we had used our normal system and, through agreement with TAMS, manned the towers through the appropriate period for the day.

**MR PRATT:** But if you were not manning the towers in the morning of 4 October then the towers were not manned, surely?

**Mr Manson:** It was our assessment that, given the fuel loading in the ACT and the weather forecast, we were comfortable with putting the towers up at lunchtime for the afternoon session of the day where the main threat is generally about. We were not expecting any lightning or any other storms during that day. Generally the towers, while they provide good coverage for the ACT, it is interesting that the majority of our grass and bushfires are, in fact, first reported through our 000 line. So we are confident that the towers provide us a very good system. But we are also confident that the community in the ACT is very quick and very observant and the facts show that 000 is, in fact, a very reliable system during the day and during the periods of high bushfire.

**THE CHAIR:** Has it always been the case that on total fire ban days you would have the towers manned only from midday?

**Mr Manson:** The manning of towers is subject to the chief officer of the rural fire service, which is covered by the deputy commissioner's role now. The manning of the towers and the contract arrangements are that we generally have a protocol for certain to-ban and extreme weather where we man the towers, but it is always subject to the discretion of the chief officer on the day, because we can often have a forecast which does not come through. It can be a low fire danger day but we are getting lightning predicted and we might put the towers up, so there is definitely flexibility there for the chief officer to make appropriate decisions on the day.

**Mr Corbell:** To give you another example, Mr Seselja, I am certainly aware of occasions in the past where it has been a high fire danger day, towers have been stood up and one of the towers has actually been in low cloud and cannot see anything. I think at Mount Tennant that happens. That has happened; it is the occasion I know of. So there still needs to be scope for discretion in terms of staffing of towers, and that discretion has always been available to the chief officer.

**MR PRATT:** Was there cloud on 4 October?

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

**Mr Manson:** No.

**MR PRATT:** No, I don't think so either.

**Mr Corbell:** I just used that as an example, though—that whilst you can have a prescribed—

**MR PRATT:** No. Of course you wouldn't man a tower, a clouded tower.

**Mr Corbell:** procedure, there still needs to be discretion. But I also make the point that on that occasion the tower was staffed even though there was low cloud, so I think it highlights the importance of discretion being exercised.

**MR PRATT:** To take your point, discretion does not extend to unmanning a tower on a clear day, surely? Minister, volunteers, and the VBA particularly, have expressed surprise to me that authorities are saying, "It's okay to man fire towers on a total fire ban day from the middle of the day." Why are they surprised? Clearly they understand that on a total fire ban day the damn towers ought to be manned, at least for the bulk of the daylight hours.

**Mr Corbell:** And it was.

**MR PRATT:** It wasn't, because I understand the towers weren't manned until about midday.

**Mr Corbell:** Again, as the commissioner has just indicated, Mr Pratt, he and the chief

officer, the deputy commissioner, Mr Parry, made the assessment about what level of coverage was required for the towers on that day. As the commissioner has just indicated to you, they took account of fuel loads, when winds were expected to be at their most vigorous and other issues, including the time of the year, and took the decision about when coverage was required. That is why we employ people who have expertise in these matters to make those judgements.

**MR PRATT:** But isn't it true that your statement that discretion applies is simply a cover for the fact that if you cannot man the towers because you haven't got the resources that can be the excuse?

**Mr Corbell:** No, no, no. My comment is a factual statement. As I understand it, the procedures have always indicated that the final decision on staffing of towers is made by the chief officer, in this case the deputy commissioner—

**THE CHAIR:** But has that been the practice in the past?

**Mr Corbell:** and the chief officer has the power, under the procedures, to determine what should be the arrangements in relation to staffing of the fire towers, so it is just a factual statement, Mr Pratt.

**THE CHAIR:** Minister, has that been the practice in the past, though? With that discretion have we seen in previous fire seasons on total fire ban days, clear days, fire towers not manned in the morning?

**Mr Corbell:** I do not know what the experience is in previous years. All I would say, though, is that it is extremely unusual to have a total fire ban day that early in the season, in the first couple of days of October.

**MR PRATT:** Going back to the question about the contracts being signed, can you clarify something? Basically, I think you said the five-year contract was up for renegotiation.

**Mr Manson:** No. Just to be clear, the original contract was tendered, as I understand it, somewhere in 2005. It was a three-year contract with two options of one year, which finished in 2009-10. So we have a contract in place. Each year, for obvious reasons, we look at the schedule of rates for the labour and so forth, and that is CPIed. If there are any extraordinary or additional costs which might need to be negotiated—for example, if the fuel price goes up significantly, the travel to and from the towers is an extra cost to the contractor—we would be perhaps prepared to negotiate so that they are not disadvantaged by the contract.

**MR PRATT:** Yes, but those are only minor issues that could be surely easily negotiated just to keep the contracts running. Why wasn't the contract either renegotiated or re-signed or reconfirmed during the latter part of winter, before the bushfire season, so that you could have been ready to go from 1 October to make sure that those towers were manned?

**Mr Manson:** The renegotiation of the schedule fees has no impact on the contract or its ability to be exercised. So, in fact, the contract was in place and we could have

used the contractors whenever we chose. The schedule of rates is not an issue in relation to us being able to use and employ the contractor. We chose, because of the early to-ban day, to use our arrangement with TAMS to man the towers on that day because we were in the process of negotiating with the contractor the entire seasonal program.

**MR PRATT:** But you are saying that the contracted staff could have manned that tower in the early morning hours of 4 October if you had asked them to?

**Mr Manson:** Absolutely. We didn't ask them.

**MR PRATT:** Okay. Later in the day when you had TAMS staff man those towers, where did those staff come from?

**Mr Manson:** The decision to call a to-ban was the day before. The chief officer, the director, operations, of the rural fire service and I met on the afternoon, as we would expect to do where there was a weather forecast for a potential to-ban. We made those decisions on the day before and then during that afternoon the arrangements were made with TAMS to man the towers the following day.

**MR PRATT:** Did the people who manned the towers come off what used to be called parks brigade fire crews?

**Mr Manson:** We have an MOU with TAMS which allows for the provision of TAMS services to fight fires, the rural fires in particular, and those arrangements have been in place for many years. Under the arrangements—I am not sure whether they are very specific in relation to fire towers and which staff are used—it is a matter for TAMS to determine which staff it chooses to put in the towers, so long as they have got the appropriate experience and competence.

**MR PRATT:** To your knowledge were any crews taken away from standby teams and were all TAMS fire units identified for standby that day? Were they able to do their job or were teams disadvantaged?

**Mr Manson:** TAMS have not advised me that they were inadequately or not on stand-up, so—

**MR PRATT:** Can you take that on notice?

**Mr Manson:** I am happy to provide that advice.

**MR PRATT:** Perhaps we can on the 27th when we talk to TAMS here, but given that is a fire related matter do you mind taking that on notice?

**Mr Corbell:** We can take that on notice, Mr Pratt.

**THE CHAIR:** Are you done with that line of questioning, Mr Pratt?

**MR PRATT:** I think so, yes.

**DR FOSKEY:** On page 260 under the outlook for ESA it says that the ESA must in the future look to “balance cost pressures above inflation indexes for many underlying services”. What are the main underlying services that you are worried about here? I have got a follow-up.

**Mr Manson:** Essentially, they are the underlying cost pressures of fuel, electricity and plant and equipment. Particularly where, for example, some of our tankers and some of our equipment is made overseas or is made from aluminium, the price fluctuations are often well above inflation, particularly with the exchange rate. While it is in our favour at the moment, we will make some savings on any equipment which can only be purchased offshore. So we need to look ahead in some detail in our financial planning each year to ensure that we balance in the expected price fluctuations for some of those basic goods. Fuel, in particular, can fluctuate, as you know, quite significantly.

**DR FOSKEY:** Mostly upwards. The final dot point in that series also says that there is a potential for a decline in commonwealth grants that underpin some services. Is this just good cautious money management or are there some indications that there will be a reduction in commonwealth grants in some areas, and if so which?

**Mr Manson:** The fire brigade, in particular: we have an arrangement with the commonwealth in regard to a payment made to the ACT for services effectively for the parliamentary triangle, in effect, but particular commonwealth buildings. The formula for doing that has been agreed between the Treasury and department of finance at the commonwealth level. That formula sometimes favours the commonwealth when the expansion of the ACT community occurs. So basically what we are saying there is that we need to be aware of that and perhaps look at renegotiating the formula with the commonwealth in relation to its shared payments for services. In fact, we at ESA, the department of finance and the ACT Treasury have instigated a number of meetings to look at this issue, with a view to refining the agreement which is in place, which needs to be updated, with a view to trying to advantage the ACT, obviously, in the arrangements for commonwealth payments to us for provision of services to the commonwealth estate.

**DR FOSKEY:** How does commonwealth assistance work in relation to bushfires? There has been some controversy over the years—I should have brought down the document; I meant to but I overlooked it—about justification for large burns. I think it was raised in relation to the Blue Mountains fire—the way the commonwealth assists services with its firefighting but it being a response to areas burned or something like that. I definitely need your help here, Mr Manson.

**Mr Manson:** Yes, I am aware of what you are talking about. It is in relation to, I think, the Blue Mountains issue, if I am correct—the fact that it is a world heritage area and whether the commonwealth has responsibilities to fund management of world heritage issues above the state requirements. I am not sure that that issue has been resolved.

The other area of funding from the commonwealth is when emergencies are declared, generally through the Department of Transport and Regional Services; there is certain funding and assistance made available when a disaster area is declared. Typically those arrangements are made during an emergency in relation to Centrelink. The

provision of special services was made to Victoria in the Victorian mountain fires last year, in advance of the fires, to ensure the community could function adequately through grants from the commonwealth.

The other grant areas which we are interested in from the commonwealth are generally through the emergency management agency of the commonwealth Attorney-General's Department, who make available to the states and territories a range of grants—Farm FireWise was talked about earlier; a range of significant grants for the national aerial firefighting capability which puts the Ericsson sky crane in Canberra. They also assist in funding other helicopters to be available in Canberra during the summer under those national arrangements.

**DR FOSKEY:** I have just observed in my reading of the coroner's inquest report that there were several times when the ESA as it was then asked for commonwealth assistance. I am just wondering how clearly defined those requests need to be. There were a number of, as I remember, requests and assumedly money granted. I am interested in how quickly that money flows and whether the ACT Emergency Services ever felt—and I do not know if you people know that—that it had adequate money to really go all out.

**Mr Corbell:** Dr Foskey, it is not money; it is material aid of one form or another. So, certainly during 2003, requests were made by the then ESB, for example, for assistance with a range of things, from carting water—for example, the commonwealth provided it by assistance through the Australian Army, I think, with carting water. They provided assistance, again through the army, with bulldozers. They provided assistance from the navy, I think it was, with helicopter support. So it tends to be in the form of material aid and there are established lines of communication and protocols in place between the territory and the commonwealth to request aid. It is usually defence aid. In terms of actual operations it tends to be the defence forces who are best placed to provide that aid in addition, obviously, to the aid we receive from counterpart organisations in New South Wales and other jurisdictions, when they send resources from New South Wales RFS or Victoria or Queensland—or just about everywhere as was the case in 2003.

**DR FOSKEY:** Is that fairly speedily delivered when that material support is asked for?

**Mr Corbell:** I think our experience in 2003 was yes, but Mr Manson can comment better, I think, than I.

**Mr Manson:** The ACT is represented on a number of national emergency committees and bodies—the Australasian Fire Authorities Council and through Emergency Management Australia, which has regular meetings. We have defined protocols in relation to the national emergency response plan and the ACT is party to all of those arrangements. With any requests for assistance there are obviously various thresholds where assistance is given across the border and then when you are seeking commonwealth and defence, particularly those larger resources, that goes through a very defined protocol. The resources are usually released very quickly subject to their availability across Australia. So in general in my experience in other states but also in this local area there has been a very fast turnaround in the allocation of those

resources when they are required.

**DR FOSKEY:** You don't think a new election, a change in government, will make any difference to that?

**Mr Manson:** No.

**Mr Corbell:** No. I think these arrangements—

**DR FOSKEY:** Including the timing of it.

**Mr Corbell:** These arrangements have been well established really, I think, probably since Cyclone Tracey.

**Mr Manson:** Yes.

**Mr Corbell:** And they are well rehearsed, tested, understood and accepted by all parties. Certainly in 2003, from my recollection even though I was not in this portfolio, aid was requested on numerous occasions and it was usually provided within 12 to 24 hours of being requested. So, when an emergency is on, everyone really does work very well together.

**DR FOSKEY:** I won't say, "Bring on emergencies," but it is really good that in these cases there are not the usual state—

**Mr Corbell:** The paperwork tends to happen after the event.

**Ms Leon:** The other aspect of commonwealth and national co-operation that is very valuable in these circumstances is that Emergency Management Australia provides training both to its own personnel and to state and territory personnel in the management of emergencies so that if people go to other jurisdictions to provide assistance everyone speaks the same language and knows how to manage an incident in the same way. That is extremely valuable for facilitating national collaboration in responding to emergencies.

**DR FOSKEY:** Can I move on to ambulance services?

**THE CHAIR:** Sure.

**DR FOSKEY:** On pages 274 and 275 it shows that the ACT Ambulance Service did not meet their performance targets for ambulances attending emergency incidents, mainly, it seems, because of an increased demand and delayed patient offload at hospital emergency departments. I am interested in exploring further those issues—what, if anything, can be done about it and do the ambulance services feel sort of powerless to affect the situation?

**Mr Foot:** The ambulance service has been working quite closely with the executive of ACT Health for the last 14 months to address issues associated with delayed offload. As a result, a number of months ago we implemented a mandated 20-minute offload policy for both the Canberra Hospital and Calvary Hospital. That has had a dramatic



effect on releasing resources in a timely fashion from the hospital. To put that into perspective, at one stage we were incurring a loss of up to 39 hours a week of intensive care paramedic resources as they were delayed at the emergency department. We have now reduced that to an average of about four hours or less per week where our resources are delayed in the department.

**DR FOSKEY:** Do you feel that problem is being dealt with?

**Mr Foot:** It has been mitigated to a large extent but we are still maintaining an active watch on it. We are still meeting regularly with ACT Health. My preference would be to get it to zero and to maintain that, but that is just not going to be possible.

**DR FOSKEY:** It is a good aim.

**Ms Leon:** Although Mr Foot dealt with the question of delayed offload, with respect to the other aspect that you referred to about increasing demand, the government responded to it in the budget in June this year by providing resources for an additional two ambulance crews and an additional patient transport service—a vehicle and staff. So there has been a very active response to the increased demand. The recruitment flowing from that is now coming into the service and assisting to mop up that demand.

**MR PRATT:** Again, going to volume 1, page 274, ACT Ambulance Service, this statement is made:

ACTAS attended 50% of emergency incidents in 8 minutes 16 seconds or less  
(performance target 8 minutes) ...

Can you explain what the other 50 per cent reflected? Were the response times somewhat longer than eight minutes 16 seconds?

**Mr Foot:** No, we measure against two percentiles. The first is 50 per cent of cases in eight minutes or less, which is the nationally accepted benchmark. The second is 12 minutes 30 seconds or less. We were slightly above in both, and that is probably associated with the issues of demand that we have faced. As Ms Leon has pointed out, that has been recognised. We have entered into a tentative recruitment campaign to boost numbers in the service. Demand, overall, is not unique to the ACT. This is a demand faced by all ambulance services across Australia. Demand for skills held by the paramedic staff is also strong. Overall, there is a requirement for around 1,200 staff across Australia in this year alone, and that is why we have entered into the recruitment phase, post the initiative being funded by the ACT government.

**Mr Corbell:** I think it is useful to add that, in the latest report on government services done by the Productivity Commission, the response times of ACT ambulances remained the best in the country in terms of getting the best result in meeting those two percentile measurements which are the national benchmark measures for response.

**MR PRATT:** What is the benchmark you are working to now for numbers of full crews available per shift per 24-hour cycle?

**Mr Foot:** We try and maintain at the moment seven crews on duty 24 hours a day.

We have experienced some pressures on that recently. That is due to a whole range of factors—natural attrition of staff numbers and attendance at the workplace issues. As I said, we are addressing that through the recruitment process. We have already commenced discussions with the unions about trying to match our rosters better with peak demand in the community. We have done a lot of analysis work across shifts over the 12-month period. We know for a fact that the major demand for our services kicks off at about 8 o'clock in the morning and peaks at about 11.00 am. That remains fairly standard through to about 11 o'clock at night. In the future, we would be looking at far better matching the resources on deck at any given time with demand rather than just marching ahead with straightforward 10-14 rostering arrangements.

**MR PRATT:** That seven-crew benchmark has been around for some time, hasn't it?

**Mr Foot:** I took the decision in July last year, when we were running the single response units, that it was of more benefit to the service to combine those single response units into an actual stretcher crew.

**MR PRATT:** What percentage of the provision of those seven crews per shift is now reliant on overtime?

**Mr Foot:** I could not answer that off the top of my head.

**MR PRATT:** Can you take that on—

**Mr Corbell:** I think it would vary.

**Mr Foot:** It would vary from shift to shift.

**Mr Corbell:** I think it would be difficult to give you a—

**MR PRATT:** Can you get a mean figure?

**Mr Corbell:** I will take the question on notice and see what sort of data we can provide to you. It depends how complex that task is but we will see what we can provide.

**MR PRATT:** But it is true, isn't it, that you have to rely fairly heavily on overtime to meet that seven full crew benchmark?

**Mr Corbell:** To date, yes, overtime has been a significant factor, and that is one of the reasons why the government has provided additional funding—to increase the number of intensive care ambulance crews by two, and two additional intensive care ambulance vehicles, to recognise the increasing demand and to try and better manage overtime. In my mind, it is not acceptable to ask ambulance officers to work extended periods of overtime. Their job is demanding and difficult enough without having to work extended and prolonged periods of overtime. Some level of overtime is always used within an organisation and it is attractive to some employees to utilise that from time to time, but it should not become the norm. The government is working very hard to provide the resources to the ambulance service and I know the ambulance service is very conscious of these issues and is also seeking to address them.

**MR PRATT:** What is the worst level below seven that you have got to in the provision of crews for a particular shift?

**Mr Foot:** I can't answer that off the top of my head. If, due to an unscheduled absence and short notice, or for whatever reason, we drop below the minimum, as the minister has just explained, we will try and backfill that with overtime. But it does reach a point where officers are tired. They do work a long shift, they are extremely busy and they have high utilisation rates. We may reach a situation where we do drop below minimum crewing, and that does occur. But we have a number of strategies in place to mitigate that as well. We adopt a resource deployment policy so that, if a station is uncovered for a period of time and it is a busy station statistically, we move one of the outlying stations in to cover that area. That is known as resource deployment. That is based statistically; we believe we can fairly accurately predict where the next job is going to occur.

**Ms Leon:** That occurs all day, not only when there is an unscheduled absence. So if a crew from a busy station is out attending to an incident, the ambulance service will move its resources around to ensure that it still maintains the greatest coverage of the areas where incidents are most likely to occur.

**MR PRATT:** Minister, I refer to a *Stateline* program in early October in which an allegation was made by a patient picked up on the north side who was taken to Calvary. The patient alleged that the crew said that, while they would have preferred to have taken him to Canberra Hospital, they had no choice because they were down to one crew for the entire north. Have you investigated that claim? What is the answer?

**Mr Corbell:** I have a couple of things to say on that. First of all, the ABC at no point sought comment from the government on that matter, which was a matter of some disappointment to me, given the seriousness of the claim. To date, they have not sought comment from the government on that matter. I am disappointed that that has not been sought. I am advised that the ambulance service is not aware of the circumstances surrounding that claim. No complaint has been made to the ambulance service. Regardless of that, the ambulance service is not aware of where that claim may have come from or what it related to.

**THE CHAIR:** So are you saying it did not happen or that you just don't know whether it happened or not?

**Mr Foot:** As the minister stated, we were not contacted by ABC *Stateline* prior to that story running. We have been unable to determine on what date that incident allegedly occurred.

**THE CHAIR:** Did you ask the ABC after they ran that, or anyone else associated, about the details?

**Mr Foot:** I am not sure if that contact has been made with the ABC. Normally, if one of the media outlets has a story they want to run which involves ACTAS—and, from memory, that story actually focused more on ACT Health and not on the ACT

Ambulance Service—

**MR PRATT:** True, but the ambulance service was actually pulled into the story.

**Mr Foot:** Correct. As I said, we certainly were not contacted about that story. We were not provided with any information. We have, to date, never received any complaint from the patient involved. With in excess of 29,000 cases a year, it is difficult to try and hone in on one particular incident unless we are provided with that information.

**MR PRATT:** Do you intend to contact Philip Williams, the ABC reporter?

**Mr Foot:** No, I had not intended to. If I had received a complaint from the patient who was involved in the story then we would certainly follow it up from a quality assurance point of view. But at this point we have received no contact from the patient or their family to register any concern about the treatment they were provided with. That is why the story came as a surprise to us as well.

**THE CHAIR:** Given that it is a public issue, wouldn't it be good to follow it up and find out? This allegation has been put out there; it may be true or it may not be. Wouldn't it be good to clarify—

**Mr Corbell:** I sought clarification from the ambulance service. We still do not know the particulars of the case but I did seek clarification from the ambulance service about whether such an event could occur. The advice I received was that it would be extremely unlikely that we would be in a situation where, due to staff absences, we would have only one ambulance to cover the north side of the city.

**THE CHAIR:** How many would you ordinarily have?

**Mr Corbell:** As Mr Foot indicated, the standard crewing arrangement is seven ambulances. There would have to be a pretty significant lack of crews to have effectively only one crew available. I am advised that that does not occur—

**Mr Foot:** That just does not happen.

**Mr Corbell:** That just does not occur. So the only thing that I can conclude, without knowing the details of the claim, is that ambulances were busy. It was not that crewing was not available; it was that a large number of ambulances were deployed to incidents.

**MR PRATT:** Presumably, seven crews busy?

**Ms Leon:** That can happen.

**MR PRATT:** I know.

**Ms Leon:** You can be unlucky enough to fall off a ladder at the same as there have been three car accidents somewhere in Canberra.

**MR PRATT:** What you are saying, therefore, is that if something like that had occurred it is more likely that they were all busy?

**Mr Corbell:** It is more likely that the standard crewing—

**MR PRATT:** There were seven crews busy—

**Mr Corbell:** complement was available but—

**MR PRATT:** as opposed to only three crews available on duty?

**Mr Corbell:** That is right.

**Ms Leon:** It would be extremely unlikely that the ambulance service would run its shift with only three crews on shift. I just cannot imagine that happening and I do not think there has been any incident where that has happened.

**Mr Corbell:** It just does not occur.

**Mr Foot:** No.

**Ms Leon:** You might, on an occasion, be one crew down but it would be an inconceivable series of events that would lead to us having only three crews on a shift. I just do not think that would happen. You could well have the case where there are more than half-a-dozen incidents occurring at one time in Canberra during a peak period. That is, to some extent, dependent on luck, as to when accidents occur. Demand on the ambulance service is increasing; that is why the ambulance service is being resourced with additional capacity. In addition, as well as the fact that there is that pressure on the ambulance service, the fire brigade also has some capacity to respond to emergencies at a time of great demand on the ambulance service. The agency works as a whole to address demand so that people are not left unattended to.

**THE CHAIR:** Are we even aware of the date of the alleged incident?

**Mr Corbell:** No, we are not.

**Mr Foot:** No.

**THE CHAIR:** So none of these inquiries have been made with the ABC; it is just out there and it will be left there, will it?

**Mr Corbell:** What I have done to reassure myself about it is to say, “Would it be the case that there would be only one ambulance crew for the north side of Canberra?” and that is not the case. That does not happen. So I have simply left it at the point of believing that what would appear to be much more likely is that the normal crewing arrangements were in place but the ambulance service was busy on that occasion and there was a need to get that person to a hospital quickly so that the ambulance could get back on the road.

**DR FOSKEY:** I want to move on to new fees and charges, mentioned on page 278.

The report refers to the ICRC report. Given the ICRC's recommendation or conclusion, I am wondering about the adequacy of the government's action in this regard. The report concludes that, while adjustments have been made to the fees and charges, resulting in an increased level of cost recovery, the underlying problems have not been fully dealt with and the approach adopted in the 2006-07 budget has merely deferred a more detailed structural review of cost recovery arrangements. Could you explain the long-term structural costs that the ICRC is concerned about. Is there any reason why the ACT government has not yet grappled with the ICRC's approach?

**Ms Leon:** The government has not reached a concluded view about the matters raised by the ICRC. As you would be aware, the report was handed down after the budget determinations had already been made, so it was not obviously the basis of the arrangements for the fees and charges in the 2006 budget. But the ICRC report is under consideration and the government will consider its views about it when it has had that opportunity.

**DR FOSKEY:** Are you able to, in this case, expound on the long-term structural costs that you may have concerns about?

**Ms Leon:** I do not want to pre-empt what the government might end up saying about the ICRC's views by starting to reflect in this forum upon what we think about the long-term structural issues. It is probably more prudent to wait for the government to have an opportunity to consider those issues.

**DR FOSKEY:** And when might that be?

**Ms Leon:** I do not have a particular date for that but I imagine it will happen in the coming months.

**DR FOSKEY:** On pages 282 and 283, there is reference to an audit of bushfire operational plans. It says that there is a random audit of bushfire operational plans and that 10 per cent are randomly audited. The annual report does not say how many were found to be compliant with the required standards. Could you tell us about that?

**Mr Manson:** Unfortunately, I do not have the figures in front of me. There has been no report to me raising any issues following the audit of the 10 per cent. I will make the assumption that, if they were non-compliant, I would have received a report. However, I will need to take that on notice and confirm that all of those audits were compliant.

**DR FOSKEY:** I would appreciate it if you could get back to the committee on that. Obviously these audits occur before the end of the financial year; is that right?

**Mr Corbell:** Yes, we can take that on notice.

**DR FOSKEY:** On page 284 it talks about including volunteers in decision making. The volunteers have probably been asking for this for some time. It is something that the Greens applaud. I am interested in exactly how the volunteers will be represented and involved in decisions that will improve brigade functions. Also, could you tell us a bit more about the action plan?

**Mr Corbell:** Which action plan?

**DR FOSKEY:** The report states:

A direct action plan to improve volunteer representation involvement in decisions will improve brigade functions.

**Mr Corbell:** Ms Leon, the commissioner and I have been working very hard on this over the last six months. I am very pleased with the progress to date. The government is endeavouring to engage with volunteers in a wide variety of ways. Some of the key ways in which that is occurring are as follows. I meet regularly with representatives of the volunteers from all three volunteer elements within ESA, which is RFS, SES and community fire units. I meet with them regularly, every six to eight weeks. I attend those meetings, along with Ms Leon, Mr Manson and other members of ESA management as appropriate. At those meetings the commissioner provides a regular update on progress against budget initiatives—all the sorts of issues we have discussed so far today. It could be communications, vehicle procurement, staffing within the management of the respective services—all of those matters are open for discussion. We also discuss issues around the business plans for each of the services. Volunteers have been given full access to the draft business plans and have been given an opportunity to comment on those not just at one meeting but at consecutive meetings.

That is the direct commitment I am making in terms of engaging with volunteers. In addition, Ms Leon reminds me that I have agreed with the volunteers that we will establish a volunteers' charter, which will set out the obligations and expectations between the ESA and volunteers around communication, information flow and how we approach each other and deal with each other. We will be formalising that in coming months. In addition, volunteers are directly involved in management level decisions such as the commissioner indicated earlier. Decisions around the procurement of new vehicles, for the rural fire service in particular, have involved extensive consultations with representatives of captains of volunteer brigades.

We have sent volunteer representatives interstate and paid for all of their costs to travel interstate to look at and report back on the types of vehicles they believe are most suitable for the rural fire service. Volunteers are also involved in an ongoing way in consultation on other elements of equipment, and in consultation on training programs within the RFS and SES.

I think it is fair to say that we are making a very significant effort. I am very committed to making sure there is a significant effort to engage with volunteers to ensure that their concerns are heard and, wherever possible, addressed. Most importantly, I want to ensure that there is open dialogue and communication on what is going on between management and volunteers. I hope that gives you a bit of a feel, Dr Foskey, for what is being done.

**THE CHAIR:** Have you been able to rebuild the relationship with volunteers given the low point that was reached with the protest outside the Assembly?

**Mr Corbell:** I think we have come a long way since that time. Volunteers have welcomed my commitment to meet with them regularly and—

**THE CHAIR:** Was that done in response to those kinds of protests or is that something that was going on before?

**Mr Corbell:** It was not something that was going on before per se, although I had had regular meetings directly—just myself—with volunteers on numerous occasions prior to that. But following that, I, Ms Leon and the commissioner put in place a more formal arrangement, and that has been ongoing since that time.

Mr Manson and others have met very frequently. They met very frequently with volunteers immediately following that dispute. That demonstrated his preparedness to sit down and take the time to seek a resolution of those matters and a way forward. We have achieved that; we have a way forward. The feedback I get from volunteers now at those meetings is that they are valued. Those meetings are valued. It is seen as a good opportunity. What is most valuable is that we are able to nip a lot of issues in the bud. If there is a concern or a problem, we can get it on the table early and clarify what exactly is going on. That stops a lot of the rumour and innuendo that otherwise can flow around an organisation and that often is not accurate. I am very pleased with the progress to date, and we will continue our efforts in that regard.

**Ms Leon:** I should add to that that one of the valuable features of that meeting is that it ensures that, if there are any activities going on under the business plan for any of the services that have volunteer elements—although there is a very active program of consulting with the volunteers on all those issues, the regular meetings provide an important stopgap to make sure that there is not any element of consultation and involvement with the volunteers that has been missed. I think that the volunteers really value that. In addition to that—the high-level planning and forward work that we do with the volunteers—there is also regular contact with both the commissioner and Deputy Commissioner Parry on operational matters that volunteers ought to be involved in. Mr Manson might like to say more about that.

**Mr Manson:** Certainly. Apart from the higher-level meetings, which are really a check-and-balance and accountability system for the larger strategic issues that we have agreed on with the volunteers, each of the services has its own arrangements for a captains group or commanders group. They meet regularly, in a formal way, to put forward ideas. The SES in particular has a very well exercised and formal structure for making decisions and policy decisions and putting those forward to the chief officer or me as required. The RFS has reorganised the number of its internal committees back to essentially one, which is made up of captains. I have attended the last two of those meetings. We really talk about nitty-gritty operational things. At the last one, we had TAMS, the fire brigade, the ambulance and I think some SES. So we are really getting down to a level of sharing information and resolving problems around the table. That has been a significant leap forward and was one of the issues raised with me, particularly during the dispute with the RFS volunteers.

The other thing that I have insisted on is that, with any major projects which relate to volunteers, the project plan is endorsed by the captains or commanders group before it comes to me for final delegated sign off. We have put a check and balance in there



where significant matters for brigades or volunteer units are effectively being signed off by the captains or commanders. They are sometimes being referred to the bushfire council if that is appropriate. So I am getting that double-checked before it comes to me. Sometimes I make my own inquiries as well, but the system is starting to work. The value being added by the expertise of volunteer commanders is starting to be returned to the organisation and the community, because their input is adding significant real value to some of our programs.

**THE CHAIR:** Okay.

**MR PRATT:** How many times have you met with the captains group, the RFS and SES seniors since March 2007?

**Mr Manson:** March—

**MR PRATT:** Give me a ballpark figure.

**Ms Leon:** Do you mean the regular six-weekly meetings with volunteers or do you mean how many operational level meetings the commissioner has had with captains?

**MR PRATT:** No, not the operational level. Yes, okay, the operational level.

**Mr Manson:** I have been to the two and only new arrangements for the captains groups with RFS. I went to the last SES commanders group. I think I missed one in between. I went to their conference for a short period of time. Essentially, I think I have been to nearly all of them bar one or two.

**MR PRATT:** Right.

**Ms Leon:** And since we instituted that institutional arrangement there have been four meetings of that regular forum involving the minister, me, the commissioner and all the volunteer organisations.

**MR PRATT:** All right.

**Ms Leon:** Those meetings have all occurred since the date you referred to.

**Mr Corbell:** In addition to that, I meet formally with the bushfire council—probably, on average, about twice a year. I meet more often informally with the chair of the council to discuss any issues that the bushfire council would have. In addition to formal meetings with the bushfire council, I receive their report every year on preparedness. I am going to be receiving their report on the response to coronial recommendations. And I meet more regularly and more informally with Mr Jeffery, who is the chair of the fire council, to discuss issues associated with that body. As you can see, it is quite an extensive network of discussion and meeting.

**THE CHAIR:** All right; we will move on to some other areas. Mr Pratt.

**MR PRATT:** I want to go back to page 259, volume 1, dealing with the agency outlook. Under the heading “Future”, the second last dot point says, “Transition to

new headquarters”. Minister, in the estimates hearings I asked you how far you had got with the transition process. I think that at that stage you told me that Fairbairn RFS headquarters was there—some training elements were moving in. At that point, clearly the program was running 18 months behind schedule. What is the state of play now?

**Mr Corbell:** At this time the government is finalising its staffing requirements in relation to the new headquarters, so that we can determine the exact size of the facilities that will need to be provided. That is tied up with a number of matters, in particular the resolution of the ACT Fire Brigade EBA. Once those matters are finalised and other assessments have been finalised, the government will be able to proceed with its new headquarter arrangements.

**MR PRATT:** What is the difficulty with the EBA?

**Mr Corbell:** Essentially there are negotiations around the headquarters element, if you like, of the fire brigade and exactly what its staffing levels will be in the headquarters element as opposed to the station elements—the operational: well, they are all operational, but the crewing. It is not about crewing the vehicles; it is around the higher-level command and control areas of ACT Fire Brigade. That is being finalised as part of the EBA.

**MR PRATT:** So the buildings at Fairbairn do not give you the space that you need for the FB headquarters?

**Mr Corbell:** No, it is about the fact that we need to know exactly what the space requirements are.

**MR PRATT:** What the shape of the headquarters is, you mean?

**Mr Corbell:** What the space requirements are—before we proceed with the final details of buildings.

**MR PRATT:** When do you anticipate that the full transition from Curtin to Fairbairn will be completed?

**Mr Corbell:** As soon as possible.

**MR PRATT:** Yes, but you guys have been saying that for about two years now, haven't you?

**Mr Corbell:** Yes. It has been a prolonged process; I accept that. But I want to make sure we get it right. The ESA has been through a major restructure following last year's budget. That is largely complete now, but the enterprise bargaining arrangements are probably the final picture in that puzzle. That will allow the government to finalise arrangements as soon as possible.

**MR PRATT:** But what would be the hold-up with the SES headquarters and the ESA headquarters elements transferring?

**Mr Corbell:** All of those elements could potentially be accommodated within a single building; therefore, we need to understand the full scope of that single new building.

**MR PRATT:** Are there still any outstanding OH&S requirements or questions regarding the buildings at Fairbairn?

**Mr Manson:** Conditional audits have been completed and there are no significant issues in relation to resolving the audit requirements.

**MR PRATT:** How many empty buildings have you been paying rent on for these last two years?

**Mr Corbell:** We have not been paying for two years.

**Ms Leon:** We have not been paying rent for two years.

**MR PRATT:** Or 18 months?

**Mr Manson:** I think we started paying rent about the time that I arrived. That is somewhere near last December. I can get back to you on the exact dates. We will do that.

**Ms Leon:** Which is no-where near 18 months.

**Mr Manson:** No. The original arrangements allowed for a progression of rents to be entered into. We can provide you with the arrangements for that.

**Mr Corbell:** I think I have answered that question on notice to you, Mr Pratt. I think you already have that answer. I do not have that to hand, but I think you already have that answer.

**MR PRATT:** You might be right there. I will go back and check that. If necessary, I can ask it again in another forum.

**Mr Corbell:** Yes. If necessary, yes.

**MS MacDONALD:** Maybe Dr Foskey might like to ask her question.

**MR PRATT:** Sorry, are you—

**MS MacDONALD:** Mr Pratt jumped in ahead of Dr Foskey, and he is not a member of the committee.

**THE CHAIR:** No, he did not; I gave him the call. With the last two areas we have pursued, Dr Foskey has pursued them and then we have had supplementaries. We are all on a line of questioning here. I will move to Dr Foskey when we are ready, thanks.

**MR PRATT:** Thanks. The situation with communications capability at Fairbairn—are you happy that Fairbairn provides you with those communication capabilities that you currently have at Curtin? I am talking about the network of communications

cables linked to various repeater stations. Is Fairbairn as good as Curtin or not?

**Mr Manson:** Fairbairn provides for dual access for 000 as part of the program. So we would have a redundancy if one line was unfortunately broken. That is similar to the access at Curtin. In relation to connection to our TRN and other supplementary radio back-up systems, with Fairbairn there are no technical issues in relation to providing a linkage into our network which will be as good as in Curtin.

**MR PRATT:** I have been advised—you can confirm or deny this—that the trunk capabilities coming out of Fairbairn linking with Mount Ainslie are far inferior to those at Curtin linking with other regionally located communications towers and stations. Is that true or not?

**Mr Manson:** It is not true when we put our final design in place. The final design requires us to have some technological solution, which is available, at Fairbairn which will complete the link with the same quality and provision of service as the one we have got. It is really just a technological solution. It is easier from Curtin. We need to put in a small repeater. The main reason for that at Fairbairn is to ensure that we do not have any interference with aircraft landing and taking off—their navigation systems, et cetera. To provide a better and safer environment for the airport, we will need to have our radio signal going in a pattern which does not interfere with aircraft. It is really just a technological solution.

**MR PRATT:** So you can guarantee that you will meet all of your trunk radio network and other strategic hard-line as well as wireless communications out of Fairbairn without any impediment?

**Mr Manson:** Yes.

**MR PRATT:** Okay. Are you still 100 per cent committed to the Fairbairn program or are you looking at other options for the emergency services family headquarters/base?

**Mr Corbell:** The government's announced position is Fairbairn. Subject to final consideration of the staffing requirements, the government would be in a position to determine its headquarters arrangements.

**MR PRATT:** So the question is still open?

**Mr Corbell:** The government's announced position is Fairbairn.

**MR PRATT:** Okay.

**THE CHAIR:** There is your answer. Dr Foskey?

**DR FOSKEY:** Okay; that is interesting. This is not really a question for you, but I was just wondering whether, if you did have any other sites in mind, you have thought about the forestry building on Cotter Road. I will ask TAMS about that.

On page 95 of the second volume, there is a graph headed "Strategic Indicator 3". As far as I can tell, that is the only strategic indicator that relates specifically to ESA. I

find this table very baffling. It has an axis with a “\$” sign on it and another axis with “Short Term” and “Long Term”. It could be \$2, \$2 million, two months or two years. Could you please explain how this figure tells anybody anything?

**Ms Leon:** The figure is meant to indicate the relationship between increased spending on prevention and preparedness and decreased spending on response and recovery. I agree that it is at a very high level. Perhaps that is the nature of strategic indicators.

**DR FOSKEY:** That it is such a high level that I cannot possibly understand it?

**Ms Leon:** What it refers to is that the relationship between spending on prevention and preparedness—as it increases, there is a concomitant decrease in the need to spend on response and recovery. In that sense, it is not at all hard to understand. But it is expressed at a fairly high level—and I mean that in a conceptual sense rather than in the more specific sense that some of our target indicators are expressed in.

**DR FOSKEY:** I wonder if you could explain what short term might equate to and what long term might equate to.

**Mr Manson:** I think the short term there is probably two to three years in the sense that any new educational prevention plan or strategy—such as the revision of the bushfire plan, for example, and its true implementation—will have a much larger effect when it is improved over the five to 10-year period. The short term is really just indicating that while you put a program into place there is very little efficiency response, but once it is implemented then very quickly the curve starts to come down and you start to get a more significant impact.

**DR FOSKEY:** It deals with so many generalities that I cannot see how it is a strategic indicator. I was wondering if, for next year’s annual report, the government and ESA might look at establishing a strategic indicator which would actually inform people like me.

**Mr Corbell:** To the extent that it demonstrates an intention to increase investment in prevention and preparedness and to see a benefit in terms of a decreased need for response and recovery, I think it is useful.

**DR FOSKEY:** I would be pretty shocked if you did not plan to do that.

**Mr Corbell:** But I accept—

**THE CHAIR:** It is pretty vague.

**Mr Corbell:** I certainly accept that it does not do much more than that.

**DR FOSKEY:** Okay.

**Mr Corbell:** That is something which I agree can be considered for next year’s annual report. Perhaps there is an opportunity to, as you say, deliver something which is a little more meaningful than that.

**DR FOSKEY:** Thanks.

**MR PRATT:** Could I ask one more question, please?

**DR FOSKEY:** I have finished, thanks.

**MR PRATT:** I want to go to the pre-season fire brief that you spoke about earlier—clearly an important strategic catch-up with what the hell is going on and how the season is shaping up. If it is a pre-season fire brief, why was it conducted—by the Tuesday or Wednesday night—almost a month into the bushfire season? How is that a pre-season briefing?

**Mr Manson:** The timing of the pre-season briefing is dependent on when the various parties are ready to sit down and go through all of the issues. This year we have made some adjustment to the arrangements in relation to the way we are going to manage bushfires. The brigades themselves have had some adjustments in relation to their new captains group. We were not fully prepared to deal with some of the matters until the pre-season meeting, which was in the first three weeks of the season. I was not particularly concerned about that, because of the weather conditions and the prevailing system. We have conducted the pre-season very well, because we had a little bit of extra time to prepare. There were some issues about just when Mount Tennent was going to come on. I understand that it is now functional for the bushfire season—as of today or in the next few days, with its final testing.

**MR PRATT:** You have got one tower to go, haven't you?

**Mr Manson:** Yes.

**MR PRATT:** So eight out of nine towers over four years?

**Mr Corbell:** Mount Tennent is a very significant achievement. It has been the most problematic of the radio points to be addressed.

**MR PRATT:** Because of power, I presume?

**Mr Corbell:** No. It is because of power. The issue has been supplying the tower for—

**MR PRATT:** That is what I said.

**THE CHAIR:** That is what it sounded like.

**Mr Corbell:** It is power, not tower. I beg your pardon.

**Ms Leon:** Power.

**MR PRATT:** Power as opposed to tower.

**Mr Corbell:** I beg your pardon. Power. Yes, that is right. Power has been the issue in the past. That has now been resolved. I am very pleased and I am grateful for the work of everyone in the ESA in achieving that—and also for the cooperation of the police,

who have provided assistance and access to their facility on Mount Tennent. There is only one point left, which is Mount Clear. But Mount Tennent gives us vastly improved coverage for most of the southern area of the ACT, so it is a very significant improvement.

**MR PRATT:** But the TRN program and the towers now—it has taken nearly four years to get those towers up, which was not the original timetable.

**Mr Corbell:** We have had excellent coverage with TRN—

**MR PRATT:** Yes, but regardless.

**Mr Corbell:** for a large part of the ACT for the last two to three years.

**MR PRATT:** Okay.

**THE CHAIR:** I think we will finish there. Thank you very much, minister, and officials. We will return at 1.30 pm with ACT Policing.

**Meeting adjourned from 12.32 to 1.36 pm.**

**THE CHAIR:** I welcome the minister and officials. I read the privileges statement earlier this morning and I will not repeat it, but I am sure that you and your officials are aware of your rights and obligations as part of the hearing. I am told that the air conditioning is on the blink so we expect it to remain a bit warm unless they get it fixed. Would you like to make an opening statement?

**Mr Corbell:** I do not intend to make an opening statement.

**Mr Phelan:** I have no opening statement.

**THE CHAIR:** Dr Foskey.

**DR FOSKEY:** Thank you very much. Welcome to your position, Mr Phelan.

**Mr Phelan:** Thank you.

**DR FOSKEY:** Greetings to everyone else who has come along this afternoon. I am going to launch straight into it. On page 4, it states that ACT Policing is directly accountable to the ACT minister for police. But if the minister was dissatisfied with the performance of, for instance, a senior ACT Policing officer or a particular unit within ACT Policing, would the minister have the power to act to perhaps reprimand that officer or disband that unit or has he merely got the power to request that some action be taken by the AFP executive?

**Mr Corbell:** There is a level of independence provided to our police. Regardless of the arrangements—whether it is a contract such as we have with the AFP or whether it is with a state police force funded directly by the state government—it is not normal, in most instances, for ministers to be able to take action to sack or reprimand officers. There are established processes within the organisation for doing that, regardless of

whether or not it is a contract arrangement.

If I, as a minister, was dissatisfied with the performance of an area of ACT Policing or with the performance of senior management within ACT Policing, I would raise that matter with the commissioner, Mr Keelty, and explore what options there were for resolving those matters. That is, of course, if I was unable to raise the matter and have it resolved with the Chief Police Officer. In most instances, I would expect that I would raise the matter with the Chief Police Officer, and he and I would be able to reach a resolution on that matter.

At the end of the day, though, the arrangement we have in the ACT is different. The AFP is a commonwealth agency; therefore, ultimately, the management of that agency as a whole is the responsibility of the Commissioner for the AFP. I must say that the circumstances that you propose have never occurred.

**DR FOSKEY:** No, but it does—

**Mr Corbell:** Where there are concerns about the performance of one or another area of ACT Policing, in the past those issues have been able to be raised by me or my predecessors with the Chief Police Officer at the time. The Chief Police Officer has responsibility for the management of ACT Policing and is accountable to me and to the ACT government for that. I accept that it is not as clear cut—

**DR FOSKEY:** It is not as straightforward a definition as being directly accountable, as one is used to.

**Mr Corbell:** No, it is not as clear cut, because ACT Policing is part of the AFP and the AFP is a commonwealth agency.

**DR FOSKEY:** Yes. The external review of media services is mentioned on page 15. I was wondering if that review could be made available to us. If not, could we please have a brief outline of the major findings, recommendations and implementation plans?

**Mr Phelan:** Sure. The media review was concluded not long ago. The main thrust of the recommendations was to provide the media with greater access to the day-to-day operations of ACT Policing within the territory—greater involvement in terms of media releases and more timely advice on matters on the ground. Even in my very first press conference when I took office, I made it quite clear to everybody that I would embark upon implementing that review. One of my major tenets was that basically, unless there was an operational reason why things should not be disclosed—it would prejudice ongoing operations or because of the need to take into account victims' rights et cetera—I believed the public had a right to know what was happening and, to that extent, I would be able to release that type of information.

Just to add context to that, even yesterday my chief media adviser organised a meeting over at the Winchester centre, where I met with representatives of all of the major media outlets in Canberra so that they could get to know me. We had a chat with each other. Part of that is an ongoing quarterly thing with those particular people so that they can air their views with me or air anything they want to push forward about the



way we distribute information out to the public. The feedback I got from them yesterday was that things had improved significantly and that the flow through of information and the willingness of my media section, in particular, to provide information was far more forthcoming than it had been in the past.

The media review also raised the issue of the need to put more people up to talk and the need for the timely release of information. We have implemented a system where, at the crime scene or at the scene of an event, we are quite prepared to put the relevant constables or sergeants up to talk to the media on the spot. We do not have to wait for my approval to do those sorts of things; there is a fair bit of autonomy. Those things have been implemented and the media has been quite happy with that. By and large, the feedback I got yesterday was that they are more than happy with the recommendations that were put forward and what we have put in place.

In terms of releasing the report, it is an internal document and one that we still want to keep in house at this stage. But for us the main thing is this. The chief client here, of course, is the media. If the media are happy with the responses they are getting and the way in which they are working with ACT Policing, we are more than happy with that as well.

**DR FOSKEY:** You do not want to make the media too happy, chief commissioner.

**Mr Phelan:** I do not know about that; it is a two-way street. As much as they want information from us, the media are extremely useful for us in operations—public awareness campaigns, all those sorts of things. For me, the media is the link between the police and the community. I do want to make them happy, because I want to use them selfishly as much as they want to use us to sell papers. It is a two-way street; I do not think there is any point in denying that.

**DR FOSKEY:** Yes, with some tensions. But that is good; it sounds very positive. Since I have been given this fantastic fairway, I am going to race down it. On page 15, there is a reference to the September 2007 comprehensive review of cost structures which are likely to impact on the costs charged to ACT government. Again, I am wondering if this review will be made available to members of the ACT Assembly.

**Mr Phelan:** The review that you are referring to is the re-basing of the enabling services that the commonwealth provides to ACT Policing. Of course, that is wide and varied. Just to put it in context, that is everything from professional standards to internal investigations, forensic services, IT and other general operational support activity that the commonwealth provides that we use as part of the greater AFP. That is the advantage of having an arrangement with the AFP. That was last re-based, as I understand it, some five years ago, in 2001-02.

**DR FOSKEY:** Yes, that is right.

**Mr Phelan:** So it is timely that that exercise is ongoing again. There is some further refining that has to be done to that, but it will find its way into the minister's office once that is done.

**DR FOSKEY:** So the minister has not yet seen that?

**Mr Corbell:** No. I have not been advised on that work as yet.

**DR FOSKEY:** It sounds very much as though cost structures applying to the ACT government have stayed pretty consistent since 2001. Is that the case?

**Mr Phelan:** It ebbs and flows. It depends. We are talking about things like bandwidth. Some of those costs go down. You have employee costs that relate to professional standards. We have to pay our fair share for the investment that the commonwealth makes in things like new forensic equipment and all of those sorts of things. That is where the re-basing comes in. But I can assure you that at the end of the day here it will be a fair amount that will be charged to ACT Policing and the ACT government.

**DR FOSKEY:** Has the ACT government ever had any concerns about these cost structures or has the ACT government been largely accepting of them?

**Mr Corbell:** Given that it is a contract service, we do seek to ensure that the territory and the taxpayer get value for money from contractual arrangements, but the relationship has always been a cooperative one and an amicable one when it comes to these negotiations. In the last purchase agreement, it was agreed that this work would occur, recognising that issues around enabling services and the re-basing of that needed to occur. I think it would be fair to say that there are always issues where we explore the reasons why things cost a certain amount, but that is just part of the normal course of negotiations.

**DR FOSKEY:** There have been a number of reviews, and they are referred to on page 15. Finally last year we had released the joint study into ACT Policing watch-house procedures and police pursuits. I am just checking on the status of those watch-house procedures. Was that review made public?

**Mr Corbell:** Yes. That was an ombudsman report, and that was made public

**DR FOSKEY:** Yes, and the police pursuits. I believe we saw that one.

**Mr Corbell:** Yes. I released that review.

**DR FOSKEY:** That is all very good. However, what we do not see in the annual report or elsewhere in the public domain is a tracking of the implementation of the recommendations of these reviews. We usually have ACT Policing's response. We are not made aware of how the recommendations are being acted on. Is that right? That is my understanding.

**Ms Leon:** Which particular review? Which of those reviews are you wanting to explore? I think they are all in a slightly different category as to the status of their public exposure. For example, in relation to the joint review between the AFP and the Ombudsman of procedures in the watch-house, I believe that the joint review team put up on the web both the responses and a commitment to a six-monthly review process. I think that that is a very transparent process.

**DR FOSKEY:** So that will be updated every six months?

**Mr Corbell:** I will just add to that. In relation to the watch-house review, my understanding is that ACT Policing has agreed with the Ombudsman that there is a joint review team which involves representatives of both organisations and that the review team meets at agreed points to review progress on implementation. I am not sure how that has been publicly advised, but I want to reassure you, Dr Foskey, that the Ombudsman himself and his staff are continuing to monitor implementation around recommendations, in their independent watchdog role.

**Mr Phelan:** I am quite happy to put on the public record that the Deputy Chief Ombudsman wrote to me during the week to call together the steering committee, which will be made up of the Ombudsman, me and the national manager of human resources over at AFP. We will review the implementation of the recommendations of the review. That committee will be constituted again in the coming months, most likely before Christmas. We will be having a look at exactly how all of the recommendations will be implemented.

I must say that about 80 per cent of the recommendations have been implemented at this point in time—right now. The only ones that have not been are some structural issues around the watch-house itself—some issues relating to privacy screens, hanging points and those sort of things. We are engaging a consultant to provide that sort of advice for us in terms of restructuring the physical location itself. Other issues, such as the training and so on, have been implemented by us.

The main training program, which included the use of force within the watch-house, commenced in September. So far, half the watch-house staff have gone through. We are expecting that all of the watch-house staff that are currently stationed there will have all that training completed—which was a recommendation by the Ombudsman—by January of next year. They are all on phased training programs.

**THE CHAIR:** Minister, how long before we are likely to see a 24-hour presence at Gungahlin?

**Mr Corbell:** I am not in a position to announce any change in service delivery now, but I think it is fair to say that that is a matter I am keeping under close review.

**THE CHAIR:** What consideration has been given to it? Is there a feeling at this stage that the population has not reached a sufficient size to justify a 24-hour presence?

**Mr Corbell:** My own personal view is that we are close to the threshold on that matter. There has been significant population growth in Gungahlin over the past three or so years. That is a matter I am giving detailed consideration to.

**THE CHAIR:** The annual report talks about Gungahlin being serviced by the Belconnen station after hours. How many vehicles are we talking about or how many patrols would be going through the Gungahlin area after hours?

**Mr Phelan:** It varies depending upon the requirements at the time. There is basically response through the Gungahlin area at night time—as well as patrols if they are not responding to a specific job. But I am prepared to say that certainly, given the extra

police that the government has given us over the last two budget cycles—which enables us to put some more people, actual individuals, on the road—it will not only be Belconnen station; we will also look at extra patrols from city to look after the Gungahlin area at night. Once we can get people on board, which is all about throughput through the college—once we can get people to hit the ground running, and after they have had their initial training—and adding to the actual staff on the ground, we will be looking at putting more patrols through that area. Some of us have a very vested interest in that area ourselves.

**MR STEFANIAK:** How many extra patrols do you aim to put on, say over the next 12 months?

**Mr Phelan:** That is an interesting question. At the moment we have—

**MR STEFANIAK:** ACT wide.

**Mr Phelan:** Yes. What we are doing at the moment is looking at a full roster review. We had some very experienced officers prepare that review. It looks as if one of the main findings is that we will be able to change the current rosters—which are 12-hour shifts—to something less than that, which will give us additional flexibility. We will utilise the extra staff that we are bringing on board from the government to enable us to put more people within the particular stations. It will give us some flexibility at the key times—on, say, Thursday, Friday and Saturday nights—to stagger some more shifts. So there will be cross-over. We could have up to an additional two cars in each of the districts during that peak time, which will alleviate the—

**MR STEFANIAK:** You say that you are changing the 12-hour shifts. What do you aim to change them to? What are you looking at?

**Mr Phelan:** At this stage, we are still looking at it. It could be as much as 8 to 10-hour shifts. It will be a mixture—or possibly 10-hour shifts. There is a fair bit of work to be done around that. We are going to make sure that we have the coverage. It all depends on making sure that we have the people on board; you do not want to have a shift that is going to be filled with overtime, for example. We are going to make sure that all the people are there; then we can implement the roster.

**MR STEFANIAK:** When is that likely to be finalised?

**Mr Phelan:** Probably early in the new year. I cannot give a definitive date.

**MR STEFANIAK:** That is fine. Are we talking February or March?

**Mr Phelan:** Something like that. I would say before Easter at the latest.

**MR STEFANIAK:** I notice in the annual review, in terms of numbers—it is probably relevant for places like Gungahlin, and correct me if I am wrong with my figures—that sworn officers seem to be at about 609, with about 200 unsworn officers as at the end of the reporting period. What is the current number of sworn and unsworn officers?

**Mr Phelan:** It is 647 sworn and 221 unsworn.

**MR STEFANIAK:** That is as at now?

**Mr Phelan:** That is as at 14 October.

**MR STEFANIAK:** Thank you. When the remaining lot of extra police which the government has announced come on stream, how many sworn officers are you looking at?

**Mr Phelan:** The full purchase agreement talks about 866 FTEs. What does that add up to? It is about that amount. We expect to be at the full amount by then. We are still experiencing attrition. At the moment, we expect the full complement to be on board in the coming months. We will be up to the level that the government—

**MR STEFANIAK:** But how many sworn officers? If you are 640 now, what are you aiming for?

**Mr Phelan:** I am not sure, off the top of my head. I could take that question on notice.

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

**Mr Phelan:** I will get back to you very shortly on exactly how many we expect.

**MR STEFANIAK:** And also when you would aim to have that done—when they are on board.

**Mr Phelan:** Yes. Absolutely.

**DR FOSKEY:** Can I ask a supp to that one, please? On page 25, the notes to and forming part of the operating statement, it looks as though there has been a fall in salaries—not a huge fall, but a little bit. Expenditure on salaries was less than expected, while recreation leave was up. The table on page 111 seems to indicate that there was an overall drop in policing numbers from 2005-06, including 12 sworn officers.

When the minister put out his budget media release on police numbers, he announced that the ACT government was providing an extra \$34.6 million to fund more resources for the front line. That was to be a total of 107 extra positions between July 2004 and 2008-09. But from this there appears to have been a fall in police numbers. You have already indicated that you still expect to reach 866, but can you just explain these figures to me?

**Mr Phelan:** Certainly, the fall in the salary against budget is the unexpected amount of what the collective agreement was going to be. The collective agreement was negotiated and signed off on 5 April this year. At the time, what was happening is that there was a much lower utilisation of expected overtime last financial year and also the previous year vis-a-vis the budget. That would have an effect on the overall salary level.

The other thing, also, is that the leave going up is actually a good thing. It is about getting rid of your leave liability. Of course, as we know, every time we click over every financial year, if there is a bunch of leave left in there, it all goes up at the four per cent amount. There was a fair bit of uncertainty as to what the collective agreement would bring in terms of salary.

**MR STEFANIAK:** Last time we met was at estimates hearings, I think, and I asked your predecessor about how many officers we actually have on duty overseas. How many do we have now? I think it was either 29 or 39, and it was a number which we will not go over. How many are on duty overseas in Cyprus, the Solomon Islands, Timor and various other assignments? I must include in that, I suppose, the Northern Territory as well, where we have been asked to supply police.

**Mr Phelan:** My advice is that at the moment we have 11, but what I would like to put on record as well is that, although those people come from ACT Policing, they may well go somewhere else when they come back. We do not pay for them at all while they are overseas.

**MR STEFANIAK:** No. Their positions have been backfilled?

**Mr Phelan:** Absolutely.

**MR STEFANIAK:** Yes, and that's good.

**Mr Phelan:** Yes, that is right. The ACT government does not have a liability at all in relation to any of the positions that are here, and we backfill them. Even yesterday I was over at the college, and there was another recruit course of laterals who, of course, are experienced state police members. There are another 16 coming on board, and there was another recruit course a fortnight before that. There is a fair bit of throughput of people who are coming directly to the ACT, who are stationed here and will stay here. I am quite happy to say that there are a fair few ACT residents as well, which is good. Also, we have only just embarked upon a campaign within the local district deliberately targeting people from those communities and advising them to stay here in the ACT.

**MR STEFANIAK:** How is that going, because that is very important?

**Mr Phelan:** The campaign is still going at the moment. In terms of the exact numbers coming to that, I do not know, but I am more than happy to take that on notice and get back to you.

**MR STEFANIAK:** If you can take on notice just how many of the police graduating from the college in, say, the last two years have actually been locals.

**Mr Corbell:** I could tell you anecdotally, Mr Stefaniak.

**MR STEFANIAK:** That would be a good start, minister, and then maybe just confirm the actual figure.

**Mr Corbell:** I do endeavour to get to many of the attestation ceremonies when

recruits graduate. Certainly, my experience is that in some colleges you can have up to 50 per cent of the members graduating coming from Canberra. It varies, but it is quite a significant number, and it is really pleasing to see.

**MR STEFANIAK:** That is good. What would be the lowest, minister, do you know—20, 30 per cent?

**Mr Corbell:** Some of the classes have maybe only one or two locals. So it does vary, but you certainly see a good number of locals coming through, which is really great.

**MR STEFANIAK:** I would be interested in the figures, but thank you for that anecdotal stuff, minister.

**Mr Phelan:** Of course, it is a very tight labour market that we have at the moment in the ACT. It is also worth noting that out of everybody who expresses an interest and actually puts an application in to the AFP—that is AFP wide, and it is the same through ACT Policing—only one in five gets through all the way to the college.

**MR STEFANIAK:** One in five?

**Mr Phelan:** One in five. So it is a pretty stringent process, and we would not be looking to dilute any of the quality of the people that we are getting. There is a high benchmark to get into the AFP, and we want to keep that. Even then, when they get into college there is a drop-out rate as well. That is why we do all our planning at the moment around 20 recruits per course. Invariably, there are three, four or five who simply do not make it through the recruit training for a number of reasons. Some are personal reasons; some are that they just simply cannot get through the process. Indeed, last time we actually scheduled an additional recruit course and interposed it amongst one of the then pre-planned courses to pick up that slack of people who had not completed the course et cetera. There is a fair bit done around workforce planning both from ACT Policing and on a national scale to make sure that the throughput happens into ACT Policing.

**MR STEFANIAK:** You have got the business of, say, back squadding or something similar, I take it, if people cannot complete the course for genuine reasons?

**Mr Phelan:** Yes, we do. Family reasons, in particular, we do, yes.

**MR STEFANIAK:** I do not know about anyone else, but I would not mind just starting to get into the purchase agreement. I am interested just in terms of some of the actual targets set. For example, if we look at responsiveness, which you've achieved in some areas: priority 1, 60 per cent or more within eight minutes and 90 per cent within 12 minutes; priority 2, again, you have got the 60 per cent; and priority 3, 95 per cent.

**DR FOSKEY:** What page are you on?

**MR STEFANIAK:** Page 30. Similarly, you have got targets for the level of crime. I think some of those have come down and some might have gone up in terms of number of offences against the person, number of offences against property, offences

cleared, property offences cleared. How are you setting those targets; what criteria are you using? Why is there a variance sometimes from year to year? I note in some instances some of those targets were downgraded, some were left the same, and some might have been upgraded. What is the criteria you are using for that, or is it set by government? Is it something you just work out yourselves; if so, how?

**Mr Corbell:** The targets themselves, Mr Stefaniak, are established in negotiation between the ACT government and ACT Policing, the AFP. They vary. Some of them rely on national averages, for example, fear of crime. There are regular national surveys on that, although I forget the organisation that does them.

**Ms Leon:** The ABS does a large number of the surveys.

**Mr Corbell:** We rely on at least meeting or, where appropriate, being less than or greater than the national average, depending on what the measure is. In relation to levels of crime, if it was property crime, we would rely, for example, on the property crime reduction strategy and the targets that have been set in that. That is drawn from historical data around the level of property crime and what the government has set in its policy framework in terms of what we want to achieve for reducing levels of property crime. They would inform measures in that regard. In relation to police responsiveness, I cannot answer that, but perhaps the Chief Police Officer can.

**Mr Phelan:** Most of the targets, Mr Stefaniak, are based upon rolling three-year averages. So the last three-year average, for example, sets the target. It means that if you beat the target, then, invariably, you are going to have to beat a better target all the time. So that is the aim: over time, you are always going to become more efficient in the way in which you can deploy the—

**MR STEFANIAK:** I can see that in a couple of areas, so that is good.

**Mr Phelan:** Most of the measures are based upon the average for the last three years.

**MR STEFANIAK:** What about, for example, things like the response times? I suppose that is always a concern to the community. You have for priority 1, which is crucially important, 60 per cent, and for priority 2, which is pretty important too, within a fairly limited time. Are you benchmarking that with just the ACT, or are you utilising, for example, what might happen in New South Wales, to give you a yardstick?

**Ms Leon:** It is based on the three-year average in the ACT.

**MR STEFANIAK:** Just a three-year average in the ACT?

**Ms Leon:** The geographical and demographic differences between Canberra and any particular part of New South Wales would not really make it an appropriate benchmark. In relation to the responsiveness, for instance, the response times for priority 1, within eight minutes, ACT Policing has beaten the target every year in the last five years. That means because of that averaging issues that we talked about—

**MR STEFANIAK:** It might be a low benchmark.



**Ms Leon:** That means that the target is continuing to get harder and harder to hit, and yet, because we have put additional resources in and because ACT Policing has really focused on that, ACT Policing continues to beat the target on response times for priority 1 and for priority 2.

**MR STEFANIAK:** You probably need to revise those, don't you?

**Ms Leon:** Every year we do. That is the effect of taking it on the three-year average of your achievement. If you keep beating the target, that means you keep on forcing the target lower, because you are taking it on a three-year average of your own performance.

**MR STEFANIAK:** Do you look at what is happening, say, interstate—especially, I suppose, the state that surrounds us—just to ensure that we are very much up there with them or, in fact, better? Our response times would probably be better, I would imagine, than New South Wales. You would hope that.

**Ms Leon:** It depends, I think, where you measure it in New South Wales. You cannot really compare Canberra to Sydney, because it's a completely different geographic layout and population density and so on.

**MR STEFANIAK:** They are both cities. You could compare it, surely, to areas in Sydney. I agree, you probably couldn't compare it with—

**Ms Leon:** Well, you would have to choose a very carefully balanced comparator.

**MR STEFANIAK:** You would not compare it with, say, Orange or Wagga perhaps, but surely there'd be—

**Ms Leon:** You might recall that we engaged in a very extensive process to try and get national comparators about numbers of policing—I think we have had this discussion a few times in this committee—about how you cannot really do comparisons of policing without taking into account levels of crime, demographics and geographic layout. That is a very complex network of factors. I think you run the risk of ignoring that complex network of factors if you just try and pick a city of a similar size.

**MR STEFANIAK:** I am just asking, do you do it at all? If you do not do it at all, just say so. If you do, I would be interested to see how you use it.

**Mr Phelan:** I am quite happy to take it on notice and have a look at what the other jurisdictions do.

**MR STEFANIAK:** I'd be interested, yes.

**Mr Phelan:** But there is one point I would like to make, and that is that very few jurisdictions actually measure their response times against others, probably very much for the reasons that Ms Leon talked about then. It is like comparing apples and oranges.

**MR STEFANIAK:** Sure.

**Mr Phelan:** For example, you would not want to measure the response times in inner Sydney up against some of their outer local area commands because then what would happen is that you could not compare the performance of one area against another—the density of the city as opposed to a country area—whereas, across the board in the ACT, for example, we could easily compare Tuggeranong with Belconnen, because the similarities are there and our demographics are the same.

**MR STEFANIAK:** Sure, and I take it you do that.

**Mr Phelan:** Sorry?

**MR STEFANIAK:** You do that?

**Mr Phelan:** We do. We look right across the board.

**MR STEFANIAK:** Just one other thing in terms of those particular areas: as to supporting the judicial process, the percentage of briefs to the DPP within the designated time frame, you are on a benchmark there of just slightly over 75 per cent. Again, how do you arrive at that figure? I would have thought that is probably a little bit of an underestimation. I am going back a long time, but my experience certainly was that 90 to 95 per cent of the time they would be pretty well on time, if you are talking about all briefs, including just the basic stuff for mentions in court. There were not too many that you would not get on time, so why 75 per cent? What is the relevance of that particular figure?

**Mr Phelan:** I do not know off the top of my head, but I am more than happy to find exactly what eventuates. Intuitively, to me it suggests that that would be something that would be worked out well and truly with the Director of Public Prosecutions.

**MR STEFANIAK:** I am sure, yes.

**Mr Phelan:** It would be very much about working with them and going through the judicial process as well.

**MR STEFANIAK:** Whilst on that, I note that when there has been some criticism in terms of things not turning up in court in time—I must say I take some of that with a grain of salt—I do note there have been problems with forensics. I think I saw today a reference made in the paper to someone who was let out on bail who had been in the remand centre because, I think, DNA forensics were not available. Clearly there has been some issue in relation to how quickly forensic tests can be done and when that material is provided to the DPP. How is that progressing? I understand steps were in place to improve that.

**Mr Phelan:** We actually have a service level agreement with AFP Forensic Services. We have a dedicated officer who looks after the prioritisation of forensics matters through to forensics. Someone looks at and determines the priorities of which ones go through, and the person monitors them so that we can keep on the back of forensics, for want of a better term, to make sure that these things are done so that those court

times are met. I must admit, we have been working very closely with the Director of Public Prosecutions. You will find that when a lot of these matters go to court the prosecutors are well briefed in terms of how they brief the magistrates as to what is going on. That seems to have been working well. I must say that the support we are getting from the magistrates in that respect is good. The cases now where there has been a misunderstanding are quite rare.

**Mr Corbell:** I think it is fair to say, too, Mr Stefaniak, that it will inevitably be the case that there will be instances where defence counsel will argue that certain pieces of forensic evidence should be available immediately and, if they are not, then that is obviously not good enough for their client, and they should be released on bail or something else.

**MR STEFANIAK:** I appreciate that.

**Mr Corbell:** Judgements need to be made by police and the DPP about when certain types of forensic evidence should be available.

**MR STEFANIAK:** I appreciate that, and, as I prefaced my remarks, I take with a grain of salt criticisms by the courts in relation to police and providing material, having been there myself and having continued to take a keen interest in that. It is just that on the forensic issue there were a number of questions. Clearly, you have had some concerns yourself, and I was interested just to tease that one out to see how that was going.

**Mr Phelan:** I can assure you that I do not have any officers who do not want to put a full brief of evidence before the court.

**MR STEFANIAK:** I would not think so, no.

**Mr Phelan:** They do their best to do whatever they can.

**DR FOSKEY:** I am just interested in what happens to operating surpluses. It says on page 15 that ACT Policing finished the financial year with a surplus of half a million dollars. What happens to that? Does that come off the next year, or does it go towards having a big party?

**Mr Phelan:** No, it is operating expenses, so there is no “normal” as to what it does. In previous years, some money has been handed back to the ACT government when there has been a surplus. Also, some has been used, with the government’s permission, for capital works et cetera. In this case, we have not advised the government as yet as to what to do with that particular surplus. We are coming up with some ideas as to how we may apply that. At this stage, we have not advised the minister.

**DR FOSKEY:** You make a recommendation to government as to how you might use that?

**Mr Phelan:** Yes, but there is another point of clarification I would like to make to it. There is actually no requirement to send the money back, because the ACT government, of course, pays for a service. So long as we deliver that service,

then the money is for the AFP or ACT Policing to use in relation to ACT Policing. That is in a very strict legalistic sense but, of course, it makes sense that, because it is public money, it can be used for other purposes and the money can be handed back. If we can do that to make things more efficient, to deliver an extra public service back to the community over and above what the purchase agreement pays for in, say, this financial year, then we would make a submission to government to be able to use that.

**DR FOSKEY:** Okay.

**THE CHAIR:** On page 41, it talks about illicit drug offences and some of the challenges coming up with polydrug use becoming more common. Are you able to just expand a bit on what is in the report there? What will be some of the challenges for ACT police if polydrug use does become more common and with the shift that is outlined there from heroin use to methamphetamines?

**Mr Phelan:** I speak with a little bit of experience here, as my previous role was as National Manager for Border Operations for the AFP. I have seen and presided over the change from the heroin drought and people moving into ice. The challenges are, of course, that if there is a greater movement to ice then it produces greater challenges when you are dealing with the individuals. It is a public health issue and a mental health issue as well. It is an issue that requires extra and different training for our members in relation to how to deal with people. It is a drug that attacks the central nervous system, and people can have psychotic-type episodes. It is something that is very difficult to deal with, so there are those sorts of things. Different groups may bring that sort of stuff into the ACT et cetera, so it requires us to refine our intelligence processes as well and to work closely with our state colleagues, particularly those from New South Wales, in relation to trafficking across the border. There are those sort of issues that come with that.

I must say that some of the anecdotal stuff that is coming out of a lot of the major drug reports now across Australia and the world is that there has been a shift back to heroin. Again, that poses its own challenges. It is good, though, from my perspective, that law enforcement is ahead of the game and knows what is going on, because you do tackle these things differently.

**THE CHAIR:** Are you seeing that reflected in Canberra?

**Mr Phelan:** Not particularly at this stage. As you see, our drug seizures relative to the rest of the country are relatively low. A good measure of that is to see at the back end what happens through the health system—but not to any major extent here but generally the trend in the ACT, given my previous advice, is that it will mirror what happens in the rest of the country. So it is something that we have to keep an eye on. Particularly we do not want to get back to a situation back in the early part of 2000-01 where heroin deaths in this country skyrocketed. Certainly it helps us in terms of the intelligence gathering to ensure that that does not occur again.

**DR FOSKEY:** Just to follow on from that, also on page 41 it says that ACT Policing is enforcing the national amphetamine type stimulants strategy. I was just wondering if you could provide us with a copy of that strategy or, if not, describe it and the changes—just indicate how it has affected the way ACT Policing works in this area.

**Mr Phelan:** If you do not mind, I would like to take that on notice.

**DR FOSKEY:** Okay.

**Mr Phelan:** There is still a fair bit of refining that needs to be done to that strategy, if I can recall a meeting that I attended with the commonwealth minister back in Perth last year. There is a fair bit of work happening there so, if you do not mind, I will take that on notice and I can give you exactly what we are doing in that regard.

**MS MacDONALD:** You may not be aware that the health and disability committee has been doing an inquiry into crystal methamphetamine as well. As the chair of that committee I would be very interested to see that strategy with relation to its implications for ice and, of course, other drug use as well.

**Mr Phelan:** Okay. No problems; I am more than happy to do that. Of course it is a combined thing between health and law enforcement but my personal views are on the record in relation to all these things—that these particular problems are not just law enforcement problems. There is a three-pillar approach to all of these things: health, law enforcement and education. Arguably, the more you pump into the last one, at the back end for us there is less work to do. There is a fair bit of work happening right across the country in terms of that. Certainly, we will be working very closely with them in terms of the strategy.

**Mr Corbell:** I will endeavour to provide some more information too because I think it sounds to me as though it has been driven by, or had some oversight by, the Ministerial Council on Drug Strategy. Katy Gallagher and I are the members of that for the ACT so I will see if there is some further information from that end of things.

**MS MacDONALD:** That would certainly be appreciated. I know this is the legal affairs committee but we are starting to wrap up that inquiry so it would certainly be timely to have that before we finalise the report.

**MR STEFANIAK:** Just on staffing and some ancillary matters, you mentioned attrition—people retiring and that. I note in the staffing profile that, unlike a couple of reports, we do not have an age profile. You may not suffer like some departments do, for example, teaching; there is a very significant portion of people who will be retiring in the next five years and that has probably been the case there for about 10 years. Are you facing that? Are you facing a lot of senior officers, people who have been around, very experienced, who will be retiring in the next few years which will cause you a problem?

**Mr Phelan:** I do not know whether it will necessarily cause us a problem.

**MR STEFANIAK:** In terms of (a) numbers and (b) just experience.

**Mr Phelan:** Not in numbers because we are managing the throughput—no problems. The issue for us, of course, is that experience level. What has happened in ACT Policing, as well as the wider AFP and indeed some of the state jurisdictions, is that there is a bubble—a big gap in that seven to 10-year group and that continues to move

along. That was during the late nineties when there was very little recruiting right across the board. That is the one we watch, the one that has that less level of experience which, of course, pushes some of our people in a little bit early. They get promoted to sergeant much earlier than they would have in the past, but I must admit that a lot of them are very good at what they do and they are a different calibre of person that joined from when I joined. They are a lot more worldly; they are not all 18 or 19 years old when they join. Our average age is a lot higher and their level of experience in terms of wider community interaction, for example, is much more than it is now.

**MR STEFANIAK:** Most people go at 55 still, don't they? Are you going to experience, for example, 100 officers in the next three years who will be retiring because of reaching that age limit? That in itself—

**Mr Phelan:** Not necessarily in ACT Policing is that going to cause us any problems. You will see that last year our attrition level spiked a little bit because we had a few more than normal that hit the 54 and 11 months under the commonwealth scheme so they were able to leave at that age. Obviously it pushes their pension up a little bit more under the provisions, but that is not a major problem for us at the moment. The major issue for me is not necessarily the age profile but trying to push through the experience level and obviously some of the strategies we have in place there, particularly around lateral recruitment, getting some experienced state police in to stay in the ACT, but also we are looking at other strategies at the moment. I have been in this job for five weeks and we have got a number of strategies on the boil. I am working with my senior executive colleagues to encourage more people to come onto ACT Policing, to the point where I would like to make it so much so in the next couple of years that we will have to knock people back to come here.

**DR FOSKEY:** The Civil Liberties Australia ACT branch stated recently that in comparison to New South Wales the ACT has a relatively inexperienced force with only 40 per cent of its members with more than five years policing experience in 2005-06 compared to 64 per cent in New South Wales. Does ACT Policing see this as a problem and, if it does, any strategies in place to retain experienced officers within ACT Policing?

**Mr Phelan:** I do not necessarily see it as a problem. I can only go on the empirical data, and if we look at things like the crime stats and how the community perceives us all those things are going up in terms of what we are delivering. The suburban policing strategy, for example, is helping our people get out, talk more to the public. It is encouraging them to go to places like the schools, go to the shopkeepers, talk to the shopkeepers, talk to the school principals, talk to the staff—and all that is building to their experience base that they would not otherwise have gained before because, of course, policing is all about communication. If we can improve their communication skills, we are halfway there.

But, as I said earlier on, the experience levels in the organisation, yes, are relatively low but they are not alarming. It is the same across the wider AFP as well; but it is the age at which these people are coming in. Some of these people are coming in for their second or third careers and they know how to talk to people, they know how to interact with the public, they have wise heads on their shoulders and when they come

to deal with someone it is not someone very young dealing with perhaps a family domestic situation. So, in short, it is not alarming to me but it is something that we are working on.

**DR FOSKEY:** Why would it be, anecdotally? Is it that the ACT has a good all-round general training and then people move into more specialised areas of policing?

**Mr Phelan:** The point training is not a good analogy but the way it is structured, of course, is that not everybody in ACT Policing wants to police in the ACT for their whole career and I think it is important to note that we do not actually want that either. We want people to move out of ACT Policing, gain experience in other areas of the organisation and then come back. In my way of thinking, there are three distinct groups of people, and not necessarily a third, third, third. There is one group of people that join the ACT Policing and want to stay here and it be their career for the rest of their life. There is another group of people that come to ACT Policing, will want to gain experience in learning how to talk to people, learn their trade as a police officer and then move out to other parts of the organisation, whether in Canberra national or in other parts of the organisation across the country. Then there is a third group that will want to come and go and every time they go they gain more experience in different things.

For example, those going to IDG and working in the Solomon Islands or working in Timor gain absolutely invaluable experience in learning to talk to people of Indigenous cultures. They learn a totally different way of doing policing from what is done here and that is a skill that they bring back to ACT Policing when they come. There are people that move across the national operations in Melbourne or Sydney—may do major importations, may do serious fraud investigation that they would not otherwise get here; they gain other experience at a different level and they are able to bring that here, back to the ACT. It is this third group that will be continually transient—arguably, people like me, who go and who come back, and the rest of my executive and, for that matter, my senior officers. That is the group, I think, that we want to encourage because the ACT is the one that gains the benefit from all of those people.

**DR FOSKEY:** You certainly make it sound good.

**Mr Phelan:** It is.

**MR STEFANIAK:** In terms of whatever you are doing, about 12 months ago there was serious concern that you would have someone leading a patrol who might have had two years experience as opposed to the old senior constable with about eight, 10, whatever, or indeed the old sergeant with something similar. Has that improved now? I detect there is some improvement there and that you seem to have more experienced people leading patrols, but it is still an issue that you have got people out there with that limited experience, certainly under five years.

**Mr Phelan:** There is no doubt that that occurs and it does happen a fair bit. But there is an added responsibility that we place upon the sergeants. Arguably there are not that many senior constables any more relative to what it was 20-odd years ago, of course. We have relieved a lot of the administration burden on the sergeants by having

an operation support sergeant in each of the stations as well that take away some of that other stuff that traditionally sergeants would do—brief checking, rostering, all those sort of things—so there is actually an operational sergeant out there who is mentoring the troops, who is on the road with them. We encourage them—and indeed they are doing it—to go to the scene when our officers are talking to people and so on and play that mentoring role as well, and that seems to be working very well. From my experience of going around and talking to the stations as well, the troops are happy.

**MR STEFANIAK:** I must say there has been an improvement in terms of police attending various things but we still get people complaining. For example, Belconnen Mall were trying to get police to a few incidents there, and if they turned up it was well after the incidents had finished. That was over the last couple of months. There was one at Hughes where the fellow was very understanding because Woden police were doing other things, but it was an incident in a shop there which was quite a dangerous situation; someone who was probably high on drugs was being very, very destructive, very aggressive and was there for some period of time. Police were simply unable to attend and, whilst the person who complained to me appreciated that that was the case, I encouraged them to file a report anyway for intelligence as it was still concerning. I am still getting some of that. It is nothing like 12 months or two years ago but there are still concerns that police are unable to turn up or are not turning up to places such as that. In those instances, they were shops in the mall plus the Hughes incident that are issues still.

**Mr Phelan:** To me it is encouraging that you are getting fewer letters now than you used to before.

**Mr Stefaniak:** Yes, but they are still there.

**Mr Phelan:** I know they are still there and arguably they are always going to be there. But, in terms of getting our people out, there are more hours on the road now and this is one of the things that certainly, over my stewardship—however long I am here, which, by the way, will be a long time as far as I am concerned, at the minister's pleasure, of course.

**Mr Corbell:** I would encourage that.

**Mr Phelan:** I do not necessarily get hung up so much on numbers. For me, it is about contact hours; it is hours out there with the public where they can do the work. Each police officer can roughly give you 2,000 hours per year when you take into account leave, sick leave and all those sort of things. Those hours can be made up of all sorts of things; they can be doing paperwork in the office or they can be out on patrol and could be doing things under the suburban policing strategy and talking to the people that we want them to talk to. Anything that can maximise the amount of time they are out on the road doing those things and minimise the other is certainly something that I will be working on during the whole time that I am here, to try and make things more efficient. We will be trying to look at and leveraging off some of the things that national AFP have in terms of technology, making things easier with the PROMIS system. The commonwealth government has invested some \$60-odd million in building us a new computer system which ACT Policing will benefit from. It will be a



lot more user friendly, which means less time that they will have to be at the computer doing these sort of things and will therefore translate to more time on the road. There are a lot of those sort of strategies that we will be looking at as well and hopefully the frequency of letters that you will get will continue to decline.

**MR STEFANIAK:** I note, just looking at page 45 of the report, and it flows from this, the areas of satisfaction. The areas where we are below the national average are in general satisfaction with services provided by police and satisfaction with the job police are doing in supporting community programs. We are pretty well line ball for satisfaction with most recent contact, and better than national average in terms of doing the job professionally, treating people fairly and equally and being honest, and slightly lower in general community confidence. But those integrity issues are quite strong, as they always have been.

It would seem to me that the ability of police simply just to attend and provide the services is still a bit problematic. People generally, though, when you do provide the service are very happy with the officers they have. I often do get complaints but, even if the police are slow to get there, people will say—again, a couple of shop examples in the Woden valley—“The police were great when they got here. They were really helpful. They can only do so much. Once they get to court, the court just lets the criminal out. It’s a revolving door, but we’ve got no complaint against police.” So basically, police contact is fine once you get it. If they have got a problem with the system it is at the other end. There is that general satisfaction with services provided. Those where we are a bit lower seem to be a resourcing issue—the fact that police have, for whatever reason, been unable to actually get there. That leads me into, I suppose, a question for you and the minister. It would seem that we are still somewhat under-resourced. The AFPA indicates we are about 120 police short of the national average and it would seem that despite improvements—and I acknowledge those improvements and police getting out and about more—there is still a resourcing issue there.

**Mr Corbell:** Perhaps I can start, Mr Stefaniak, and just say that the government does not agree with the AFPA in relation to police numbers. The AFP will always argue for more police; that is their job.

**MR STEFANIAK:** I am just saying, though, that they seem to have a case there, minister.

**Mr Corbell:** We do not agree with that analysis. This government, more than perhaps any other government, has dramatically improved the number of police. We will have provided an additional 107 policing positions by the time we go to the next election.

**MR STEFANIAK:** But you have also had attrition, minister.

**Mr Corbell:** That is additional police.

**Ms Leon:** That doesn’t mean additional including filling up attrition.

**Mr Corbell:** No. That is on top of.

**Ms Leon:** That is additional positions assuming that all of your attrition is also filled.

**Mr Corbell:** Yes, because obviously with attrition you are already funded for that position. I am sure the Chief Police Officer can provide better commentary than I, but what I would say just very briefly, Mr Stefaniak, is that the satisfaction with services provided by police is a figure of concern to me compared to the national average. My own take on that is that that comes down to police visibility, which I think is a very significant factor in that and that is one of the reasons why, in my directions that I have given to the Chief Police Officer for two years, I say that I want to see improved police visibility and presence.

The suburban policing strategy is one very important element of that—proactive patrolling so that people see police out and about; they do not just see them when there is an incident but they see them out and about. I can certainly tell you when I drive down Commonwealth Avenue and Adelaide Avenue to and from work every day I see a lot of people being pulled over by police.

**DR FOSKEY:** They know you come that way, minister.

**Mr Corbell:** Maybe they do but nevertheless traffic policing is a very important part of visibility for police, I think, because that is where a lot of people notice it. That is important too, I think, in improving satisfaction with visibility and policing presence, but Mr Phelan can give you a better take on this than I can.

**MR STEFANIAK:** Whilst yes, I think those figures are an improvement on the previous year when I think it was about 10 per cent below the national average, and yes, I recall the late Audrey Fagan—and I am glad you had something to do with it too—planning to see extra police visibility. I note the number of patrols and that is positive, very positive, and I think you can probably say that that is reflected in these figures, which are an improvement. But they are still short of the national average and I still get those issues in relation to police being stretched. I know it is very difficult to have as many as you would always like but there still seem to be resourcing issues there in relation to that which seem to be reflected still in these numbers, albeit that there is certainly an improvement.

**Mr Corbell:** I do not accept the argument about resources. The improvement in resources has been significant both in terms of numbers and in terms of the payment that the community makes for this service. The increase in payment, I think, is around \$35 million or something every year.

**MR STEFANIAK:** No, it's not that much.

**Mr Corbell:** I may stand corrected. Nevertheless, it is a significant payment and therefore I just do not accept the argument. We will always monitor the overall level of resources we pay for and, if the police highlight where there are difficulties in resourcing, the government always give very serious consideration to that. Community safety is a very important priority.

**MR STEFANIAK:** I suggest you have a look. Maybe I kept them just—

**Mr Corbell:** But when you hear these figures—“we need an extra 100 police”—that is just bandying around a figure that sounds good. I heard the same argument four, six, eight years ago: “we need an extra 100 police.” Well, we have got an extra 100 police—

**MR STEFANIAK:** It is reflected in the national averages.

**Mr Corbell:** but then you need another 100 police.

**MR STEFANIAK:** Canberra has grown and the number of police here is not all that dissimilar to what it was 20 years ago, albeit we probably were very well supplied.

**Mr Corbell:** An extra 107 police is a very significant increase, but I will ask Mr Phelan if he can talk about some of these issues you have raised, Mr Stefaniak.

**Mr Phelan:** There are just two points I would like to raise, if I could, and one is about the level of satisfaction with policing services. I share the minister’s concerns. However, it should also be noted that the level of dissatisfaction, which is also measured but not part of the purchase agreement, is the lowest in the country, by far. We are well below every other jurisdiction, which means there is a big bunch in the middle that neither are satisfied nor dissatisfied, but we certainly have the lowest in the whole country of people who are dissatisfied with the service delivered by ACT Policing. So the minister is quite right—

**MR STEFANIAK:** Do you have those? They would be useful figures.

**Mr Phelan:** Yes, they are national figures; we can get those. That is no problem. Yes, I share the minister’s concerns and it is about visibility. I want to lift that figure as well whilst at the same time keeping the dissatisfaction level at the lowest it is.

The other issue about numbers is that it is also important to put into context—and I do not like to talk about the AFPA too much because I am a former national secretary of that organisation—but it is like comparing apples with oranges. If you are taking the Victoria police, for example, and they pick all their sworn members and divide it per 100 people in the population, they take into account all the people that they have in personnel and also areas that the commonwealth provides to ACT Policing, like all their professional standards people, their sworn officers in forensics, their sworn officers in other areas that are not counted in our figures. So I would like to see the actual numbers if we added those in and I think you might find we are either on par or above.

The other thing is that there are additional people that we get a free kick from the commonwealth for. The commonwealth pays for 40 positions as part of the IDG that ACT Policing does not pay for at all, that we put out on patrol, so 40 people that are there as a surge capacity that we can send overseas. They pay for them lock, stock and barrel but we have them out on patrol with our people under our direct command. So we get 40 free positions from national. It is also important to note, if you are talking about the people that are policing the ACT, that of course there are still some 1,000-odd sworn police officers that, if necessary, we can call upon in an emergency to place under our command, as we have done before in situations of Parliament

House riots and all those sort of things.

It is not as cut and dried as the AFPA may like to put forward. In my humble view, I am happy with the numbers that are here. I am not getting that many complaints from my troops that they need extra people to do the job. And the roster changes will help because what will happen is they will have more of their colleagues to draw upon during the busy times. I am looking forward to seeing the results that come from that.

**THE CHAIR:** All right. We will move on to some other issues.

**DR FOSKEY:** On page 50, there is an indication that there has been a sustained increase in the number of young people taken into custody since July 2005. There are several issues around this. Firstly, do you have any understanding of why there was a jump in the number? Secondly, what are the localities or hot spots for picking up young people in trouble? Thirdly—this is something that constituents have asked me and I have not been able to respond—is there any liaison between the ACT department of education and young people of school age who are picked up at bus interchanges or whatever? It would seem to me that that is a real area of concern where there is a chance to take a bit of preventative action.

**Mr Phelan:** In terms of the latter part of your first question, about the particular areas that are available, we can get that data for you with no problems. I can take that on notice and provide that.

**DR FOSKEY:** It would be interesting to find out whether it is always at bus interchanges.

**Mr Phelan:** Certainly, there has been a reported increased in crimes at schools. There is no doubt about that. Proactively, as early as last month, we had an operation called Schoolsafe. We had some of our patrols in plain clothes, working around the school areas in Tuggeranong, based on intelligence that young people were roaming around et cetera. There were a large number of people there. There were three steps. There were about three that may have been arrested, off the top of my head, for crimes. A number were moved on, and there were a significant number whose parents were rung and told to come and pick them up. The feedback we got from the parents who had to come and pick up their kids was that that was a positive initiative on our behalf.

Those are the sorts of things that we do. Of course, it is all intelligence led. Part of the suburban policing strategy is to get out, and part of our intelligence operations—because we are intelligence led—is to find out about it. We do the demographics of where the crimes are, whether they are in bus interchanges et cetera, and the station OICs then direct their patrols to these particular areas. If it involves young people, a number of avenues are open to us. Sometimes sending them back to their parents with a good kick up the pants, for want of a better phrase, is a good way to do it.

**DR FOSKEY:** What about those kids that legally should be at school and that are picked up during school hours? Is there any way of liaising to increase the likelihood that they will go to school? It is an area where liaison between the department and ACT Policing would seem to be advantageous.

**Mr Phelan:** We continue to liaise with the department on all these issues. There are a number of avenues that are open to police to be able to deal with these things and we want to explore everything. Of course, arresting someone is a last resort. We want to try and prevent them from doing these things later on. That is where things like restorative justice come in. We can push people towards some of these things, to talk with their victims et cetera, and hopefully they will not re-offend. We don't want these people to have records if they make an indiscretion. In terms of those who are truants, I am quite happy to take some advice on notice as to exactly what the procedure is, subject to what the department may say.

**Ms Leon:** Although I can't speak for the department of education in any detail about that, I can say from my own dealings with the department of education that they have a close relationship, particularly with the crime prevention team in ACT Policing, and that they do work together to develop programs, particularly for young people at risk of falling into a criminal lifestyle and falling out of school. While it is worth taking the question on notice to get more detail, I can say, at least in a general sense, that I know there is a very close relationship between the schools and the police.

**DR FOSKEY:** Page 102 refers to legislative reform to "ensure that ACT Policing remains equipped to effectively serve and protect the ACT community". What is this anticipated legislative reform? What acts might it be focused on and what are the identified inadequacies of current legislation?

**Mr Corbell:** I am in discussion with my department and ACT Policing on a range of issues. Since becoming minister, my message to ACT Policing has been that, if there are issues with the operation of the law which they believe hinder their operations or which could improve the way they deliver their services, I want to know about them.

A couple of issues are of particular interest to me. One is interstate issues to do with drug law enforcement, controlled purchase operations and a range of matters associated with that. I consider that to be quite an important area. At the moment our political framework is not as contemporary as that of other jurisdictions. So I think there are some opportunities there. There are other reforms under consideration, such as reforms in relation to firearms law, as a result of agreements being reached between all the states and territories about how firearms laws should be updated.

I refer also to changes to the law in relation to the sharing of DNA evidence. That is associated with the agreement entered into between all states and territories through the CrimTrac agency regarding the sharing of information through that DNA database. There are legislative changes required in that regard as well. Those are a few examples of the sorts of areas that are being explored. Mr Phelan or Ms Leon might be able to add to that, but those are a couple of issues that are high on the government's agenda at this time.

**DR FOSKEY:** What is the sort of time frame for that?

**Mr Corbell:** It varies for each of those. With respect to the CrimTrac matter and the firearms matter, the government is well progressed in its consideration of those. The controlled purchase operations are subject to some more detailed work; it is quite a complex area. Nevertheless, I would like to see all those matters resolved in the

coming year.

**MR STEFANIAK:** I am not going to mention on-the-spot fines because we have legislation that you can look at. No doubt you have talked to police and other people about that, and you have some ideas of your own on that. One of the other areas mentioned as being of real concern is the old defence—the principle of someone being knowingly concerned in the commission of an offence. There is a glitch in the Criminal Code in that it seems to be very hard for police to prosecute groups of people committing an offence.

One example was the fellow who died after being assaulted in Civic. He died in his hotel. Four people assaulted him. If the matter had been prosecuted elsewhere—or, indeed, prosecuted here probably 10 or 15 years ago—the four people who kicked his head in would all have been charged with manslaughter; he went off and then died, and that would have been the appropriate charge. Apparently, each person's actual act had to be digested, which is impossible in a situation like that, and different charges had to be laid against those offenders because of deficiencies in the law.

Police have told me that that is not just an isolated incident; there is a deficiency in what is known as the laws of common purpose, or being knowingly concerned. It is really the “knowingly concerned” aspect that is causing problems in a number of areas in terms of police being able to bring to justice people who, as occurred in that case, were involved in a very violent offence which had tragic consequences. Are you looking at that?

**Mr Phelan:** I will defer to the minister to talk about that particular legislation.

**MR STEFANIAK:** I think it is section 43 or 45 of the Criminal Code.

**Mr Phelan:** In a very general sense, the question was put to us about having a robust legislative reform program within ACT Policing. The purpose of that is so that we don't get behind the game. The information comes from our officers to a place within the policy unit of ACT Policing. These are the same ones who are telling you and who perhaps should be telling me.

**MR STEFANIAK:** You've only been there five weeks; hopefully they will be and then you can tell him.

**Mr Phelan:** That is fine. In this way we can put together some robust proposals through the department and to the minister. I don't want to go running ahead with projects without having empirical data and a fair bit of qualitative data behind them. That is why it talks about having a robust legislative program. The program itself is making sure that we get all the information we need so that I don't run off every five minutes to the Legislative Assembly wanting a piece of work done. I would much rather have a very robust mechanism so that we can put it all together.

As well, from an ACT Policing point of view, we can prioritise what we believe is important to give to the minister and the department. In that specific sense, that is what it is about. The minister and I meet quite often; there will be times when we discuss legislative reform, and that is part of the process. I won't be backward in

coming forward but I want to make sure I have the right stuff.

**MR STEFANIAK:** I am pleased to hear that. With the greatest respect to the public servants in the department, this has been an ongoing program. You have some very capable, excellent officers, both junior and senior. When you regularly get an issue of concern—and the on-the-spot fines one was right across the board in terms of the police talking to me over a 12-month period, and the knowingly concerned one certainly came up as being a real issue across the board too—it would be great if you could take that to government.

Sometimes the views of the police might be a bit different from those of the department. I can recall some of the debates between police and the department over controversial things like move-on powers back in the late eighties, when federal attorneys-general had a very different and somewhat jaundiced view of that which was completely different from the view of police out on the beat. That was sorted out to an extent with legislation, but I am pleased that you are going to take that up with the attorney. To me, there seem to be a couple of major issues in terms of things which police would like to see which are quite reasonable and which would seem to help. There are probably even instances interstate where those laws apply and are working well, and which you could utilise.

**Mr Corbell:** In relation to the knowingly concerned issue, I am advised by Ms Leon that reform in that area will be captured when the government proceeds with implementation of the national uniform Criminal Code offences against the person provisions. We have not yet implemented the uniform reforms in relation to crimes against the person, but when we do, I am advised that the matter will be captured by that reform.

**MR STEFANIAK:** I would hope so, attorney, although knowingly concerned can involve offences other than just crimes against the person. I am told that there is a problem with either section 43 or 45 of the Criminal Code, which seems to be a bit of a sticking point. It is probably completely inadvertent and it is just something that happens; on occasions you get these glitches. The crimes against the person provisions will help immensely but it is more than just that. It is probably pretty relevant for fraud cases, computer crime and things like that.

**Ms Leon:** We are certainly very aware of the issue. We are aware of the court cases in which it has arisen. As the Chief Police Officer says, we try not to take up the time of the Assembly with piecemeal amendments. We try and put together a structured program of reform so that the Assembly can consider matters all of a piece. We try to take a priorities based approach to it. The priorities of the minister are informed, of course, by the discussions that he has and that we have with the police about what is happening on the ground.

As well as the informal and irregular discussions that we have between the department and police from time to time, we also have a quarterly liaison meeting. The issue of any areas of legislative reform is one of the standing items on the agenda of that meeting. So there certainly is a program in place that enables us to identify, discuss and prioritise areas for legislative reform.

**MR STEFANIAK:** Surely, if there is a real area of concern that necessitates even a one-off piece of legislation—we see that all the time in all areas of legislation—rather than wait for a general review which takes up three or four areas, it is important to fix that sort of—

**Mr Corbell:** That is a matter for government.

**MR STEFANIAK:** It is probably a matter for you too, minister.

**Mr Corbell:** By “government” I mean myself and my colleagues. Of course, there can be instances where one-off proposals are required, but all too frequently, as I am sure you would appreciate, changes in one area can have consequences in other areas of the law. That is why I prefer to have a more considered and comprehensive approach. But I don’t rule out the need for one-off changes as and when they are necessary.

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

**Meeting adjourned from 2.58 to 3.19 pm.**

**THE CHAIR:** We will recommence. Do you have any further questions, Dr Foskey?

**DR FOSKEY:** I would like to talk about the complaints process. I know that, as a result of the Fisher review, the ACT Policing complaints process has changed; therefore the numbers of complaints are not strictly comparable with previous years. However, the ACT Ombudsman’s annual report reveals that there were 314 complaints received under the old complaints system by 29 December. As there were only 353 complaints received in the entire previous year, that is 90 per cent of the previous year’s total in only six months. I am interested in why there is no mention or explanation in the annual report of this increase in complaints.

**Mr Corbell:** My advice is that those two figures are not comparable. The reason is that the criteria that are used to determine a complaint have changed. I can’t recall the intricacies of that, but it is not a like-on-like comparison.

**Mr Phelan:** I am aware of the Ombudsman’s report and on the face of it it looks like complaints have gone up by 17 per cent over the course of the financial year, year on end. Yes, it is a result of some of the ways complaints are dealt with. Category 1 or category 2 are not overseen by the Ombudsman anymore; those are looked after by AFP internally.

I have a regular meeting with the manager of professional standards—the commander in the AFP who looks after it. I attended such a meeting the other day and we actually talked about this issue. Every complaint is registered but it should be noted that there are a fair few of these numbers which are coming through for things like people not wearing their hats. A letter is written back and that is the end of the story. There are a fair few in that category.

The complaints of substance are the ones that are dealt with under category 3 and category 4 by the Ombudsman with oversight. Although complaints went up by



17 per cent, the interesting thing that seems to have been lost is that only six of them were substantiated—that is, only six out of all of the complaints that were made against ACT Policing in the financial year. That is actually 500 per cent better than our targets under the policing arrangement every year. I think the target is 25, and we had six.

I will add a little bit of context to that regarding how professional standards determine whether something is substantiated. Relative to some of our state colleagues, along the Plimsoll line towards guilt or innocence, even though this is not a guilt or innocence matter, some of our state colleagues go a fair way towards virtually proving beyond reasonable doubt, to being put before a jury—that level of proof. Professional standards goes just beyond the balance of probabilities and then the complaint is substantiated. So they go through a fair bit of rigour when determining those things.

I am quite proud of the fact that only six out of all of those complaints ended up being substantiated. Given the levels of experience and the suburban policing strategy, which means we are having more people out there with more contact with the public—and when you put more police on the road for more hours, they have more dealings with not only our citizens doing the right thing but also the ones doing the wrong thing—these things will increase over time. I am quite proud of the fact that the number substantiated is well below the target levels. Of course, it would be great to get down to zero, and that is obviously what we will work towards.

**DR FOSKEY:** My concern in this case is not so much with the number as with the process, and the difficulty for someone in my position to get hold of the actual data, especially with the new process. For instance, according to the measures on page 31, under No 21 it says that there were zero substantiated complaint issues relating to persons injured in custody. It has been reported elsewhere that a member was charged with assault occasioning actual bodily harm in an event in October last year at the city watch-house. This has not been listed as a substantiated complaint, yet to me it seems like one, and that makes me wonder where things have gone.

**Mr Phelan:** The issue with that one is the same as with a number of other cases. They wait until they get through the process of court. These relate to when the whole process is finished. A case is neither substantiated nor unsubstantiated while it is before the court. The matter to which you refer, which I am obviously not going to make any comment on, given that it is before the court—

**DR FOSKEY:** I don't ask you to.

**Mr Phelan:** No, I appreciate that, but they are still before the court. You will see that these things are reported in future annual reports and we will have notes reflecting when they occurred. That is a common practice.

**DR FOSKEY:** Does that explain what happened with an incident that occurred the day before the last federal election, which was the spur for the legal affairs committee to undertake an inquiry into police powers? I refer to the spraying of a couple of young kids with capsicum. I think that was finalised earlier this year, but it is not mentioned in this year's annual report, as far as I can see.

**Mr Phelan:** I know the particular matter that you are talking about and I know that the committee did a report. There are a number of recommendations in relation to that. I don't know exactly whether that has appeared in here or whether it has appeared in another one. I can take that particular component on notice and see where it was actually reported. In any event, if it has been substantiated, it will be reported somewhere.

**DR FOSKEY:** But three years later, if it is reported, say, next year, that lag is not really helpful—unless things get dealt with a lot quicker and they appear in the same financial year in which they occurred.

**Mr Phelan:** We will never report when they occurred; if they are not substantiated then we would not record them. In that matter that you were talking about, it was done through the use of authorised officers. Professional Standards have changed their regime and they do not use authorised officers to do those investigations; they are done internally by their own investigators. So it is not subbed out to the authorised officers. I know that the time frame was subject to recommendations by the committee, which I have received some specific advice on. The Ombudsman has also written to Commissioner Keelty about that particular incident. So there is some work being done there. But we are hopeful, and certainly Professional standards are, that those lags will not occur again. I agree with you: complaints should not take that long to be investigated, and I know it is the subject of a review.

**DR FOSKEY:** Last year, at the annual reports hearings, the minister and the commissioner agreed there should be a tabular breakdown of these kinds of statistics, showing us the different kinds of complaints and how they were handled. This is how complaints were reported in the past, but it is not the case in this report. Could you let me know why we are not getting that kind of breakdown anymore? Members have a duty to analyse these kinds of things, so is there any way in which, under the new system, we can have more adequate information about complaints in future reports?

**Mr Phelan:** I apologise for not having a copy with me, but the AFP's annual report reports on all those issues and also breaks it down by outcome—outcome 1, outcome 2. I am not quite sure whether or not they are broken down by outcome 1 and outcome 2, but certainly all the categories of complaints are there.

**DR FOSKEY:** Is that broken down by jurisdiction? Would it have a special ACT—

**Mr Phelan:** I am not sure whether it is broken down by outcome 1 and outcome 2. Outcome 1 is national and outcome 2 is ACT Policing. No, it is not broken down by ACT Policing, but that data is available.

**DR FOSKEY:** So it is not that helpful. The annual report would seem to be the appropriate place. When there is disagreement between the Ombudsman's office and ACT Policing over whether a complaint should be classified as serious or substantiated, how does ACT Policing deal with and report on that disagreement?

**Mr Phelan:** I am not 100 per cent sure, but I am pretty sure that it is the Ombudsman that has the final oversight of these investigations. So it is the Ombudsman that will be the one that decides whether something is substantiated or not substantiated. The

Ombudsman is the one that has the review mechanism over category 3 and category 4. There is a fair bit of rigour that goes into those, and it is the Ombudsman that has the final say.

**THE CHAIR:** Are those six substantiated complaints we were talking about as a result of an Ombudsman process?

**Mr Phelan:** No, they could very well be internal ones. Most likely, if they have been substantiated they have had some Commonwealth Ombudsman oversight but they would have been internally—

**THE CHAIR:** But it is the internal process that determines whether or not they are substantiated?

**Mr Phelan:** In the first instance, yes. Sometimes the Ombudsman does joint investigations as well. It is up to the Commonwealth Ombudsman as to how they tackle those particular issues. They have the ability under their act to do their own motions, and quite regularly they do. They will either do it on their own or with our assistance.

**MR STEFANIAK:** I have one question on complaints. Well done: six out of about 427 is very good. A lot of complaints probably have absolutely no basis whatsoever; indeed, some might be totally spurious and obviously they take up a lot of investigation time, by both you and the Ombudsman. Is any consideration being given to making it an offence to make a malicious or false complaint against police? Does any other state do that or is it sufficient a problem to warrant that?

**Mr Phelan:** I will take it on notice. I understood that making a vexatious complaint was actually a breach of the complaint provisions. To be quite honest, no-one wants to fetter the public's right to make a complaint, and it is hard to determine whether something is vexatious or not. With people in custody, a lot of them complain about excessive use of force, and they may have felt it was excessive use of force. It is hard to say that is vexatious, even if it was.

**MR STEFANIAK:** It may not be an issue.

**Mr Phelan:** That is right, but there are provisions to be able to do those sorts of things. I am quite happy to confirm that for you.

**MR STEFANIAK:** I would be interested in whether any action is ever taken under some provision.

**Mr Corbell:** I would have to say, Mr Stefaniak, that as a rule I think it would be preferable for that not to occur for the reasons that the Chief Police Officer highlights. There are sufficient checks in the system in terms of the Ombudsman, and the police themselves can determine where a complaint is vexatious, and it can be dealt with promptly if it is. But even vexatious complaints can assist in making sure that your systems are working properly.

**MR STEFANIAK:** I would just like to ask a question on something totally

different—Neighbourhood Watch. That is one of the areas where I see you are clawing back satisfaction ratings in certain areas, but it has its ups and downs. At various times there has been great police presence at meetings, and then we went through a stage where it was almost impossible to get a police officer to turn up. I was delighted to see a senior constable turn up to the Flynn Neighbourhood Watch meeting recently, and she has been a couple of times now. Are police now regularly attending Neighbourhood Watch meetings throughout Canberra as a matter of course?

**Mr Phelan:** That is certainly the advice I have got in the first couple of weeks of taking over. I have been around to all the stations, and I have spoken to the station OICs. They have said that that is clearly on their agenda—sending people across to Neighbourhood Watch meetings. I have certainly been given the advice that it is regular. It is also part of the suburban policing strategy. It is another avenue in which to engage.

I do not know if I was going to be questioned on it, but if you look at the level of police involvement in community events, you will see that we also do not rate particularly highly against that criterion. But I think it is fair to say that there are a lot of things that are just not publicised in the crime prevention areas. Arguably if we do our job better in terms of a marketing campaign to let people know what we do, then that is better. But, of course, it goes back to that survey thing again where not many people are dissatisfied with what ACT Policing does, but there is a whole lot in the middle who have no interaction with the police because they do not need to. What we need to do is let that large cadre of people in the middle know that should they need us we are here. That is one of the key messages that we need to get across. The only way we can do that is through community engagement, whether it is me, whether it is my officers or whether it is the people on the ground.

**Mr STEFANIAK:** I had the pleasure of going to the opening of the PCYC at Charnwood, which is going very, very well indeed. I heard only a couple of weeks ago of some concerns that it may not be able to stay there and it may either have to move or close down. Now, it was only a concern, and the person who told me was not in any way definite, but it rang an alarm bell, so I simply mention it. I would be very concerned if there were any strength in that rumour. Is it merely a rumour and your intention is to stay there, because it seems to be doing a very good job in the area?

**Mr Corbell:** I have had some discussions with the PCYC executive, and they have written to me on a number of occasions concerning their proposals for the future of their site in Turner. As you know, Mr Stefaniak, the PCYC relocated to Charnwood following the closure of the Turner building due to problems with the condition and age of that building. My understanding is that the PCYC want to retain their presence in west Belconnen, at Charnwood. They are also exploring options for the partial redevelopment of their site in Turner, which is subject to government approval. If they do proceed with that and if that approval is forthcoming, I have said to the PCYC, and they agree, that they should maintain a presence in the city in the inner north, because that is an important area for coming into contact with young people. They are also keen to explore their options in the Gungahlin district as well.

**Mr STEFANIAK:** But they intend staying in the west Belconnen area?

**Mr Corbell:** Yes, they intend to stay in west Belconnen, and they are exploring their options to have a presence in terms of facilities in both the city and also in Gungahlin.

**DR FOSKEY:** Could I just follow up on that regarding the Turner site? Is that the site where they plan to continue to remain? When you said the “city”, is that what you mean—Turner?

**Mr Corbell:** Yes. I understand that that decision has not yet been made, but I have certainly indicated in my discussions with representatives of the PCYC that I would be keen for them to remain in close proximity to the city itself. Turner is an obvious site on which to do that, but I think it is subject to a negotiation they can broker with a possible development partner for that site. That may involve the redevelopment of part of that site or a significant part of that site for other uses, and then either a component of that site will be retained for PCYC activities or they may simply choose to use the return they get on the redevelopment of that site to fund facilities somewhere else in the city area as well as in Gungahlin. That is all subject to government approval and, in particular, the approval of the Minister for Planning. The site is a concessional lease and will need to be considered in the framework for deconcessionalising that lease should that application be made by the PCYC.

**Mr STEFANIAK:** It would be desirable, though, I suppose, to either have that site or something in the north. It is very important where it is in west Belconnen. You have got one in Tuggeranong, and another site certainly is—

**Mr Corbell:** I think the PCYC are very keen to be in Gungahlin, because it is a growth area and a presence there would be very valuable. But, equally, they want to retain a presence in the city, because that is an important location also.

**DR FOSKEY:** I will just ask a question of you, Mr Corbell. In regard to ACT Policing and our Human Rights Act, it seems to be fairly explicit in the report that ACT Policing as a commonwealth government body does not have to operate as per ACT legislation, which would include our Human Rights Act. Advice from the Government Solicitor dated 26 October 2005 in regard to the preventative detention orders suggest that the ACT government can confer substantive or procedural powers on officers of the AFP. Has the minister considered whether or not ACT Policing should be required to meet the requirements of key ACT government legislation, like the Human Rights Act or the Public Interest Disclosure Act?

**Mr Corbell:** Dr Foskey, my understanding of this situation—I am happy to stand corrected by the Chief Police Officer or Ms Leon if I get something wrong—is that the ACT cannot legislate, and is explicitly barred from doing so by the self-government act, in relation to the internal operations of the Australian Federal Police ACT Policing. The Assembly cannot make laws as far as they relate to the operations of the police—that is, AFP ACT Policing. Of course, the police have a responsibility to enforce ACT law. To the extent that they do that, they are obliged to abide by our human rights legislation and have regard to that. That is the distinction, as I understand it.

In relation to public interest disclosure, my advice, I think, would be that the Public Interest Disclosure Act does not apply, because that relates to the internal operations

of the AFP ACT Policing, and we cannot legislate or apply our legislation in relation to the internal operations of ACT Policing. However, we can—and the police do as a matter of course—abide by the ACT legislation in the performance of their duties on behalf of the Canberra community. That is my understanding of how the legislative framework sits, but I am happy to stand corrected. Is that accurate?

**Mr Phelan:** Yes, and I may add that, based on my advice, regardless of whether we have to comply or not, we do. We are actually training all of our people under the Human Rights Act and commonwealth provisions et cetera. We are having all our members trained this financial year on those provisions so they know what is going on. There are a lot of provisions that we do not have to comply with in a legislative sense that we do comply with.

**THE CHAIR:** Presumably, minister, if there were things that you wanted the police to comply with that you cannot legislate for, that can be done through a service agreement.

**Mr Corbell:** Yes, and actually the annual report is an excellent example of that. The government in the territory cannot compel ACT Policing to provide an annual report, because it is a commonwealth agency and not subject to the Chief Minister's directions in relation to annual reports. However, through their purchase agreement, it is a condition of the contract that it is supplied.

**DR FOSKEY:** Do the Chief Minister's directions apply through that agreement?

**Mr Corbell:** Insofar as we say we want the same requirements as we apply to ACT government agencies, yes, that is right. But it highlights again the nature of the relationship. It is a more complex relationship because it is a contractual one.

**Mr STEFANIAK:** I have a couple of questions in relation to a couple of operations. I refer specifically to Operation Globin, where about 62 vehicles were actually seized. One of the concerns in relation to that, though, was that they may have been repeat offenders—people who have been caught and prosecuted before—but no vehicles were actually sold. I think I might have asked this question during estimates, so it is just an update on that. Of those vehicles seized, were any actually sold because they belonged to recidivist offenders? Take it on notice if you have to.

**Mr Phelan:** I will take that on notice. The advice I have got so far is that the vehicle of a repeat offender within five years of an initial offence can be forfeited. In terms of how many, I am quite happy to take that on notice. We will find that out for you.

**Mr STEFANIAK:** Whilst on the question of motor vehicles—not so much stolen ones—is the issue of trail bike riding up and down laneways. There are all sorts of dramas there, certainly in my area of concern in the Flynn Neighbourhood Watch area. One young man—he was 17—was tragically killed last year, but it is still an issue. You may recollect one of the government members in my electorate was going to take to government—or has done, I think—a suggestion that the law be improved. Specifically, I think the suggestion was for the act to be changed so that if someone is caught with an unregistered vehicle—a motorbike in this instance—the vehicle could be seized and could be held for three months, a similar sort of provision to that which

applies to burnouts. I am just wondering if anything has come of that and if any action has been taken in relation to illegal use of trail bikes, which has caused some concerns, certainly in north west Belconnen and, indeed, Tuggeranong I understand.

**Mr Phelan:** I have no information about that, but I am quite happy to—

**Ms Leon:** It is not something that has been raised with the department in recent memory that I am aware of.

**Mr Phelan:** Certainly I can find out, and I am quite happy to report back to the committee on those specific issues.

**Mr STEFANIAK:** The other issue was that I see that over 100,000 breath tests have now been conducted. Some people in Casey have asked me why you bother doing them between 11 and 12 in the morning. Is that just to get the numbers up? My understanding is you literally run them at any time of the night and day. I seek your comments on that, because people have mentioned to me that they think some of the times at which they have them and some of the areas where they have them are at times and in places where you would have to be a chronic alcoholic to be picked up and that it is more of a numbers game rather than an actual deterrent.

**Mr Phelan:** I appreciate your question, but whether we would do it just simply to get the numbers up is something that I certainly would not condone. I am led to believe—and certainly my advice is—that the random breath testing is all done on intelligence. So, at the end of the day, if they do it between 10 and 11, there is a good reason, I am sure. I am sure they would not be continually doing it and wasting their time if they were not catching some people doing it. If we can catch one person, we have stopped them from doing what they do. I have had people ask me why they are doing it at 5 o'clock in the morning on Commonwealth Avenue Bridge, for example, and closing the place down.

**Mr STEFANIAK:** I think you would get quite a few.

**Mr Phelan:** Rest assured, you do get a few.

**Mr STEFANIAK:** I can tell you, you would get some at 11 in the morning. I defended someone once who was 0.2.

**Mr Phelan:** I remember locking up someone at about 11 o'clock on Northbourne Avenue 20-odd years ago, so I don't think it's changed much.

**Ms Leon:** I recall this subject, I think, was discussed in an estimates committee hearing when Audrey Fagan was here, and a query was raised about breath testing between 8.00 and 9.00 in the morning and what was the point of that. I think on that occasion—if it was not the estimates committee, it was some other forum—Audrey said that they had caught six people at that time of the morning in that particular session. So I think the evidence-led policing is really working.

**Mr STEFANIAK:** One other question I have relates to the firearms registry. There was an issue of concern for some months in relation to the registry being unable to

give out the plastic licences and only being able to give out paper licences. There was some issue in relation to people not actually having the right licence and concerns in terms of people being unlicensed for a period and problems with people going to interstate competitions. Has that been resolved?

**Mr Phelan:** I understand it was a problem with the machine, as I am advised. That was rectified a long time ago.

**Mr STEFANIAK:** Just on the firearms legislation—because I am getting some representations from various groups now—that has not been introduced to the Assembly. When are you likely to introduce it?

**Mr Corbell:** No, I have not introduced that yet. It is currently before government, and I would anticipate that it is probably going to be ready for the autumn session next year.

**Mr STEFANIAK:** So I can come and see you about any concerns and you could take those on board?

**Mr Corbell:** Please do. The department and the registrar have been undertaking some detailed consultation. A consultative body has been established to do that and has been working on this for some time now.

**DR FOSKEY:** Just some questions about the Confidant Network, I see that the number of referrals to the network has increased from 178 in 2005-06 to 211 in 2007-08. Has ACT Policing analysed these trends and been able to identify what category of referrals has increased?

**Mr Phelan:** I will take that question on notice, Dr Foskey, but let me say this: if the number of people who have gone to the Confidant Network has increased, then that is a good thing, because it shows that our people are willing to talk about a lot of these issues. The Confidant Network is a very good source for people to be able to adhere to the values of the organisation. Of course, the Confidant Network deals with a wide range of issues, and if there is an increase that is a good thing. Obviously, they involve themselves with a lot of diversionary-type remedies to issues that are raised as they go through before they escalate to a complaint stage, for example, and a lot of these things are mutually resolved. For example, things that go to the Confidant Network can be a dispute between a constable and their sergeant about the way in which that sergeant exercises their duties towards them or things like that. They do not have to be criminal in nature—

**DR FOSKEY:** No, no. In fact, that is exactly what I am getting at. I am getting at things like the fact that it would be very useful, perhaps, in terms of the culture of ACT Policing to know whether those referrals were about bullying or sexual harassment or those other things that are far beyond the level of criminality but which also have a huge impact on a workplace. We were certainly focusing on these issues earlier this year in regard to workplaces and how comfortable they are to be in.

**Mr Phelan:** Certainly we will be able to find out information for you.



**DR FOSKEY:** Good, and that includes whether any of the referrals resulted in reprimands and action of some kind. I do not need to know names or anything; I just want to know the kinds—

**Mr Phelan:** If it goes to that next step, they go through professional standards in any event. The issues that are worked through the Confidant Network and that are mediated between managers and their subordinates have not gone to Professional Standards. If it is anything in relation to sexual harassment or those sorts of things, the AFP, of course, has a zero tolerance to those sorts of things. Those activities are escalated well beyond the Confidant Network.

**DR FOSKEY:** Page 133 refers to the establishment of the position of an integrity commissioner. I am wondering where that is at. Has the commissioner commenced duties yet? If so, has ACT Policing referred any matters to the commissioner?

**Mr Phelan:** ACLEI, of course, is up and running, and they are the ones that deal with category 4 complaints that come through Professional Standards. That is something that I can take on notice as to whether or not they have any matters that relate to ACT Policing. My advice is that there is zero.

**DR FOSKEY:** Presumably that is an AFP—

**Mr Phelan:** Sorry?

**DR FOSKEY:** That is an AFP—

**Mr Phelan:** No, it is a separate commonwealth statutory body.

**DR FOSKEY:** For ACT Policing?

**Mr Phelan:** No, it looks after the whole of the AFP and the ACC.

**Ms Leon:** You might recall, Dr Foskey, that it was Philip Moss, the former Health Services Commissioner in the ACT, who was appointed to that position. I think we can take notice of the fact that it is up and running.

**DR FOSKEY:** No, I did not recall that, thanks, Ms Leon.

**Mr STEFANIAK:** Page 10 refers to the stolen motor vehicle strategy, and it shows a slight improvement there. You say the strategy focuses on recidivist offenders and that the ongoing challenge for policing is to maintain this reduction in stolen motor vehicle rates upon release of those offenders from custodial sentences. There is a problem with courts actually jailing people for those offences. I understand that you can get a significant reduction if you have a recidivist offender who simply remained in custody awaiting finalisation of their case.

A number of police and, indeed, a number of practitioners in the court system I have spoken to in recent times say that there is anecdotal evidence that the courts—especially the Supreme Court—are getting around section 9D of the Bail Act in relation to repeat offenders. People are getting out on bail, especially for these types

of offences, which might mean that the law needs tightening up. Despite your comments in relation to recidivist offenders being part of the reason for a reasonably high rate, is anything being done to tighten the law in that regard?

**Mr Corbell:** I will just respond on the policy issue, Mr Stefaniak. The government is aware that there is a trend—it is a bit hard to tell how widespread it is, but it certainly occurs anecdotally often enough to be of concern—that where bail is being refused in the Magistrates Court, defendants are seeking relief in the Supreme Court. The government is currently considering reforms in a range of these matters, and one of the matters that I am keen to pursue is the tightening up of the options available in terms of matters being heard before the Magistrates Court.

Some of the reform, I think, may not be to the liking of defence counsel, but, nevertheless, it is not a desirable situation to see the decisions of magistrates really being ignored by defence counsel who resort to the Supreme Court. I have discussed the matter with the magistrates; it is a matter of considerable concern to them. The government is actually right now in the process of actively considering a number of reforms in this regard. That is caught up in our broader reforms with our committal generally.

**MR STEFANIAK:** I am pleased to hear that. Thank you, attorney.

**Mr Corbell:** It is a matter that I think you will see some movement on quite soon, Mr Stefaniak.

**THE CHAIR:** Just in regard to the actual figures in relation to stolen motor vehicles, of course, last year they decreased by six per cent over the year before. Already so far this year they have come down a further 19 per cent compared to the figures for this time last year. To me, that shows that the strategies are working—police are out there and looking for it and they are dealing with it.

**Mr Corbell:** The government made an announcement earlier this week in relation to motorcycle theft. We have identified motorcycle theft as an emerging issue in the territory, and I announced earlier this week funding to provide for secure locking of bikes to anchor points at public car parks. We will be trialling that over the next 12 to 18 months to see whether or not that makes a significant difference in reducing theft at those locations. The government will also be shortly making some announcements in relation to further improving and supporting measures to reduce motor vehicle theft as well.

I am wanting to focus very strongly on this type of crime, because this is the type of crime that affects a large number of people in the community. It is one of the most common types of crime. Motor vehicle theft and other types of theft are really the bread and butter crime issues that affect a lot of people in the community. We have got a very good property crime reduction strategy, and I really want to drive home the achievements that we are making with that—which ACT Policing is contributing to very, very significantly—as well as the other elements where the government is funding proactive crime prevention activity as well.

**THE CHAIR:** It appears there are no further questions. Thank you very much,

minister, Mr Phelan, Ms Leon and all the officials who have come before us. If there are any further questions, we will place them on notice.

**DR FOSKEY:** Yes, I do have a couple more questions on notice, so look forward to them.

**The committee adjourned at 4.00 pm.**