



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2013-2014

(Reference: [Appropriation Bill 2013-2014 and Appropriation \(Office of the Legislative Assembly\) Bill 2013-2014](#))

Members:

MR J HANSON (Chair)
DR C BOURKE (Deputy Chair)
MR M GENTLEMAN
MR B SMYTH

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 19 JUNE 2013

Secretary to the committee:
Ms N Kosseck (Ph 620 50129)

By authority of the Legislative Assembly for the Australian Capital Territory

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

APPEARANCES

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Amended 20 May 2013

The committee met at 9 am.

Appearances:

Corbell, Mr Simon, Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development

Justice and Community Safety Directorate

Leigh, Ms Kathy, Director-General

Georges, Ms Sandra, Deputy Director-General Justice

Crowhurst, Ms Moira, Deputy Director-General Community Safety

Greenland, Ms Karen, Deputy Executive Director, Legislation, Policy and Programs

Garrison, Mr Peter, Solicitor-General for the ACT

Toohy, Ms Mary, Parliamentary Counsel

White, Mr Jon, Director of Public Prosecutions

Phillips, Ms Anita, ACT Public Advocate

Roy, Mr Alasdair, Children & Young People Commissioner, Human Rights Commission

Hinchey, Mr John, Victims of Crime Commissioner, Victims of Crime Commissioner

Quiggin, Mr Jon, Senior Director, Registrations and Fair Trading, Office of Regulatory Services

Snowden, Mr David, Senior Director, Transport Regulation, Office of Regulatory Services

McCabe, Mr Mark, Work Safety Commissioner/ Senior Director WorkSafe ACT, Office of Regulatory Services

Crockett, Mr Andrew, Chief Executive Officer, Legal Aid Commission

Taylor, Mr Andrew, Public Trustee

Purvis, Ms Alison, Courts Administrator, ACT Law Courts and Tribunal Administration

ACT Emergency Services Agency

Lane, Mr Dominic, ESA Commissioner, ACT Emergency Services Agency

Swain, Mr Paul, Chief Officer, ACT Fire & Rescue, ACT Emergency Services Agency

ACT Policing

Pryce, Mr David, Acting Assistant Commissioner performing the duties of Chief Police Officer

Hayward, Mr Christopher, Director, Corporate Services

Chief Minister and Treasury Directorate

Kefford, Mr Andrew, Deputy Director-General, Workforce Capability and Governance Division, and Commissioner for Public Administration

ACT Long Service Leave Authority

Barnes, Mr Robert, General Manager

THE CHAIR (Mr Hanson): Good morning, Attorney-General, and good morning officials. Welcome to the estimates committee. We will just go through some housekeeping before we commence this morning's hearings. The proceedings today are being recorded for the purpose of *Hansard*. They are also being webstreamed. The privileges card that you have before you—can I just confirm that you are all aware of that and aware of your obligations under that?

Mr Corbell: Yes, thank you.

THE CHAIR: All right. I just want to get a nod from the audience—that you are all across that as well so that I do not need to repeat that when you come up. That is fantastic. Before we start the questions, would you like to make a short opening statement?

Mr Corbell: Thank you, Mr Chairman, and thank you to the committee for the opportunity to appear before you this morning. I do not propose to make an opening statement, but I and my officials will be happy to try and answer your questions.

THE CHAIR: We will be going through each of the individual output classes, and I have got some notes on timing for members that you should have as well. There may be some flexibility there, but as much as possible we will stick to those timings. The first output class we are looking at is output class 1.1, policy advice and justice programs. On page 212, it does seem as though there is quite a significant increase in the budget for 2013-14—an increase of 34 per cent. I wonder if you could provide an explanation of why that is such a significant increase and provide a breakdown of what is in that budget.

Mr Corbell: Could you be a bit more explicit about which particular element you are referring to in the budget paper?

THE CHAIR: Yes: page 212 of budget paper 4.

Mr Corbell: Yes.

THE CHAIR: At the top there, under output 1.1, policy advice and justice programs, the outcome was about \$10 million for this financial year, but it is programmed to be quite a bit more in 2013-14. I am just wondering why there is an increase there. Have you expanded any roles or have you absorbed any functions? Why is that?

Mr Corbell: There is an increase of about \$3.539 million in total cost terms in the forthcoming budget compared to the current year's budget. That relates to a range of measures, including the transfer of transport regulation operations from output 1.8 within the portfolio. That is worth \$2.29 million. There is also a range of other measures, including the new community legal hub accommodation initiative, of \$0.180 million, and the national disaster resilience program funding, of \$2.1 million.

THE CHAIR: Can you give me a bit of an update on the community legal services hub—what that is set to be achieving?

Mr Corbell: The government has indicated its intention to provide funding to assist a range of the community legal centres to secure their own commercial accommodation and to co-locate their programs, activities and services. That funding has been announced in the budget, and the total amount of that funding is \$1.05 million over four years. This is essentially funding to pay for rental of commercial accommodation which the community legal centres will identify and source for the co-location of their functions from their current accommodation in Havelock House. This funding is partially offset by the withdrawal of funding announced in last year's budget to expand the Women's Legal Centre in its current accommodation at Havelock House, because of the decision to instead co-locate all functions together in a new location.

THE CHAIR: And you have received feedback on that changed arrangement?

Mr Corbell: Yes. Community legal centres are very supportive of the changed arrangement.

THE CHAIR: Dr Bourke.

DR BOURKE: Minister, referring to page 212 of budget paper 4, could you tell me about the innovative justice and crime prevention programs, including the restorative justice program you operate, and their value to the community?

Mr Corbell: The restorative justice program has been an ongoing program, first put in place in around 2004-05. The restorative justice program is a program designed to assist both victims and perpetrators to reach some form of closure in relation to the offending behaviour in question. Restorative justice is currently available only to juvenile offenders, and only for certain types of crime, assessed on a case-by-case basis by the police, the courts or the DPP.

For example, there was some commentary over the Christmas period as to a couple of young people who were caught lighting a fire on a very high fire danger day. The decision was taken in relation to those offenders that their offending behaviour should be dealt with through the restorative justice program rather than through the more formal processes of the criminal justice system, such as referral to the Children's Court and so on. That was identified as a very sensible way of ensuring that the young people understood the consequences of their offending behaviour, the potential impact it could have had, and a way of diverting them away from that type of behaviour in the future.

DR BOURKE: Perhaps you could explain why restorative justice is limited to juveniles rather than adults?

Mr Corbell: That is a policy decision of the government at this time. The government has indicated its openness to considering expansion of the restorative justice program to adult offenders and for a broader range of crime types. The question is fundamentally one of resources. Restorative justice is a very intensive process, and therefore is quite demanding in terms of resources. I remain keen to see restorative justice expanded to a broader range of offenders.

DR BOURKE: What steps have you been taking to improve the access to restorative

justice for young Indigenous offenders?

Mr Corbell: In last year's budget the government provided funding for an Indigenous guidance partner. This was a person dedicated to facilitating access of Indigenous young people to the restorative justice program. Previously we had seen quite a low level of referral of Indigenous young people to the restorative justice program. The development and the implementation of a dedicated position to work with police, the DPP and the Indigenous community more broadly to identify young people caught up in certain types of crime and refer them to the restorative justice program have seen a significant increase in the participation rate of Indigenous young people in the restorative justice program.

DR BOURKE: So that initiative has been successful?

Mr Corbell: Yes, it has. I do not have the exact figures. In the current financial year, I am advised, 48 Indigenous young people have been referred to restorative justice, and that represents 24 per cent of the total number of young people referred during that time.

DR BOURKE: Do you have any idea of the number who might have been referred in the previous financial year?

Mr Corbell: I would have to clarify those figures for you, Dr Bourke. I will come back to you on that.

DR BOURKE: Thank you.

THE CHAIR: Mr Gentleman.

MR GENTLEMAN: Minister, on page 216, output class 1.1, 100 per cent of legislation that you have requested has been delivered in the time lines. How important is it to make sure that that occurs on that timely basis?

Mr Corbell: It is very important. From my perspective as manager of government business, it is extremely important, particularly in the justice portfolio, given that the justice portfolio does have responsibility for a very large number of acts on the territory's statute books. I have to say that the justice portfolio is one of the real workhorses of the government as a whole when it comes to the development of legislation and its introduction into the Assembly. That is because of the very broad range of issues and the large number of statutes that the portfolio is responsible for. But I am pleased to say that we are seeing a very good outcome in terms of timeliness of delivery of legislation. That is down to the very hard work of officers right across my portfolio, but particularly officers in the legal and policy branch.

MR GENTLEMAN: And those officers will continue to be resourced at the appropriate level to keep that percentage up?

Mr Corbell: Yes, they will be.

THE CHAIR: Mr Smyth.

MR SMYTH: Minister, what is the quantum of the savings JACS has to deliver this year to the budget?

Mr Corbell: The savings measures required for this year in total are service reprofiling worth \$360,000, ceasing initiatives relating to \$188,000, and general savings of \$4.191 million. And they are offset by a savings adjustment of \$1.893 million.

THE CHAIR: What was that general savings figure?

Mr Corbell: \$4.191 million.

MR SMYTH: And the offset amount?

Mr Corbell: \$1.893 million.

MR SMYTH: How will you achieve the general savings of \$4.191 million?

Mr Corbell: That will be achieved in a range of areas across the portfolio. The portfolio will be identifying a range of measures. We will be looking at, for example, recovery of moneys from the ACAT trust fund for the purposes of the administration of certain pieces of legislation, such as the Residential Tenancies Act, the ACAT itself, the Agents Act and the Retirement Villages Act. We will also be identifying measures to streamline boards and committees within the portfolio to reflect current priorities, and identifying savings in a range of support costs and other general administrative activity.

MR SMYTH: How much is currently in the ACAT trust fund, and how much do you intend to take?

Mr Corbell: We anticipate recovering approximately \$3.5 million from the ACAT trust. The ACAT trust balance is currently at \$51.4 million.

MR SMYTH: How is that a saving—to just take money from the trust fund?

Mr Corbell: It is identifying new and alternative ways of meeting the costs of the portfolio's activities. The ACAT trust is a legitimate source to draw down upon in relation to the administration undertaken by my department of certain acts which are directly linked to the functions of the trust fund itself. It was always envisaged that, over time, as the corpus of funds in the trust grew, it would reach a point where it would be sustainable to start drawing upon the trust for the administration of certain functions. As you can see, \$51.4 million is a significant amount of money now sitting in the trust fund. The assessment of the government is that it has reached a level of funding whereby it is now sustainable and prudent to start drawing upon a modest amount of that fund to assist with the administration of acts directly associated with the moneys that are paid into that fund.

MR SMYTH: But again I make the point that it is not a saving. How is it a saving from running costs, the general recurrent costs of the department?

Mr Corbell: It is a saving to the budget insofar as it reduces the amount of money required to be appropriated by the government directly to these functions within my portfolio.

MR SMYTH: Is it the intention to, as it were, get a dividend from the ACAT trust fund every year?

Mr Corbell: No. We do not get a dividend. The funds sit in trust and can, under statute, be used for certain functions, including the administration of the acts associated with the moneys in the fund.

MR SMYTH: Is it your intention to take money from the trust every year now?

Mr Corbell: This is proposed to be an ongoing measure to the amount identified in the budget.

MR SMYTH: So every year \$3.5 million will come out of the trust?

Mr Corbell: That is correct.

MR SMYTH: You said streamlining of boards and committees. Does that mean certain boards and committees will be abolished?

Mr Corbell: Yes. There are a range of boards and committees, particularly boards and committees established in a range of functions associated with the Office of Regulatory Services which have, quite frankly, become largely redundant or surplus to actual practical needs. So there is an opportunity to streamline or consolidate a range of those functions. No definitive decisions have been taken on those boards or committees at this time, but we have certainly identified that there is scope for the rationalisation of a number of those boards and committees, and that work will be finalised in the first part of this coming financial year.

MR SMYTH: Which boards are in the firing line?

Mr Corbell: As I said, the exact boards are yet to be determined, but the scoping exercise to date has identified that there are a range of boards and committees that meet infrequently or can perhaps be better consolidated with the functions of other boards and committees, and that is a matter which the government will give further consideration to.

DR BOURKE: Minister, is that part of your red tape reduction strategy?

Mr Corbell: It certainly does overlay that, Dr Bourke. There are a range of functions under different acts that require a board or committee to meet—for example, to provide advice to the fair trading commissioner or other statutory office holders under legislation. Often the meetings of these boards now are notional and infrequent. They are not seen as providing much value on the part of some stakeholders. We are certainly taking the opportunity to look at how those can be better rationalised so that the meetings and the functions that do need to be performed are properly supported

and so that those which are redundant or have simply ceased having any real purpose over a period of time are no longer supported.

THE CHAIR: What is your process going to be for informing the Assembly about which boards you are removing? Are you going to be writing to the JACS committee or will you be notifying the Assembly? Although you are saying, "These boards aren't required anymore," I think it would be useful for the Assembly to have a view on that.

Mr Corbell: If the boards have some statutory standing or function, yes, that would be the case. There would need to be a process of engagement with the Assembly. Where the boards are not statutory in function and are simply established in house or without any formal legislative framework, that is a decision for the government.

MR SMYTH: Did you meet all your savings targets for the current year, the 2012-13 financial year?

Ms Leigh: We will bring the department's budget in and report to Treasury on that. The year is still not completed and we are in the process of reporting on that at the moment.

MR SMYTH: Are you on target to meet all your savings requirements for this year?

Ms Leigh: They have been incorporated into our budget, so, by definition, that is the budget we are working within.

MR SMYTH: Could we have a reconciliation of what the savings were and how they constituted the \$3.801 million that you were to achieve this year?

Mr Corbell: That is a matter that is properly dealt with in the annual reports, Mr Smyth. These figures are yet to be finalised and, as you would appreciate, we are right at the end of the financial year now and the department is going through the normal preparation of reporting. I would suggest that is a question better asked in the context of annual reporting and the outcomes for the previous financial year.

THE CHAIR: It is in the budget as the estimated outcome. There is detail in there, so your CFO or whoever has provided that information to the government.

Mr Corbell: That is the estimated outcome. But, as I say, we are in the last 10 working days or so of the financial year and my department is still finalising those figures. We are simply not in a position; as you would appreciate, there is a lot of movement backwards and forwards as figures are reconciled right at the end of the financial year. I am simply not in a position to give you an accurate figure.

THE CHAIR: But based on the estimated outcome, you are on track?

Mr Corbell: As Ms Leigh has indicated, the budget is what the budget is, and the expectation is that that budget will be met.

MR SMYTH: But you must have some idea of what the savings were. You did not receive the money on 1 July last year.

Mr Corbell: Yes.

MR SMYTH: So you have had to put these savings into place.

Mr Corbell: Yes.

MR SMYTH: Could we have a reconciliation of the savings that you put in place?

Ms Leigh: Those savings immediately flowed through to each output level. We have been monitoring each output level's spending against budget constantly throughout the year and drawing any concerns to the business unit head and action has been taken. So we have been progressively staying on track throughout the year.

MR SMYTH: But you must know what saving was passed on to each area, and surely each area had a plan to address those savings. Can we not know what they are?

Ms Leigh: You will recall, Mr Smyth, that the savings in the last budget related predominantly to administrative savings, support cost savings. So they flowed through to each budget unit, who immediately took action throughout the year to rein in those areas of expenditure.

MR SMYTH: Can we have a reconciliation of what they were?

Mr Corbell: As I said, Mr Smyth, I am not going to try and pre-empt the outcome of the reporting at the end of the financial year. Exact figures will be reported, as they are required to be reported, in the annual reports, and that is the purpose of annual reports.

MR SMYTH: It is also the purpose of this committee to determine whether or not the budget as proposed by the Treasurer is possible. The coming budget is based on this year's budget, and I want to know what the starting point is.

Mr Corbell: The starting point is as outlined in the budget papers, Mr Smyth.

MR SMYTH: Therefore, if you know what is in the budget papers, you can give us a reconciliation of how you got there.

Mr Corbell: What you are asking for is very detailed. When you say "reconciliation", I assume you are referring to a very detailed itemisation of ons and offs in each business unit for the current financial year. If that is what you are asking for, I do not think it is reasonable to ask my directorate to provide that to you at this time, because those figures and that reporting are still being reconciled. We are 10 days out from the end of the financial year.

MR SMYTH: You are saying you do not have what was proposed to each of the areas?

Mr Corbell: No, that is not what I am saying, but I think I have answered your question, Mr Smyth.

MR SMYTH: No, you have avoided the question, and you are avoiding scrutiny.

Mr Corbell: No, I am not.

MR SMYTH: It is not unreasonable. You were given a reduced target—

Mr Corbell: No, I reject that. I reject that absolutely. I am not avoiding any scrutiny.

MR SMYTH: Well, you certainly are.

Mr Corbell: I am giving you a very rational explanation as to why it is not possible to provide you with a detailed itemisation—

MR SMYTH: Ten days out you do not know whether you have met your target?

Mr Corbell: The reconciliation and the itemisation of expenditure are dealt with in annual reports. That is its function. My department is fully open—

MR SMYTH: That is one place where it is dealt with. You do not dictate where it is dealt with, minister.

Mr Corbell: If you want to change the way annual reporting operates, Mr Smyth, go for your life, but I think I have answered your question.

THE CHAIR: The nub of the question, Attorney-General, seems to be whether you are on track to meet your savings targets which were in the budget.

Mr Corbell: And, as Ms Leigh said, the outcome is expected to be that the budget will be met.

THE CHAIR: We might move on from there. Given the time, we will move on to the next output class, legal services to the government, output class 1.2. I note that the budget for 2013-14 is a reduction from the outcome, or the estimated outcome, for 2012-13. Is there a reason for that reduction? Is there an expectation of less advice to government as legal services? I would have thought that, with things like the Eastman inquiry coming up, perhaps you would be quite busy. This is on page 212 of budget paper 4. The estimated outcome is about \$11 million for 2012-13 but it is down to \$10.3 million. I am just wondering what the difference is, because normally budgets go up; they do not go down.

Mr Garrisson: There has been a reduction in the budget for the government payment for outputs for the Government Solicitor. Dealing first with the issue of the Eastman inquiry, that is not through my office; that is separate funding through the Director of Public Prosecutions, other entities.

The short answer is no, there is no expectation of a lowering in work. The key to it is that, yes, savings have been included in this year's budget for my office. Our funding falls into two parts. There is the government payment for outputs. As you may have noted in the notes to the accounts, in particular on page 233, we also have a revenue

stream from a range of sources, both billing for commercial agencies, such as the Land Development Agency and the Insurance Authority, and we have outposting arrangements with some agencies—they pay for lawyers to be sitting in house with them—and also some special projects. We perhaps have somewhat greater flexibility than most agencies because of that revenue flow to maintain our resourcing without affecting services.

We also have a number of initiatives to continue to try and streamline the way we provide our services. Whilst, of course, no manager of a business welcomes a reduction in their budget, nevertheless it is one of those challenges that one has to meet.

THE CHAIR: But with those payments, does that reflect that you are going to be providing more services or are you just going to bill people more?

Mr Garrison: Billing reflects the nature of the work that is given. We increased our rates on 1 July last year, and there is no expectation that that will increase as a rate. Our billings have increased, and that reflects the work that has been done.

THE CHAIR: So your volumes are increasing?

Mr Garrison: Yes; more the complexity of the work. We have been engaged this year in a number of very significant major commercial projects for government and for the agencies. We have seen new work coming online. For example, there has been significant work in relation to construction contracts. We have also seen an increasing use of the security payments legislation by some contractors which require a very immediate response. Agencies have been using our office extensively in relation to that. That is a new area of work.

We have also, for example, been undertaking a lot of insolvency work for Revenue. We have been undertaking winding-up proceedings against companies that have not met their revenue obligations. Those are, if not entirely new areas of work, certainly areas of work that have increased. Because of those increases, we have reached arrangements with some agencies for particular funding for particular projects or particular types of work.

THE CHAIR: How many staff have you got?

Mr Garrison: We are sitting at around 80 at the moment.

THE CHAIR: 80?

Mr Garrison: Yes, and it fluctuates between about 76 and 80.

THE CHAIR: Do you contract work as well or do you do it all in house?

Mr Garrison: We brief barristers. That is a cost each year that is generally between \$2 million and \$3 million depending on the nature and the volume of the work that has got to be done. There is a limited amount of outsourcing to private law firms and the Australian Government Solicitor. That is used in a range of circumstances. We

report against that in some detail each year in our annual report where the particular service providers are identified and the amount paid to them is set out.

We seek to engage with the private sector as much as possible but generally speaking the outsourcing of legal services will relate to either circumstances where there is a conflict of interest—for example, some statutory officers require legal advice which we are unable to provide because we give advice to the government—or where a member of staff requires representation and it is appropriate that they be represented separately. It is matters of that nature or where we need particular expertise which we do not hold. Obviously, we cannot be experts in everything. There are some particular areas which come up from time to time where we need to seek some expert advice.

DR BOURKE: Minister, Mr Garrisson just mentioned obtaining advice from the Australian Government Solicitor, outsourcing some work there. What would be the nature of that sort of work?

Mr Corbell: Often it will be the case, as Mr Garrisson has indicated, where there is a conflict of interest within government. For example, the Government Solicitor may have already been engaged by one part of government to provide advice on a matter and there may be another element of government that is perhaps arguing or needing to present a different perspective and a different position in relation to a matter that may be in dispute in a court or tribunal. In those circumstances, clearly the GSO is conflicted and cannot act for both parties. It may be the case that another legal provider, such as the Australian Government Solicitor, would be called upon to provide that advice.

DR BOURKE: Are there not any other ways, apart from outsourcing, that could be used to manage that conflict?

Mr Corbell: Not really. We seek to minimise the need to provide for representation for other parties, but if there is a conflict because GSO are already providing advice to government on a particular matter, they, in accordance with their ethical and professional obligations, simply cannot provide advice to another part of government on the same matter.

MR GENTLEMAN: Minister, budget paper 4, page 216, output class 1.2, shows a higher than expected level of satisfaction with the ACT Government Solicitor's work. Can you tell us what efforts have gone behind that?

Mr Garrisson: Many years of hard work. The accountability indicator of quality legal services is supported by a client survey we do twice a year. We have taken a number of steps over the years to enhance the relationship with our clients. Of course, we continue to try and build on that. Whilst it is most satisfying to get those sorts of results—I must say that the very first time we did the survey we were surprised it was that high, and I think my colleagues in the private sector would be envious—they reflect, I think, the very close relationship that my office has at all levels of government within the public service and the responsiveness that we provide to their needs.

The essence of all good legal advice is understanding your client's business, and it

would not be an understatement to say that I do not think there is any legal office that would understand its clients' business better than my office understands the business of the ACT government. We are almost the exclusive legal service provider—we have been for over two decades—and that builds a body of knowledge and expertise that is hard to replace. I have lawyers in my office who have been there for 20 years. The level of wisdom and knowledge that they bring to the legal practice, that they convey to the younger lawyers that we have in our office now, contributes to the ability to provide that advice very effectively.

We now have a very young office. I think that about two-thirds of them are under the age of 30. I start to feel very old when I see the statistics. But the continuity that we have and the systems of mentoring that we have in the office mean that the way we deal with our clients both continues to improve and learning is able to be passed on to the next generation.

MR GENTLEMAN: Well done.

MR SMYTH: The estimated outcome for legal services this year is \$10.999 million but the budget started at \$10.199 million. What accounts for the extra \$800,000?

Mr Garrison: That is a result of our increased outcome in revenue.

MR SMYTH: So it is all revenue based?

Mr Garrison: Yes.

MR SMYTH: That revenue comes just from the departments in the ACT?

Mr Garrison: Yes.

MR SMYTH: The establishment of the ACT Solicitor-General position, did that result in any cost savings?

Mr Garrison: No. I do not think—no, no savings.

MR SMYTH: No? If not, why not?

Mr Corbell: The appointment of the office of Solicitor-General is designed to provide for equivalence of position with Mr Garrison's counterparts interstate. In practical terms, Mr Garrison on a day-to-day basis would engage with his counterparts in other jurisdictions on the basis that he was, in fact, the Solicitor-General of the territory, even though there was no formal office of that nature.

The government took the view that it would be sensible, given that for all practical purposes when it came to engagement with other jurisdictions, particularly for example in relation to intervention in High Court matters, that Mr Garrison's position should be recognised formally as the office of Solicitor-General. It was not designed as a savings measure. It was designed to provide equivalence, given the seniority and the scope of functions that Mr Garrison performs in his office on behalf of the territory.

THE CHAIR: Other than, sort of, a change of letterhead, there was not really much change then in terms of what you were doing or how you were structured?

Mr Corbell: There was statutory change in terms of recognising that the Solicitor-General performs certain functions and has certain responsibilities under statute. That was put in place through amendments to the law—the creation of the Law Officers Act, which establishes his office, consolidates the functions that were previously set out in statute in relation to my office and addresses a range of other functions associated with legal services to the territory.

THE CHAIR: Some of the functions that were previously in your office have been delegated to—

Mr Corbell: No, that is not what I am saying, sorry. What I am saying is that previously there was an act that established the position of Attorney-General. It is established under legislation for the purposes of recognising that the Attorney-General has certain functions in relation to the operations of the courts and other elements of the operation of the justice system.

Previously that sat in a separate statute. With the creation of the office of Solicitor-General, it was decided that law officers, both the functions previously allocated to the Attorney-General and also the functions now allocated to the Solicitor-General, should simply be placed in the same act, but there was no change to function for the respective officers.

Mr Garrison: Mr Hanson, also we took the opportunity—because there was a separate act governing the Government Solicitor's Office that legislation was embodied in the same act as well. With the creation of the office of Solicitor-General there has been some internal restructure for the office to assist us with focusing on some more specialised areas of work.

For example, we are always concerned to make sure that our advice work is kept up to date. Sometimes that would suffer a little when the lawyers dealing with those advice matters are doing litigation, as they are very busy on that. So we have been able to create a process of lawyers within the office coming in through my section to focus a bit more on that advice work to make sure that is kept up to date.

THE CHAIR: Are there any further questions in this area, members? Thank you very much, Solicitor-General.

Mr Garrison: Thank you.

THE CHAIR: We may call on you again. We never know. We will now move to output class 1.3, which is legislative drafting and publishing services. I note that in budget paper 3, page 193, there is an amount of \$515,000 for ICT expenditure for the legislation register? Could you provide me, Attorney-General or officials, with an explanation of what that is, what changes are being made, who the provider is et cetera?

Mr Corbell: Yes, Ms Toohey can provide you with some more information, but just a general overview. The government has provided funding to commence the redevelopment of the territory's legislation register. The legislation register is one of the most advanced, probably the most advanced, and comprehensive forms of online recognition and formal enactment of statutes. It is unique in Australia.

The legislation register has been in place now for over a decade. There is a need to revamp, upgrade, a range of the technical underpinnings of that system to ensure that it is able to continue to perform its very important function. This funding is designed to provide for commencement of scope and design of the redevelopment and an investigation of the use of open source products and third party products to obtain the most cost-effective solution for the upgrade of the register. Ms Toohey might be able to tell you more.

Ms Toohey: The existing register has been developed and incrementally built on over a period of 12 years. We have had the services of a developer that we have worked with for all that time. As the minister said, it is simply an ageing issue where we need to replace technologies that are obsolete. In the course of looking at a redevelopment, it makes sense to investigate what products and better technologies are available for us now. That is the purpose of this initial piece of work we will be doing this coming year.

THE CHAIR: The money in the budget is only for the coming year. Is it a once-off purchase of a piece of software?

Mr Corbell: It is the first stage of what we expect will be a larger body of work. As I say, it is a scoping and design exercise and the identification of the best options for the rebuild of the system. The government has taken the view that that work needs to be done first to get a proper assessment of the full scope and range of options. We do anticipate that this will inform a further business case in future budget processes for the actual rebuild and redevelopment of the register.

THE CHAIR: Do you have a view on what the order of magnitude is in terms of the cost of the full scope of works?

Mr Corbell: I think that would be pre-emptive at this point in time. We do need to undertake further work on scope and design of the redevelopment first.

THE CHAIR: No, I assume that other—

Mr Corbell: It will be a multi-million dollar project.

THE CHAIR: It will be?

Mr Corbell: Yes.

THE CHAIR: I assume that other jurisdictions have these things rolled out. Have you gone to other jurisdictions to see what they have got so that we are simply not trying to—

Mr Corbell: The first thing I would say is that there is no off-the-shelf system. The territory's experience is probably the most advanced of any jurisdiction. We are the only jurisdiction that formally notifies our statute book electronically. Unlike other jurisdictions, laws passed by the Assembly legally take effect and the actual correct and certified copy is the copy on the legislation register, which is an online resource. So we are the only jurisdiction that does that. Other jurisdictions simply have not developed their capabilities or their methods to anywhere near that extent. Ms Toohy might be able to elaborate on that.

THE CHAIR: If we are so much more advanced than other jurisdictions, what is the necessity to get further ahead?

Mr Corbell: The software that underpins the operations of the system is old, and we need to identify a new range of technical underpinnings for the system. So it is not about trying to progress further the way legislation register—

THE CHAIR: So it the back-end stuff rather than the front-end stuff.

Mr Corbell: It is the technical underpinnings of the system. Some of the software that is used only receives now limited support from the software provider. The software provider has indicated they intend to fully withdraw any technical support for that software in the next couple of years, and so there is a need to replace it with other software.

THE CHAIR: So you do not anticipate a significant change in the functionality for the user; it is mostly to just make sure that it is more sustainable?

Mr Corbell: No, we are not proposing any significant expansion of scope of the operation of the register. It is more a replacement and a modernisation of the software and other components that underpin its operation to make sure it remains stable and working efficiently.

THE CHAIR: Sure. What about overseas? Have you looked into other jurisdictions overseas?

Mr Corbell: Not that we are aware of.

DR BOURKE: Minister, you mentioned the advanced and unique nature of this legislation register. Is that simply because it is published online or is there more to it than that?

Mr Corbell: The most significant element is, as I previously indicated, that acts passed by the Assembly are formally notified and formally come into effect when they are placed on the register. So, in terms of the formal legal record of the territory's statute book, the legislation register is it. That is where you go; that is the formal record and the legal authority for acts passed by the Assembly. So it provides, obviously, a free and up-to-date service that provides access to the law for all citizens. Anyone can access it. It is obviously very heavily used by government agencies themselves, members of the Assembly and legal practitioners, but it is also used much more broadly. And it is a key element of providing access to the law for all citizens

and making sure that the most up-to-date version of the formal administrative instruments that are enforced in the territory are available to everybody.

DR BOURKE: So open access to legislation is a very important principle?

Mr Corbell: Yes, it is. And it also a very efficient way of performing that function, whereas other jurisdictions will rely on a range of other even paper-based sources or publication of printed materials, which are often much more difficult to obtain or which you have to subscribe to and so on. The legislation register is an online and free resource.

DR BOURKE: Are any other states trying to catch up with us?

Ms Toohey: Every jurisdiction has done development. We were the first to have an electronic legislation register over these last 10 years. You will see each other state moving in that direction, and some of them look remarkably like our register, in fact. Online and open access to legislation is becoming the norm in other jurisdictions as well. We are certainly still at the forefront in providing up-to-date access to every item of legislation. The day that things come into operation, the day that amendments come into effect, the new version of the principal act is available for users. I think that benchmark has not been achieved anywhere else, and that is something we have been—

THE CHAIR: Given the multi-million dollar nature that the Attorney-General outlined, as part of your scoping, are you going to see whether any of the other states want to do some sort of partnership arrangements so you can share those costs with another jurisdiction?

Ms Toohey: We certainly will be talking more with the other jurisdictions about that.

THE CHAIR: Have you had any interim discussions?

Ms Toohey: We have had some initial discussions, yes.

THE CHAIR: And have there been any expressions of interest?

Ms Toohey: We have all got our own particular environments. There is a willingness to collaborate and share. We do not have any concrete things in place to take that further, but there is certainly openness to that amongst all of us.

DR BOURKE: Is there any opportunity for commercialisation of your knowledge and experience in this area?

Mr Corbell: I think that is a question that can be tested further as part of the exercise that is being funded in this year's budget. These are highly bespoke systems and they are designed to meet the needs of particular jurisdictions. As Ms Toohey indicates, each jurisdiction has its own particular environment in which legislation is processed and formally takes effect. So they are highly bespoke in that regard. I think there is potentially some scope for some user-pays elements. Whilst not infringing on or restricting access to information, there may be some elements that are only used, for

example, by law firms or more specialist needs, and there may be some user-pay element. But, as I say, that is speculative at this point in time and not something I have any further detail on or, indeed, where any decision has yet been made.

MR GENTLEMAN: Minister, page 216 of BP4 shows all of the targets in that output class that have been reached or exceeded in a number of cases. How does this compare with other jurisdictions?

Ms Toohey: I am not aware of the outcomes in terms of other jurisdictions' levels of timeliness and client satisfaction. Some of them do do surveys to get this kind of data but not all of them.

MR SMYTH: A local firm used to have a system where they could integrate everything from the policy to the legislation then to the regulations et cetera so you had a total understanding on one site of why the government was doing something and how it operated. Is that envisaged to be what you will do with this reform, or is it simply an upgrade of the website currently where it is just allocated into different categories?

Ms Toohey: The exercise is purely about providing access to the legislation itself and other related material that goes on the website, like explanatory statements, compatibility statements, exposure drafts and the associated information like consultation arrangements. But in terms of creating a product that integrates the legislation with some other policy commentary, that is not something we would be looking at doing.

MR SMYTH: Is that something the government would consider, minister, to make it even more useful?

Mr Corbell: Not at this time, no. As I have indicated, the government's focus given the climate of restraint in terms of expenditure is not to increase the scope of the legislation register's function but, instead, to ensure that the software and other technical underpinnings of the system are up to date, robust and operating with contemporary capacity given the issue I raised earlier about some of the software that underpins the operation of the system reaching the end of its operational life.

MR SMYTH: But might it not be more economic in the long term to have a greater integration so that people have not only access to the black letter law but the things that stem from that and, indeed, the things that lead to the law being in place in the first instance.

Mr Corbell: It would certainly be a nice thing to have, but in the current climate of restraint, the government has not taken the decision to increase the scope of the system.

THE CHAIR: We will now move to output 1.4, public prosecutions. Good morning, Mr White.

Mr White: Good morning.

THE CHAIR: Budget paper 4, page 217 has a target set for the percentage of cases where court timetables are met in accordance with the court rules, and the outcome is 59 per cent against a target of 80 per cent. In terms of the explanation, there are a number of reasons including resourcing. Can you give me an update on what is being done about that to make sure that targets are met next year and what those specific issues were, please?

Mr White: There are really three issues. One issue, as members will be no doubt aware, is that my office has a very elevated workload in the Supreme Court trial area and that has necessitated the reallocation of resources within the office. I can expand on that, and it is probably appropriate that I give some emphasis to that because you can, no doubt, readily appreciate that the resources involved in running Supreme Court trials are great. When I was appointed, the historical levels of Supreme Court trials conducted a year was something in the low 30s; they are now trending in the 60s, so that is almost a doubling of Supreme Court trial output.

THE CHAIR: What period is that?

Mr White: I think the historical figures were from the first 20 years of the operation of the office. The figures for the last two completed years have been in the 60s, and I think it is trending that way in the current year. I have not got the up-to-date figures, but it will be in that quarter for the current year. I would say that, for every two trials that are run, there is probably one trial that is prepared and not run and ends in a plea of guilty or whatever at the last moment. So running 60 trials probably represents preparing about 100 trials. So, that is a massive increase in that area, and that has necessitated a shifting of resources within the office.

Another contributing factor to the compliance with this figure is the timeliness with which the Australian Federal Police provide us with briefs of evidence and requested paperwork. I might say that this figure is improving and that the AFP's level of compliance with their deadlines with us is improving. We are working very closely with them to keep that improvement going, but it is still not such that enables us to meet the complete figure.

So those are the main contributing factors. Another contributing factor is just a high turnover of staff in our paralegal area. It is a very busy area and whenever staff leave we have a loss of corporate knowledge in the area.

THE CHAIR: Have you bid for additional resources for next year? Have you got an increased budget, or what is happening with that?

Mr White: I have had my usual discussions with government about the level of resourcing in my office. I see from the budget papers that I have had a decrease in the funds that will be available to my office. I have not yet had a detailed explanation from the directorate about that, and I am awaiting that. When I get that, I will be able to make decisions about what impact that has.

THE CHAIR: Because the factors do not seem to add up—you have an increasing workload and a decreasing budget and you are not meeting your time limits at the moment. So, how are you going to meet your targets if you failed to meet them this

year and one of your reasons for that is resourcing and you have a budget cut?

Mr Corbell: Mr Hanson, I should draw the committee's attention to the fact that a large part of the reduction in the budget this year is for the cessation of funding associated with the additional temporary funding provided to the director for the Supreme Court blitz. Additional resources were made available to the director's office to assist him with the higher volume of matters that came with the Supreme Court blitz. That funding has now ceased because it was a one-off measure. That is obviously reflected in the budget papers.

The director is right, though, that a savings target is being established for his office in the same way as it is for all statutory office holders. So the government will be expecting savings measures of the director's office in the same way we expect it in relation to all statutory office holders. But the main adjustment in the director's budget is associated with the cessation of the one-off allocation to assist with the high volume of matters arising out the Supreme Court blitz.

THE CHAIR: The doubling in the number of cases—is that attributable to the Supreme Court blitz? Is that an anomaly or do you expect it to be ongoing that your rate of work will be higher—the 60 cases?

Mr White: I expect that that would be ongoing. The increase that I have referred to has been apparent in the last three years, including the current year that is almost finished. The blitz has contributed to that to a certain extent. We only really caught the tail end of the blitz, if I can use that terminology, in the current financial year. There is indication that there is an historical increase in the rate of Supreme Court trials. Of course, because of the backlog in the Supreme Court, that has been a real emphasis of all parts of the criminal justice system—to try and get that rate up—including my office.

THE CHAIR: Why has there been an increase in Supreme Court trials? Is there a particular reason why there are so many more cases going before the Supreme Court?

Mr White: I think it is a question of the rate at which the Supreme Court is getting through the work. There was a backlog. That backlog has decreased to a certain extent as a result of the blitz and as a result of the continued high levels of trials. We have had a visiting judge who has been very helpful in assisting the court in disposing of its workload. I think the levels at the moment are referable to the backlog and an attempt to get on terms with the backlog.

THE CHAIR: How many cases did the blitz equate to? If you have got 60 that you have dealt with, what was the blitz—

Mr White: Over the full time of the blitz something like 100 cases were dealt with. Not all of those are completed trials. I am talking about completed trials. We tend to measure, for our statistics, completed matters. These are matters that are not guilty pleas that run to trial. It is comparing apples and oranges to refer that back to the blitz. But the blitz had about 100 matters involved. Most of those matters resolved one way or another. The bulk of them, of course, were resolved by pleas of guilty being entered. Some matters did run to trial and were resolved. Some other matters were

withdrawn. Some matters were remitted to the Magistrates Court and so on. But in terms of the 100-odd matters that were subject to the blitz, they were virtually all dealt with.

MR SMYTH: And the decisions have been received on all cases?

Mr White: I think that is right. We are still awaiting some decisions in criminal matters, but I do not think any of those are matters that arose during the blitz.

THE CHAIR: If your workload is going up, you are not meeting targets and your resources are going down, do you expect that you will meet your target in the 2013-14 financial year?

Mr White: I will have to see the full impact of the savings measures. As I say, I have yet to receive a briefing from the directorate as to the consequences and the ramifications of all of that. I will have to dispose of my resources in light of that advice, which hopefully I will receive shortly.

Mr Corbell: I think it is important for the committee to recognise the perspective of these measures. The total government payment for output government funding is \$9.989 million. It has reduced by \$110,000, \$52,000-odd of which is directly attributable to the blitz. I think it is important to recognise that, whilst there is a reduction in the DPP's funding, it is a very slight reduction when you look at the overall budget of the director's office.

MR SMYTH: Given that they are not meeting their time frames as directed, how do you expect them to get up to a target of 80 per cent? What do you see is the way the DPP should be running to get to the 80 per cent target?

Mr Corbell: I think the director has explained what the issues are in relation to this particular matter. This is about the percentage of cases where the court timetable is met in accordance with the court's rules. So that is about lodgement of certain materials and so on prior to hearing. That is what it is about. As the director has indicated, there are a range of factors that impinge on that. Part of that relates to their dependency on briefs of evidence and so on being provided by the police. Other factors also come into play, which I am sure the director can elaborate on. We have to recognise that that is the particular performance measure that we are dealing with. We are dealing with meeting procedural time frames in relation to filing of materials and so on.

THE CHAIR: Mr White, given the explanations for the delay and so on, would an additional Supreme Court judge, in your view, assist with some of the matters that you are facing?

Mr White: I have to say that in terms of whether there should be an additional Supreme Court judge I am neutral on that issue. That is a matter for government. But I would say that if there are additional judicial resources, that will necessarily flow through to my office and place greater demands upon my office. We are fully extended at the moment covering the courts that we have to cover. When I say "fully extended" I mean that some days we have difficulty finding bodies to go to court, to

cover all the courts. If there are additional judicial resources then, in order to service those resources, there must be an increase of resources to my office to ensure that the Supreme Court judge will be fully occupied. That is a perspective on an additional Supreme Court judge that I have.

THE CHAIR: Dr Bourke.

DR BOURKE: Minister, could you outline the costs of witness assistance services and what is involved? I refer you to pages 212 and 213 of budget paper 4.

Mr Corbell: The director may be able to assist you.

Mr White: The provision of witness assistance services is part of my output. We maintain two witness assistants to assist witnesses in cases where that assistance is necessary. We have a priority model in terms of the provision of those services. We particularly cover cases where there are homicides or other very serious offences and sexual assaults.

Those witness assistants are available to give advice to witnesses, to support witnesses, to coordinate services for witnesses and, in some instances, to accompany them to court. For example, many complainants in sexual assault matters give evidence remotely and get the support while they are doing that of witness assistants who can explain the system to them and so on. They also take part in conferencing of witnesses, particularly vulnerable witnesses.

That is the nature of the job that is done. We coordinate very closely with Mr Hinchey's office in terms of the provision of services. I have to say that that is working very well at the moment. Between the various witness assistant services and victim support services, there is a very good coverage of vulnerable witnesses and victims within the system, particularly in those priority areas that I have outlined.

Mr Corbell: I think, given the committee's interest in resourcing for the office, it may be worth just going through exactly what funding has been made available to the director's office. In the 2013-14 budget the government has provided \$56,000 to assist with the costs of recent Remuneration Tribunal increases for the payment of salary to the DPP. The Remuneration Tribunal increased the DPP's remuneration by 15 per cent, effective from 1 November last year. The effect of the tribunal's decision increased the DPP's salary from \$308,000 to \$354,000. So the government has made an appropriation increase to reflect the tribunal's decision.

The government has also provided funding to the director's office for the conduct of the inquiry into the conviction of Mr Eastman. That is funding of over \$421,000, including the appointment of external counsel, one DPP prosecutor plus one paralegal and one admin staff member. The government has, of course, also provided funding to the DPP to assist with issues surrounding the blitz, including three DPP prosecutors at various levels of seniority plus paralegal staff, to the value of \$52,000. Further funding was provided in the 2011-12 financial year for three prosecutors to the value of \$213,000.

As you can see, the government continues to provide a range of resources to the DPP.

I acknowledge that the DPP's office does face a range of resource pressures. That is, I guess, a circumstance that is not unusual across the government at the moment. In the context of constrained resources, I think the government is certainly making every effort to assist the DPP to deal with those pressures.

DR BOURKE: These witness assistants—can you outline what their training, qualifications and experience is?

Mr White: There are no formal qualifications. They are employed in the professional officer stream. They will tend to be people with either social work or psychology backgrounds. The current senior witness assistant is a person who has had a great deal of experience in various areas of government—for example, child protection and so on. They need to be people who are able to empathise with vulnerable people, victims of crime and witnesses and so on, but also explain the requirements of the legal system.

DR BOURKE: Are they are employed full time, part time or on a contract basis?

Mr White: Full time; two full-time positions.

MR GENTLEMAN: Where is the physical facility for the witness assistance program? Is it at the courts?

Mr White: They are located in my office. We have a set-up of rooms that facilitate the work that they do. There is a room, for example, where children can be interviewed, which has child-appropriate furniture and fittings. There is another witness room where witnesses can be interviewed in private. There is a good suite of offices. We also have access to facilities at the court for that purpose as well.

THE CHAIR: Mr White, could you give us an update on what is happening with the Eastman inquiry?

Mr White: The matter is, at this stage, likely to commence hearing later in the year—at this stage I understand November. At the moment the counsel assisting the inquiry are putting together material and seeking the views of the various parties who have been given leave to appear in front of the inquiry as to whether they wish additional material to be put forward. There will no doubt be discussion about the terms of reference of the inquiry, and the inquiry will commence its hearings later in the year, as we understand it.

THE CHAIR: How long do you expect it to run for?

Mr White: I would anticipate that it would run for some months, quite frankly. It is very difficult to estimate that. It is obviously not something that is directly within our control. We are no more than an interested party that has been given leave to appear at the inquiry. But I would certainly expect it would run for some months.

THE CHAIR: Which area within your directorate is responsible for the conduct of the inquiry?

Mr Corbell: The responsibility for conduct of the inquiry is constituted in the board of inquiry itself. So Acting Justice Duggan, whom the government has appointed to conduct the board of inquiry, is responsible for its conduct and the range of matters and issues that it seeks to address. In terms of support to the inquiry, that is provided through the courts and tribunals function of my directorate. The government has provided a range of funding—

THE CHAIR: We can go to that later.

Mr Corbell: We can certainly deal with that in courts and tribunals, Mr Hanson.

THE CHAIR: Yes. We will go to issues like the terms of reference. That might be a more appropriate place.

Mr Corbell: Sure.

THE CHAIR: There are no further questions. When we reconvene we will move to output class 1.5, protection of rights. Thank you, Attorney-General, and officials.

Sitting suspended from 10.14 to 10.34 am.

THE CHAIR: We will commence again, and we will be moving now to output 1.5, protection of rights. Attorney-General, the new official visitors scheme is due to commence, I believe, on 1 September. Could you give me an update on how that is progressing and whether you will meet that time line?

Mr Corbell: Yes, thank you, Mr Hanson. It is the government's expectation that we will commence the scheme in accordance with that time frame. Let me just check my advice on that. Yes, I can confirm I expect the scheme to commence on 1 September, which I think was your question.

THE CHAIR: What is the cost of that going to be, the administrative arrangements for the official visitor, and any infrastructure required?

Mr Corbell: There is a budget initiative to assist with the implementation of the new scheme arrangements. There will be a number of new functions relating to this scheme. Those include the establishment of a part-time children and young people official visitor, with a focus on Aboriginal and Torres Strait Islander people, and that is 0.3 of a full-time equivalent; a part-time corrections official visitor for Aboriginal and Torres Strait Islander persons, 0.3 of a full-time equivalent; a full-time disability services official visitor; a full-time housing assistance official visitor; plus a small number of support staff, one ASO4, and 0.1 of a senior officer grade A.

THE CHAIR: What is the annual cost of that?

Mr Corbell: \$1.455 million.

THE CHAIR: Okay. Dr Bourke?

DR BOURKE: Minister, could you tell me about the public outreach programs or

community engagements to promote and make people aware of their rights?

Mr Corbell: Dr Bourke, just before I answer your question, I have to correct some information I gave to the committee. The \$1.455 million is actually over a four-year period. In relation to the promotion of rights, is the question you are asking in relation to the functions of the Human Rights Commission?

DR BOURKE: I am asking in relation to output description 1.5, protection of rights, which would probably include the Human Rights Commission, or any other activities that you undertake as a directorate which manifest themselves in community awareness raising.

Mr Corbell: This relates to payments made to those statutory officers for rights protection as outlined in output 1.5. They include the Human Rights Commission, the Public Advocate and Victim Support ACT. They also include the purchase of services from the commonwealth privacy commissioner for the management and handling of privacy complaints in the territory.

DR BOURKE: Could you tell me more about the purchase of services from the commonwealth privacy commissioner?

Mr Corbell: Yes. The territory does not at this time have its own privacy act. Therefore the commonwealth Privacy Act applies. The territory has entered into a purchase agreement for a number of years with the commonwealth privacy commissioner for the provision of services to deal with complaints handling in relation to privacy matters by the commissioner's office. It is similar to the way in which we purchase services from the Commonwealth Ombudsman for the performance of the functions of the ACT Ombudsman. Whilst we do not have our own ACT privacy commissioner, we purchase the services of the commonwealth privacy commissioner to deal with any privacy complaints in the territory.

MR GENTLEMAN: Minister, in budget paper 4, page 217 reports on the Public Advocate's actions and also guardianship. I see there that the indicators will be changing for this period. Can you tell us why they are changing and also about the services provided to those guardianship clients?

Mr Corbell: I will ask the Public Advocate, Ms Phillips, to answer that.

Ms Phillips: Mr Gentleman, could you repeat the question please?

MR GENTLEMAN: Yes. Page 217 of budget paper 4 shows the actions of the Public Advocate. It also says in the notes that some of the reporting will be changing for guardianship clients. Could you tell us why the reporting is changing, and also about the work that you provide for those clients?

Ms Phillips: The most significant change is that we are no longer counting intensity rating, which is hard to say and also hard to collect. It is very time consuming. We have been collecting this data over a number of years, and it has been consistently coming in that about 30 per cent of the clients that we deal with as guardian of last resort do require intensive interventions.

We believe that it is more cost effective not to continue to collect that. We have instigated another performance indicator, that of responding to new applicants or new appointments within a two-week time frame. So we are still continuing to collect the numbers of clients for whom I am appointed as guardian of last resort, and we are now going to be able to try to target seeing them within two weeks of the appointment from the ACAT.

You might notice that the numbers of guardian of last resort figures are remaining reasonably stable, and I believe that is for a number of interventions that we have undertaken. But the intensity level is still very high.

MR SMYTH: Ms Phillips, you have made some reports on the government's emergency response to children in crisis, in care. Have you any comments to offer on government process or progress since your reports?

Ms Phillips: Yes. I was appointed by the minister to a three-person independent panel, a ministerial review panel, which has met each three months, looking at the CSD's response to the seven recommendations that I made in the second report. We have been meeting over the last 12 months and the final meeting is on 4 July. We have reported to the minister from each of those meetings, and I have been very pleased with the progress that the office for children and young people have been making in response to the recommendations that I made.

MR SMYTH: Have you had any response from the clients in relation to the way the government has gone about responding to your reports?

Ms Phillips: Part of our advocacy for children and young people does allow us to have that interface with clients, but not to the extent, of course, that the directorate has, which has direct responsibility for them. So we only have some comments. One of the recommendations was that the directorate lift its game, for want of a better expression, in relation to awareness of cultural considerations for children coming into care. We have received feedback particularly from the Aboriginal and Torres Strait Islander community that they are pleased with the way that caseworkers are now going about taking that consideration into account. That is just one example.

MR SMYTH: Are there any areas of concern that clients have raised that still need to be worked on?

Ms Phillips: Most of my recommendations were in regard to assisting the caseworkers to be able to respond in a more professional, considered and strategic manner, rather than in a reactive manner that had been previously the case. This is a long-term project that is going to take some time. I have been made aware of some very impressive improvements with regard to, for example, the annual reports. As you know, we receive an annual report on the child's birthday for every child in care. These had been as sparse as one or two pages, with inaccurate information and no evidence that the children had even been seen by the caseworker in the 12 months. The last one I saw last week was about 10 pages, full of photographs of the child, considerations of how she was behaving at child care, contact with her family of origin, as well as how she was settling into her foster care. It was very impressive, and

I think that is an indication of how the caseworkers, with support, supervision, proper systems and policy directives, have been able to lift their game.

THE CHAIR: Attorney-General, the Human Rights Commission—is Mr Roy here?

Mr Corbell: Yes, Mr Roy is here.

THE CHAIR: Mr Roy, good morning. You completed a review into youth justice and, similar to the question just asked by Mr Smyth of the Public Advocate, can you give us an update on the government's actions in response to the concerns that you have raised in your report? Are you comfortable that the government is responding?

Mr Roy: Thank you for the question. We completed the significant inquiry and audit into Bimberi and the broader youth justice system a number of years ago. As you would be aware, there were a substantial number of recommendations, 244 recommendations, of which all but six were agreed to or agreed to in principle by the government. Since that time I am certainly pleased to say that Bimberi and the youth justice system more broadly is a significantly different system. It has improved markedly in many areas. Overall, I am very pleased with what has been happening.

THE CHAIR: Do you get feedback from the detainees as well?

Mr Roy: Yes, we visit Bimberi reasonably regularly. We also meet monthly with the Public Advocate's office and the official visitors who visit Bimberi more regularly than we do. They, too, have noticed an improvement in the services there. There are still, obviously, things to improve, but we are absolutely heading in the right direction.

THE CHAIR: In terms of the resources allocated to your office with regard to this output area, are you comfortable with the resources you have at the moment?

Mr Roy: I do not think anyone in the room would be comfortable with resources that are allocated at the moment. But we are fully aware that resources are tight across government and we make do with what we have.

THE CHAIR: In what sense do you say that resources are tight across government? I am not sure if you have seen the budget position, but there is an additional \$250 million coming into the budget every year for the next four years. By the end of the budget there will be an additional billion dollars available to the government for the budget. In addition the government is spending \$600 million above that in resources. Have government said to you that they are running short of money or are they just saying that they are putting it in other areas? When you make that statement, what is your evidence?

Mr Roy: I cannot comment on the details of the budget. I will leave that to the attorney to comment on. But in terms of the resources provided to the Human Rights Commission, we have been advised of what we will receive next year and what we will receive in future years.

Mr Corbell: As you know, Mr Hanson, there is expenditure restraint right across the government, and that does extend to all statutory office holders within the Justice and

Community Safety portfolio. I am very cognisant of the concerns that statutory office holders have raised from time to time about their resourcing and some of the workload pressures that they face. I would make two observations about that. First of all, that is not unique to statutory office holders; it is an issue right across the ACT public administration because of expenditure restraint.

That said, I have embarked on a process of engaging with statutory office holders right across the protection of rights portfolio, which includes the Human Rights Commission, the Victims of Crime Commissioner and the Public Advocate, to seek their agreement to explore further options for strengthening the resourcing and capabilities of our protection of rights functions.

For a small jurisdiction we do have quite a broad range of statutory office holders and functions. I think it is worthy of further consideration as to how we can use our existing resources in ways that further strengthen our capacity to respond to protection of rights issues, both in terms of complaints handling and in terms of advocacy and education. I have had a series of meetings with a large number of the statutory office holders now—not all of them. Regrettably, I had to reschedule my meeting with Mr Roy, but I think we are meeting very shortly. The government will be working with statutory office holders over the next six to 12 months in particular to try and identify ways that we can strengthen and better utilise our existing resources to improve rights protections.

THE CHAIR: My point goes broader, but we have had a number of people appear before us who have used similar language to Mr Roy: “There isn’t enough money and we understand that. We’re constrained but we understand there’s not enough money.” I am wondering what message government is sending, because when you look at the budget papers, there is no expenditure restraint. There is an additional \$2 billion coming into the budget in the forward estimates in revenue. The government is spending \$600 million on top of that. There is no expenditure restraint. There is money coming in revenue that is being put in other priority areas, be it light rail or other priorities. I think it is an important point to make that that is the reality of what is happening with the budget—the messaging.

Mr Corbell: Mr Hanson, it is important, of course, to stress that the government has election commitments. The government has commitments that it took to the people of Canberra and said, “If you elect us, this is what we will do.” Call me a radical, but I think we should honour those commitments and—surprise, surprise—in the budget papers, emphasis is given to the implementation of election commitments first and foremost. If the opposition wants to criticise the government for seeking to honour election commitments, go right ahead. But your assertion that there is no expenditure restraint is belied by the facts. Significant savings measures are being imposed right across the government, and that is expenditure restraint.

THE CHAIR: Globally, when you look at the budget, there is not.

Mr Corbell: It would be wrong to characterise it as anything else.

THE CHAIR: There is \$2.6 billion more spending. You talk about election commitments. The government did not go to the election saying they were going to

cut \$142 million out of services and that they were going to provide a level of funding to organisations like the Human Rights Commission that was uncomfortable.

Mr Corbell: What is your question, Mr Hanson?

THE CHAIR: I am just trying to make the point and ask the question: what are you telling your agencies and people like the human rights commissioner or the Public Advocate or the DPP? Because a lot of people are appearing before the committee saying, “There’s not enough money in the budget and there’s expenditure restraint.” But that is not correct—there is no expenditure restraint in this budget. There is \$2.6 billion of extra spending. What there is is a reprioritisation.

Mr Corbell: So what is your question?

THE CHAIR: My question is: when you are speaking to your agencies and to people like the human rights commissioner, what explanation are you giving them when you say that the level of funding you are providing them is essentially, as Mr Roy said, an uncomfortable level?

Mr Corbell: What I am advising all elements of my portfolio is that the budget is in deficit and the government is implementing a plan to return the budget to surplus. That requires expenditure restraint right across the government, including in the areas of the statutory office holders.

DR BOURKE: Just returning to accountability indicators on pages 217 and 218 of budget paper 4 in regard to Victim Support ACT’s implementation of an early intervention team, could you tell me more about the early intervention team, minister?

Mr Corbell: I will ask the Victims of Crime Commissioner to assist you with that question.

Mr Hinchey: The early intervention team is a team we pulled together to conduct a triage process for referrals that come to our agency. Previously we would put people straight through to a case manager and conduct a two-hour interview with each individual. We found that we could do the same job more efficiently by creating a team with a reduced caseload for those individuals and for them to triage referrals and identify those cases that needed to go through to more complex case management and those that could be dealt with more quickly.

DR BOURKE: What are the characteristics of those triage processes?

Mr Hinchey: We have four caseworkers who are qualified health professionals and who take the incoming calls or receive referrals from police through their support link referral system. We have a performance indicator that 90 per cent of those referrals are responded to within five days, and we are meeting that performance indicator. We contact those individuals by phone—we would make numerous attempts to telephone them—and we would have conversations with them in the initial phase.

Mr Corbell: This is a very good result for Victim Support. We have seen a turnaround and an improvement of 19 per cent in meeting the target of action within

five working days. The previous accountability indicator set the percentage of referrals to Victim Support actioned within five working days at 80 per cent. As a result of the limitation on the measures the commissioner talked about, Victim Support ACT is now responding to 95 per cent of new referrals within five working days. That is a positive variance of 19 per cent. As a result, the accountability indicator has been raised to reflect a new base, if you like, that needs to be achieved.

DR BOURKE: Mr Hinchey, you mentioned a triage process for your referral. Can you take us through what the sieve is for that triage process?

Mr Hinchey: The sieve?

DR BOURKE: How you sort people out, which is presumably what a triage process does.

Mr Hinchey: People come to our service for a range of reasons. If they need assistance navigating justice systems and processes they can receive that type of information immediately from us. They sometimes need a referral to a service that delivers the service they are looking to receive and we can do that immediately. They sometimes need case management. On the whole they probably need case management, but when people are in trauma, particularly soon after a crime has been committed against them, they are not ready for the therapeutic services that we provide internally and externally. So there is stabilisation we would do with those individuals and we would hold those individuals within that early intervention team until they are ready to proceed to case management. So it depends on the needs of the individuals, and that is the purpose of the team—to identify those needs and see if we can meet those needs quickly and to only put through to the case managers the cases that require longer term interventions.

DR BOURKE: How does that articulate with the witness support program which the DPP told us about before?

Mr Hinchey: The witness assistants at the DPP mainly deal with the higher end crimes, particularly sexual assault matters. Their job is primarily to assist people to give evidence at court. Our job is to support victims through any court process and beyond. Their brief at the DPP is to enable people to be informed of the process, to inform them of the dates of various events, to prepare them for the giving of evidence, to help them prepare their victim impact statements and to assist them through trial processes. We do the same, but we have a broader brief than that. We work in close partnership with them, as Mr White indicated. One of the main things people want in our justice system is information about what is happening to the case that affects them. So we rely on the witness assistants at the DPP to give us that sort of information.

They also participate in the family violence intervention program case tracking, which is a program that plots the course of a prosecution of a domestic violence offender through the justice system in an effort to ensure that the victim of that offence is supported through each step of the process. They participate closely in that as well as the family violence prosecutor at the DPP.

MR GENTLEMAN: Minister, indicator b. under this output class on page 217 of

budget paper 4 talks about the level of community education and the number of community engagement activities undertaken by the commission. Can you give the hearing some advice on what is involved in those community engagement activities?

Mr Corbell: These are functions performed by the Human Rights Commission, so I will ask Mr Roy to assist you with that.

Mr Roy: A range of activities are included under the banner of community engagement: there is consultation with children and young people, which I undertake. There is training. There is ad hoc training which agencies may request us to do. There is training we provide more regularly to agencies. There is attending forums or arranging and hosting forums ourselves. There is participating in or hosting external community education activities. I am not being very clear, but there is a broad range of activities in there.

MR GENTLEMAN: But the purpose of it is to raise awareness of the commission's role?

Mr Roy: Primarily, yes. The consultation with children and young people has a dual purpose: one is to raise awareness of my functions and the other is to demonstrate to young people that we listen to them.

Mr Corbell: It is also an important training capacity for ACT public servants to understand the obligations of public agencies under the human rights legislation and to understand general principles around human rights and how that relates to their duties under the act.

THE CHAIR: We will move on to the next output area, output 1.7, regulatory and transport services. I will move to Mr Smyth.

MR SMYTH: Minister, there was recently an Auditor-General's report into parking operations in the ACT. Paragraph 435 of the report says:

The ACT Government entered into an arrangement with the Woden Tradesmen's Union Club to collect money from parking machines on land leased to the Club. The fee paid to the Club was based on initial estimates and not actual revenue. The revenue generated from the parking machine on the Club's land is likely to be approximately \$178,500. This is \$66,500 (27 percent) less than the \$245,000 paid to the Club.

Minister, why was the fee paid to the club based on an estimate rather than actual revenue?

Mr Corbell: I will ask the Office of Regulatory Services to assist you with that question.

Mr Quiggin: Mr Smyth, with apologies, could I ask you to repeat the question, please?

MR SMYTH: You are aware of the Auditor-General's report into the ACT government parking operations?

Mr Quiggin: Yes.

MR SMYTH: Paragraph 435 of that report says that the revenue generated from parking machines on site is likely to be approximately \$178,500, which is \$66,500, or 27 per cent, less than the \$245,000 paid to the club. Why are we paying more than we are receiving?

Mr Quiggin: I think in your earlier question you also asked why the calculation was predicted on an estimate rather than revenue.

MR SMYTH: Correct.

Mr Quiggin: From time to time, the revenue predictions with some of the existing parking machines are not met. There are multiple reasons for that, including maintenance and servicing issues. Obviously, from time to time, some motorists simply do not pay the parking fees. But a range of issues can make the revenue targets or projections difficult to calculate.

MR SMYTH: So will we be recovering the \$66,500 that has been paid over and above what was received?

Mr Quiggin: I am not aware of any plans to do that.

MR SMYTH: Why not?

Mr Corbell: I do not think there is any feasible way of doing so.

MR SMYTH: Again, why not?

Mr Corbell: There is no mechanism by which the government can recover revenue beyond that which is actually collected. It is not as though there is a debt owing to the territory. It was an assessment of the cost of the service versus the amount of revenue that would be received, and that calculation was not as accurate as it could have been. But there is no way of recouping that, aside from perhaps fining people who do not deserve to be fined, Mr Smyth, and I am sure you would not advocate us doing that.

MR SMYTH: Well, that is a nonsense.

Mr Corbell: No, the question is a nonsense because there is no feasible way to recover that shortfall. It is an estimate—

MR SMYTH: Have there been discussions with the tradesmen's club, which has obviously been overpaid by \$66,500?

Mr Corbell: No, there have not.

MR SMYTH: Will there be?

Mr Corbell: As I say, if the government is short in its estimates, that is a matter for

the government, not for the other party.

THE CHAIR: But is this the usual way to do business—to pay someone based on an estimate rather than the actual amount that is essentially delivered? It seems a very odd way to do business.

Mr Quiggin: Other arrangements similar to this have occurred in the past. My understanding is that similar formulae have been applied. This one was terminated, I think, in the early part of this year when there was some shortfall instead of being identified as part of their arrangement.

MR COE: So there was a termination provision in the contract?

Mr Corbell: The government terminated the provision of services.

MR COE: Why did it take so long to realise that the taxpayer was going backwards in this deal?

Mr Snowden: Can you repeat the question, please, Mr Coe?

MR COE: Yes, why did it take so long for ORS or the government to realise that this deal was a rip-off for the taxpayer?

Mr Snowden: The issue in relation to the shortcomings of the contract became apparent when the land adjacent to this car park was being sold, when this was being negotiated. When we became aware of that we issued instructions to the GSO and the agreement between the territory and the tradesmen's club was terminated on three months notice. That came into effect on or about 26 May.

MR COE: Yes, I understand that is when it came into effect. But if there was an opportunity to terminate the arrangement, why did it take a loss of \$66,000 before it was realised that this was a pretty bad deal for the taxpayer? Surely, as we were chugging along and you realised each month that went by that you were down another five or 10 grand or whatever, why was it not terminated months earlier rather than waiting to a point where we are down \$66,000?

Mr Corbell: I think the specific answer to the question you raise, Mr Coe, will be addressed in the government's response to the Auditor-General's report. The Auditor-General has identified this as an issue, as you cite. The government has taken action to terminate these arrangements. We will be considering all of these issues in our response to the Auditor-General's report. The government will then be in a position to provide a more definitive answer on that question in our response as we look at all those issues raised by the Auditor-General.

THE CHAIR: Has this happened in previous years?

Mr Snowden: Not that I am aware of.

THE CHAIR: Is this the only time this has ever happened with the Tradies Club, for that piece of land, or is this something that has been ongoing? Is this the only year that

that piece of land has been used?

Mr Quiggin: Are you talking about other similar arrangements, Mr Hanson?

THE CHAIR: I am talking about this one specifically and then also others. This is obviously for the financial year. How long has this been operated as a car park and has this arrangement been in place?

Mr Quiggin: That particular car park has been operating for quite some time. My understanding is that that arrangement has been in place for about three years, two years.

Mr Snowden: It was about two years, from my understanding.

THE CHAIR: Two years. That amount that has been described by Mr Smyth, is that for two years or has that come in just one year?

Mr Snowden: We would take that on notice.

THE CHAIR: If it is more than one year, could you identify what that amount is for those other years? Perhaps you could also identify where else this is happening, where there have been overpayments to specific organisations across parking and over not just this financial year and last financial year but over the last few years.

Mr Corbell: Happy to take the question on notice.

MR COE: Do you accept that there are some pretty serious perception issues with an issue like this, where you have the governing party overpaying an organisation which has a very close association with the Labor Party?

Mr Corbell: No, I do not.

MR COE: You do not think there are any perception issues with the CFMEU receiving \$66,000 over and above the takings from the ACT Labor government?

Mr Corbell: That sort of accusation should be made very carefully, Mr Coe—

MR COE: That is why I said “perception issues”.

Mr Corbell: because if you were to say that outside this place, it could be defamatory.

MR COE: But not if you say “perception issues”.

Mr Corbell: But, Mr Coe, I think the point to be made on this matter is that these are contractual arrangements entered into between a range of parties—in this case, the tradesmen’s club—with parking operations for the collection of revenue and the enforcement of parking time limits and payment amounts. They are a common arrangement. They exist in a range of privately owned sites across the ACT. It is not unusual to enter into such arrangements. It would be, I think, quite improper to suggest that there was any wrongdoing in this regard. It is simply not the case. For

you to even raise that prospect, I think, shows your preparedness to make such allegations, albeit under the protection of parliamentary privilege.

MR COE: When did the government first consider terminating this arrangement?

Mr Corbell: These are matters that were dealt with by parking operations. They are not matters that were brought to the government's or the minister's attention.

MR COE: Parking operations is part of the government. When did the government first consider terminating this arrangement?

Mr Snowden: Mr Coe, I think I have already indicated the answer to that. It was when we became aware of the land adjacent to this particular block being put to market in February 2013.

MR COE: So at no stage before that did the government consider this to be a dodgy deal?

Mr Corbell: I do not think—I think for you to characterise it as a dodgy deal is, again, grossly improper.

MR COE: When the government loses \$66,000—

Mr Corbell: There is nothing dodgy about this arrangement.

MR COE: it is pretty dodgy, I think.

Mr Corbell: There is an estimate. There was an estimate in relation to cost versus revenue. That estimate was incorrect, but to suggest that it was dodgy I think is grossly improper, and you need to back that up with some evidence.

MR COE: Well, the evidence—

Mr Corbell: What was dodgy about it?

MR COE: is that taxpayers are down \$66,000.

Mr Corbell: That does not make it dodgy. It just means that it was an inaccurate assessment.

MR COE: Tell that to the ratepayers of Canberra.

Mr Corbell: Seriously, Mr Chairman, in what way is there a suggestion that there was some improper dealing? If Mr Coe has an assertion of improper dealing, he should back it up rather than simply throw around words that cannot be justified.

THE CHAIR: Put your hand down and stop that sort of behaviour.

Mr Corbell: It is a very serious allegation and it is an allegation, Mr Hanson, against officials.

THE CHAIR: It is not an allegation.

Mr Corbell: It is an allegation—

THE CHAIR: This is a question in terms of a perception of this deal.

Mr Corbell: against officials of my directorate that they have somehow engaged in improper dealing. Now if Mr Coe—

THE CHAIR: How would you describe—

Mr Corbell: If Mr Coe wants to make that assertion—

THE CHAIR: this deal that has lost \$66,000?

Mr Corbell: If Mr Coe wants to make the assertion of some improper dealing, he had better back it up or he should withdraw the assertion he has just made.

THE CHAIR: I think, firstly, that you are putting words into Mr Coe's mouth. He has asked you a question about this deal that—

DR BOURKE: It was pretty clear.

THE CHAIR: has lost \$66,000 for taxpayers of the territory, potentially more if this has gone over more financial years. Clearly, this is a bad deal for ACT residents. He is asking for an explanation of that, and I think—

Mr Corbell: No, he is asserting that as—

THE CHAIR: that that is the purpose of this committee.

Mr Corbell: In what way, Mr Chairman, would you suggest that the use of the term “dodgy” is anything other than some assertion of some improper dealing?

THE CHAIR: I think it is very clear what he is asking. He is asking: why is this considered an appropriate deal? Is this something that has essentially resulted in the loss of \$66,000 to ACT taxpayers? I think it is an entirely legitimate question and I would ask you to answer it.

Mr Corbell: It is a legitimate question and we have answered it, but Mr Coe is yet to substantiate his claim that somehow, in some manner, it is dodgy.

MR SMYTH: All right, minister. Can you explain why the loss of revenue due to parking machine failure was not taken into account when the price was set?

Mr Corbell: It is very difficult to assess the exact risks associated with parking machine failure due to mechanical breakdown. The factors vary and are difficult to predict.

MR SMYTH: What is the standard rate of parking machine operability in the ACT? You must know that.

Mr Corbell: We do know that. Whether that can be answered today or whether we can take it on notice—I think we will take the question on notice and try and get a figure to you, Mr Smyth.

MR SMYTH: Did the tradesmen's club approach the government to take over control of the parking area or did the government approach the tradesmen's club?

Mr Snowden: Mr Smyth, my understanding is that the tradesmen's club approached the government on the basis of that block being sold to the tradesmen's club. They entered into an arrangement where they became a parking authority and it was negotiated during that period of the acquisition of that block of land.

MR SMYTH: Who was the approach to? Was it to Regulatory Services? Was it through the minister's office? Was it through somebody else?

Mr Snowden: The approach would have been during the period of negotiation, during the sale process. That would have been, I think, through the LDA.

MR SMYTH: Through the LDA. So your office was not approached, minister, in this?

Mr Corbell: No.

MR SMYTH: The Auditor-General, at paragraph 431, states:

Revenue lost due to parking machine failure on Block 15 and 16 Section 3 is estimated to be \$40,969 in 2011-12. The machine on the Club's land had 62 reported faults, which was estimated to cost \$13,200 in foregone revenue, while the two machines on the ACT Government land had 42 and 61 faults ...

Would it not be normal when you are negotiating such a licence that you take into account how reliable the machines are?

Mr Quiggin: No, I do not think it has been taken in the past, Mr Smyth. I think, as we have outlined, the predictability of the machines breaking down—while you can apply a percentage figure, it is not a true reflection of what may actually occur. It does vary, the types of breakdowns of machines. It can be a simple mechanical failure. It can be things like vandalism. From time to time they actually get stolen, surprisingly. We cannot really predict the nature of the actual problems and therefore whether it is something that ought to be factored into an agreement.

MR SMYTH: The auditor also says that there was no consideration of the validity of the agreement and whether it was worth the return to the ACT to enter into the agreement. Why do we not undertake an assessment of these things?

Mr Quiggin: My understanding was that the agreement went through a range of government processes, including referral to GSO. That is part of the normal rigour

that would be applied to an agreement of that type, Mr Smyth.

MR SMYTH: Paragraph 436 of the report states:

There was no evidence to demonstrate that any evaluation had been made of the overall benefits and costs of the agreement between the Woden Tradesman's Union Club and the ACT Government. Such an evaluation should have been made to inform ...

So we do not do that on any of our agreements—look at whether or not it is worth actually entering into the agreement?

Mr Quiggin: At the moment I cannot comment on other similar or, indeed, different agreements. But that particular one went through the usual processes in terms of a legally binding agreement. In terms of cost-benefit analysis, I am not aware of whether or not that was undertaken as part of the negotiation of that agreement or the development of that agreement.

THE CHAIR: I seek clarity on the question that Mr Smyth asked you. The assumption in terms of the forecast was based on 100 per cent of machines operating. There was no amount that was deducted based on an understanding that you are not getting 100 per cent of revenues. It was assumed that you would get 100 per cent of revenue. Is that right?

Mr Quiggin: I would have to go back and see if I can find some of the detail that informed the consideration in relation to the actual development of the agreement itself, but I am not aware of a percentage breakdown being taken into account with that agreement. I would have to take that on notice if you need more information in relation to that.

THE CHAIR: Okay.

MR COE: Yes, I think all the assumptions which do relate to the \$980 per day figure would be useful.

MR SMYTH: Just to finish, how many such agreements have we got with other private landowners?

Mr Corbell: It would be quite a large number. The territory does enforce parking controls for a range of privately owned car parks. They extend to everything from the University of Canberra through to a range of sites, for example, where the territory has sold land for development and the land is still currently being utilised for a car park. We continue to enforce parking controls in those circumstances. The exact figure I would have to take on notice.

THE CHAIR: Thank you, minister. If you can take that on notice and provide us with a list of what those contracts are, the amount they are worth and also the discrepancy between what has been forecast and what has been collected in each of those cases for the preceding four or five years.

Mr Corbell: We will take the question on notice.

THE CHAIR: Dr Bourke.

DR BOURKE: Minister, can you tell me how the rewards for safe drivers program will work?

Mr Corbell: The government is implementing its election commitment to provide a discount on the drivers licence renewal fee where they have a good and clean driving record. This is designed to encourage and reward drivers who do the right thing, obey the road rules and therefore contribute to overall road safety.

The value of the initiative is \$4.4 million over four years. Under the initiative, all full licence holders who have attracted no demerit points and no traffic infringement notices on their drivers licence for the last five years will be eligible for the discount. Currently we anticipate that about 61 per cent of all drivers in the ACT—and that is just under 218,000 licensed drivers—could be eligible for this discount of 20 per cent on their licence renewal fee.

DR BOURKE: How is that going to contribute to road safety in the ACT?

Mr Corbell: I think it sends a signal that the government wants to not just penalise bad driving but reward good driving. It is a modest but useful signal to send to drivers that where they do the right thing, where they obey the road rules, where they work to contribute to a safe driving environment, they should be recognised for their efforts in that regard.

I am sure we all know of people who have been driving for 30 or 40 years and they pride themselves on the fact that they have never had a ticket; they have never had a speeding ticket. In many instances you hear the story that they have never even had a parking ticket. They take their driving record very seriously and we believe it is appropriate to recognise their contribution to keeping our roads safe.

It is worth highlighting that parking infringement notices will not affect a person's eligibility to be granted a safe driver reward. Pensioners and gold card holders who already enjoy the benefit of a 100 per cent concession will not be granted this additional reward.

DR BOURKE: Why did you decide to leave off parking infringements?

Mr Corbell: A parking infringement is not a driving offence. It is not a penalty that relates to people's driving behaviour.

DR BOURKE: This is a matter that people have raised with me over the years about rewards for good driving. What sort of response have you had from the community to this initiative?

Mr Corbell: Generally speaking, people have been very welcoming of it. Many people may not know that it is happening, but they certainly will soon find out when they receive their licence renewal and are advised that they are getting a 20 per cent

discount off that licence renewal because of their driving record.

THE CHAIR: Mr Gentleman.

MR GENTLEMAN: Minister, on page 219 of budget paper 4 it shows the regulatory schemes for WorkSafe ACT. That reporting is going to change. Can you tell us why that change is taking place? In the indicator for 2012-13, for workplaces that comply with OH&S legislation there is a figure there of only 32 per cent. Can you explain why that figure is so low?

Mr Corbell: In relation to your first question, Mr Gentleman, could you just indicate where specifically you are referring to in the budget papers?

MR GENTLEMAN: Page 219 of budget paper 4. The reporting on the level of compliance with regulatory screenings is changing.

Mr Corbell: Which point is that?

MR GENTLEMAN: At point b. you will see there are targets for 2012-13, in 2013-14 it is not applicable and then down the bottom of the page it shows that it is changing to proactive inspection programs.

Mr Corbell: The Office of Regulatory Services has undertaken a review of all of the performance measures for their functions. Some of these are being discontinued. The measures that are being discontinued are: percentage of individuals, businesses, workplaces that comply with relevant legislation, percentage of workplaces that comply with OH&S legislation and percentage of workplaces that have a compliant workers compensation policy.

Instead, a number of new measures will be introduced. They are designed to try and cover the actual areas of regulation and the three key themes of WorkSafe ACT, which are education, inspection and enforcement. They will focus on the performance of WorkSafe rather than the performance of stakeholders. The measurement really should be focused on the services delivered by WorkSafe itself rather than a third party whom WorkSafe may or may not be able to influence or control.

The new measures are focused on timeliness—that is, the percentage of registrations processed within a particular time frame—the number of proactive inspections by both WorkSafe and Fair Trading, the number of notices issued by WorkSafe and a range of educational activities.

MR GENTLEMAN: The last part of the question was with regard to the 32 per cent outcome of workplaces that comply with OH&S legislation.

Mr Corbell: I might ask Mr McCabe to assist.

Mr McCabe: The figure is actually linked to why we do not think that is a useful measure anymore. Unfortunately, as we get better at targeting poor performers, that figure goes down. It is not an accurate measure. The way it is worded, it looks like it is a measure of the general rate of OHS compliance across the territory. It is not. It is

a measure of the OHS compliance rate across the businesses that we inspect. So as we get better at targeting the businesses that are not performing, that figure goes down. I think I have been asked that question at each estimates that I have come to. The figure has got worse, but I would argue that is because we are getting better at targeting the businesses that are not doing the job right.

One thing we considered was whether we should do a totally random sample of businesses and get a figure from that, so that we could have that measure. But that would deflect our resources away from where we believe they should be—that is, non-performing businesses. By my calculation, it would take about 10 per cent of our inspections to get a decent number that you could regard as having some statistical validity, and that is 10 per cent of our work being deflected from businesses that are not performing.

THE CHAIR: Mr Coe.

MR COE: I have a question about transport regulation, particularly speed cameras. I understand a contract has just been entered into for the Athllon Drive point-to-point speed camera, or set of speed cameras. I think it was in April. Did the government ever consider, in the last year or two, not proceeding with the Athllon Drive point-to-point speed cameras?

Mr Corbell: The measure has been funded in the budget, so the answer is no.

MR COE: Work was done on the site, I believe, some time ago. Is that correct?

Mr Corbell: That is correct.

MR COE: When was that done?

Mr Corbell: Last year.

MR COE: Since the work has been done, have there been any approaches made or serious consideration given to abandoning that site?

Mr Corbell: I have already answered that question. No.

THE CHAIR: Members, it being just after 11.30 we will move to the next area. Any further questions for this area can be put on notice.

We will now consider output class 1.1, legal aid services provided by private legal practitioners. Following that it will be 1.2, legal aid services provided by commission staff. There might be a bit of a flow over in these areas. If there is, that is fine. I am comfortable that these areas be taken together. Dr Bourke.

DR BOURKE: Minister, what is the breakdown of costs between payments to private legal practitioners and the costs of administering the scheme?

Mr Corbell: The costs of administering what scheme?

DR BOURKE: The legal aid service scheme.

Mr Corbell: Do we have that break-up? I will have to take that question on notice, Dr Bourke.

DR BOURKE: Thank you.

Mr Corbell: I do not have that information to hand.

THE CHAIR: Mr Gentleman.

MR GENTLEMAN: Minister, in the Legal Aid Commission statement of intent, page 6, \$200,000 has been allocated for the expensive case fund. Can you tell us the reason for that allocation and what services are provided there?

Mr Corbell: The expensive case fund is designed to provide supplementation to the Legal Aid Commission budget, recognising that it deals with a range of matters which are expensive cases. These are always complex cases. They may involve a large number of witnesses, or more complex matters that need to be considered by the court and, therefore, addressed by the defence. Frequently these involve matters which relate to offences and charges, serious charges such as murder and manslaughter or serious sexual matters.

The government recognises that this does place pressure on the Legal Aid Commission budget. Therefore, we have provided a level of supplementation to assist the Legal Aid Commission budget to manage those cases without having to reduce or not have a substantial impact on the number of grants of legal aid it would otherwise make.

THE CHAIR: Mr Smyth.

MR SMYTH: Minister, on page 526 of budget paper 4, the staffing outcome for this year is 59. It goes down to 56 next year. The explanation seems to be that two of the FTEs are the result of the completion of the Eastman inquiry and one FTE is to meet budget savings. Given the pressure that organisations like the Legal Aid Commission are under, is it reasonable to be removing a staff member?

Mr Corbell: The government has taken the view that all elements of the portfolio should be subject to budget savings. How those budget savings are achieved is a matter for the independent agencies.

MR SMYTH: In relation to the two FTEs for the Eastman inquiry, what was the estimated total cost of the commission for the inquiry?

Mr Corbell: The government has made provision for \$497,174 to the Legal Aid Commission to cover the costs of engaging counsel to represent Mr Eastman, additional legal aid support staff and any engagement of expert witnesses for the inquiry. My reference to “expert witnesses” there refers to expert witnesses that may have been engaged by Mr Eastman’s counsel on behalf of Mr Eastman.

MR SMYTH: Did the commission expend any of their own funds on the inquiry or are all of the efforts of the Legal Aid Commission covered by the \$497,000?

Mr Corbell: The government is supplementing the commission for the costs of the inquiry into Mr Eastman's conviction.

MR SMYTH: With regard to the other one FTE that will lose their job, how much will that reduction save?

Mr Corbell: I will have to take that on notice. I am afraid I am at a disadvantage. I was expecting the Legal Aid Commission to be present. I will have to take the question on notice.

MR SMYTH: All right. Output task 1.1 sees their total costs reduced from \$5.6 million to \$5.3 million. The cavalry may have just arrived. How would that be accommodated? In output class 1.2 it drops from \$7.4 million to \$7.1 million. What other savings will be made to achieve those dollar values?

Mr Crockett: I apologise for being late. Would you mind repeating the question?

MR SMYTH: We are just talking about the savings. The reduction of one FTE to meet budget savings—I would like to know what amount of funding that will save the commission. The overall budget goes from \$13 million in the current year to \$12.5 million in the coming year. How will you find that other half a million dollars worth of savings in total?

Mr Crockett: The savings are being made from the FTEs. There is a saving there over two years, I think, of about \$150,000-odd. Savings are also being made in administrative expenses and in payments to the private profession of grants on legal assistance.

MR SMYTH: Will these have any impact on service delivery?

Mr Crockett: The impact is solely on the number of grants. We have seen a decline in the number of grants of assistance of around 16 per cent over the last five to six years. This is largely attributable to the increasingly high cost of criminal cases. In order for us to operate within budget we have had to reduce the number of grants each year. In the current financial year there has been a decline in grants of about seven per cent over the prior year. This is despite the fact that we have been getting some supplementation from the ACT government for these expensive cases, but unfortunately it has not been sufficient to enable us to sustain grants at the level of former years.

MR SMYTH: What is the shortfall to maintain the grants at the level?

Mr Crockett: The shortfall would be in the order of \$300,000 to \$400,000.

MR SMYTH: That is approximately the amount you are being asked to save. Why has the government taken the decision, minister, not to cover that shortfall?

Mr Corbell: The government has sought to cover part of that shortfall, but it has not been in a position, in terms of the budget overall, to cover the full shortfall.

MR SMYTH: Are you concerned, as the Attorney-General, that some individuals will not get the assistance they require to participate fully in the legal system?

Mr Corbell: I am sorry; I was interrupted. Could you just repeat the question?

MR SMYTH: As the Attorney-General, are you concerned that some individuals may be disadvantaged in their attempts to participate fully in our legal system, as a consequence of this cut?

Mr Corbell: I think the facts are that legal aid services right around the country are facing the same challenges that ACT Legal Aid is facing. We have not been the recipient of any additional funding from the commonwealth, who make a significant contribution to legal aid services. We have not seen any growth in commonwealth funding for legal aid services here in the ACT. That means the ACT taxpayer is having to bear the full burden of any increase in funding to meet shortfalls or increasing costs associated with the grants of legal aid.

The territory, I would argue, is doing as much as it can within the current budget environment to assist the Legal Aid Commission, recognising that other legal aid commissions have received increases in funding from the commonwealth as part of the current agreement with the commonwealth but the ACT's position has remained at the status quo. There has been no increase, nor has there been any decrease, in the amount of funding from the commonwealth to legal aid services. But that situation means that the commonwealth is not making any contribution itself in relation to meeting growth in demand for legal aid services.

MR SMYTH: That is a nice explanation of the quantum, but that was not my question. My question was: as the Attorney-General, are you concerned that, because of this \$300,000 to \$400,000 shortfall, individuals who want to participate in the ACT legal system are disadvantaged through the lack of this funding?

Mr Corbell: I recognise there is real pressure in relation to the grants of legal aid and the services provided by the Legal Aid Commission. Regrettably, the circumstances are not unique to the ACT. The ACT government is doing everything it reasonably can, within a constrained budget environment, to assist the commission. That is reflected in the appropriation outline in this year's budget, the \$200,000-odd that will assist the commission with some of its more expensive cases.

I would also make the point that there are other avenues open to the commission, which will be considered on a case-by-case basis. Those include the use of the Treasurer's advance, where it is possible to do so, to meet other demands in relation to expensive cases that may not have been able to be fully foreseen.

MR SMYTH: Again, that is a nice sequence of words, but are you concerned, as the first law officer of the territory, that some people are disadvantaged in their attempts to participate in our legal system?

Mr Corbell: I have just answered your question, Mr Smyth.

MR SMYTH: No, you have not. So we take it that you are not concerned that these people are being disadvantaged?

Mr Corbell: No, you cannot take it as that. You cannot put words in my mouth. I have answered your question.

MR SMYTH: You have refused to answer the question. You have danced around it.

Mr Corbell: I have not. I have refused to give you the answer you want, Mr Smyth, but I have answered your question.

MR SMYTH: Are you concerned? So you are not concerned?

Mr Corbell: Mr Smyth, it is not for you to put words into my mouth.

MR SMYTH: It is for you to answer the question.

Mr Corbell: You have asked me a question and I have given you my answer.

THE CHAIR: Just to clarify, then, the question is: are you concerned that people are being disadvantaged as a result? Is the answer yes or no? I am not clear.

Mr Corbell: My answer is that this is an area of real pressure, and the government is doing everything it can, within a constrained budget environment, to assist the commission, as is evidenced by the additional funding we have outlined in this budget to deal with expensive cases.

THE CHAIR: Yes, minister. Dr Bourke.

DR BOURKE: Minister, I note that on page 11 of the statement of intent by the Legal Aid Commission, in the final paragraph, the increase in Aboriginal and Torres Strait Islander people using the commission services is due to efforts to reduce barriers to accessing commission services. Could you tell me what those barriers are and what efforts have been made?

Mr Crockett: Perhaps I could answer that question, Dr Bourke. We are at the moment employing two Aboriginal and Torres Strait Islander staff members. One is working on a dispute resolution project. The commission has had a dispute resolution program for a number of years, which operates principally in the area of family law and child protection. The current project, which is funded by some additional money in the current year—some additional money provided by the commonwealth—is looking at breaking down some of the barriers to Indigenous people using that dispute resolution service. We are having some success with that. The other position is a client support officer position. This person liaises with community services working with Aboriginal and Torres Strait Islander people and, through those agencies, encourages the use of our services by Aboriginal people. The effect of having those two positions is that we have been able to increase the number of services to Aboriginal and Torres Strait Islander people by about 60 per cent in the last 12

months.

DR BOURKE: What is the benefit to the community from a greater utilisation of the resolution services that you talked about before?

Mr Crockett: The benefit, obviously, is to the individuals themselves in terms of improved outcomes as a result of their interface with the legal system. But there are also benefits to the court system in having people represented and people appearing before the court who have been given some information about the case and, in many cases, legal advice about their position. And there are flow-on benefits, obviously, to the individuals' families and to the community more broadly. We do find, and research has shown, that provision of timely legal assistance services can have not only quite a substantial impact on the individuals and their families but also flow-on benefits to the court system and to other community services.

DR BOURKE: What about the utilisation of alternative dispute resolution means?

Mr Crockett: This is something we are specifically targeting with this dispute resolution program. In other words, we are encouraging people who have a problem in their family relationship or in relation to children to come into this program at an early stage to obtain some advice and then, in appropriate cases—and we are normally talking about cases where domestic violence is not a major issue—going through a conciliation process to try and resolve the problem. That has been a very big push that we have had over the last few years to encourage more people into alternative avenues of dispute resolution. It is part of the objectives of the national partnership agreement. This year we have achieved a record number of conciliations, mainly in family law but also in some child protection cases.

DR BOURKE: So that is working to keep people out of the courts?

Mr Crockett: Yes.

THE CHAIR: Mr Gentleman.

MR GENTLEMAN: Minister, page 9 of the statement of intent shows us the number of advocacy services that are being provided. It is quite a bit up on what the budget was for last year. Can you tell us what is being supplied with those advocacy services and how many you see for the future?

Mr Crockett: I can answer that, Mr Gentleman. Advocacy is a new type of service, a new classification of service, which has arisen under the national partnership agreement, so it is a statistic we have only been keeping for the last few years. One would expect to see an increase in that area.

Most of the work we do in advocacy is in the mental health area, advising and representing people who are appearing before ACAT in its mental health jurisdiction. But it also includes other types of assistance for people that does not require a grant of financial assistance. So it is assistance provided by our staff. It can include an appearance in a court or a tribunal, but more often it is advocacy on behalf of a person by negotiating with another party—perhaps the settlement of a debt or something like

that.

The difference between advocacy and minor assistance, which is another type of service mentioned in the statement of intent, is that advocacy is primarily designed for people who really cannot be assisted to help themselves, who do need somebody actually working with them, whereas minor assistance is more of a self-help service where we might help somebody to draft a letter which they then send to another party in an attempt to settle some sort of neighbour dispute or something like that.

MR GENTLEMAN: In the same vein, the number of legal advice services provided in person has gone up dramatically, too.

Mr Crockett: Yes.

MR GENTLEMAN: Can you go through that process for us?

Mr Crockett: Anyone is entitled to at least half an hour's free advice from the commission. That is free of means test, and no charge is made for that. Most of the advice we provide is in the principal areas of our operation—criminal matters, including traffic offences, family law, child protection, and also a lot of civil areas, like debt and so on. People can approach us, either by phone or in person, and obtain legal advice about their problem—how the law relates to their particular circumstances, and then advice on what to do about it. The upshot of the advice might be “You should apply for a grant of legal assistance, because you need ongoing representation.” It might be “There is another agency that is better placed to assist you with that matter,” in which case we will arrange a referral to the other agency. Or it may be that the person can actually afford a private lawyer; our advice would then be “Having given you some preliminary advice about your matter, we now advise that you consult a private lawyer to take the matter forward.”

MR GENTLEMAN: And those agencies you mentioned—are they like a conflict resolution service?

Mr Crockett: Yes. And it could be other community legal centres, for example the Welfare Rights & Legal Centre, which specialises in Centrelink-type matters, entitlements. We will refer people to them, as they refer people to us in criminal and family matters, in particular. So the referral might be to another legal agency or it might be to a non-legal community service or government service of one kind or another.

THE CHAIR: Mr Smyth.

MR SMYTH: The establishment of the community legal services hub—what input will the commission have to those?

Mr Crockett: We have had discussions with the community legal centres over a number of years now about their accommodation problems and we have explored options with them. We supported them in their submission to government for funding for the hub, but our involvement has been limited to support and general conversation about the advantages, obviously, of services being co-located.

THE CHAIR: Dr Bourke.

DR BOURKE: I do not have anything else.

THE CHAIR: Mr Gentleman?

MR GENTLEMAN: No, I am fine, thanks.

THE CHAIR: Mr Smyth?

MR SMYTH: I am fine.

THE CHAIR: All done.

Mr Crockett: Thank you, and again my apologies for being late. I should have left a few minutes earlier.

MR SMYTH: We thought you were going to say it was the parking.

THE CHAIR: We will move to the Public Trustee for the ACT. Mr Taylor, would you like to make an opening statement in regard to the Public Trustee? Do you have any comments to make?

Mr Taylor: No, thank you.

THE CHAIR: We will move straight to questions, then. Dr Bourke.

DR BOURKE: Could you tell me more about your plans to be even more proactive in promoting the services of the Public Trustee, including the web presence and newsletter?

Mr Taylor: In particular reference to Public Trustee generally or unclaimed money?

DR BOURKE: Public Trustee generally.

Mr Taylor: The Public Trustee has a funding arrangement under which we receive community service obligation payments. The rest is funded independently. Clearly, that presents an imperative on us to ensure that we earn enough revenue to cover outgoings. Over and above our community service obligations we have a number of quasi commercial activities. A significant amount of that falls into funds management and investment activities. However, the core activity we undertake is in relation to wills, powers of attorney, estates and trusts.

In the area of trusts, in particular, we have been particularly active and successful in gaining further awards from court in relation to court-appointed trusts. The website, in particular, has been very helpful in that regard. We met with the Yellow Pages people yesterday and it is quite useful to see from the work they have been doing how much more effective advertising through that medium has been for us.

DR BOURKE: Do you have any idea of the number of hits your website has received on a monthly basis?

Mr Taylor: I do not have those figures to hand.

MR GENTLEMAN: The first indicator on page 6 of the statement of intent is financial management orders made under the Guardianship and Management of Property Act, and that is increasing in the outyears. Can you explain how that program works?

Mr Taylor: Under the Guardianship and Management of Property Act, the Public Trustee may be appointed as financial manager for a person who has a decision-making disability. Generally speaking, there may be around 1,000 persons a year appointed as financial managers, and the Public Trustee is appointed as financial manager for roughly half of those.

The activities of the ACT Civil and Administrative Tribunal in relation to applications are not easily able to be predicted in terms of the number of persons who may come before the tribunal. Essentially, people who become subject to those orders would be people who have elected not to or failed to have put in place their own enduring power of attorney during their capacity. So when they lose capacity they fall under the Guardianship and Management of Property Act for somebody to manage their financial and property matters. Generally, that figure would have a five per cent increase on an annual basis. Obviously, some people who are financially managed come off that number and some people come on. There is quite a bit of churn in that figure.

MR SMYTH: On page 536 of budget paper 4, business and corporate strategies talks about the establishment of the Australian Charities and Not-for-profits Commission and that it will have some effect on the reporting arrangements for GreaterGood. Perhaps you could inform us what that means and, at the same time, update the committee on what GreaterGood has been up to?

Mr Taylor: GreaterGood had been previously regulated by the Australian Taxation Office in terms of reporting, and reporting had been limited to financial matters. The Australian Charities and Not-for-profits Commission has been concerned primarily around ensuring that trustees of charitable funds ensure that they distribute at least four per cent of those funds each year. On the figures we are releasing or distributing this year, the Public Trustee will easily meet that four per cent, and has always met that four per cent. I think the concern was perhaps more around traditional non-government trustee services.

We, in relation to our gift fund, however, will be required to provide a broader reporting to the ACNC. We have no difficulty doing that, and we have spoken to our advisers about the manner in which that report will be prepared and how we will comply with that. GreaterGood presently has about \$11.4 million in corpus. We are in our 10th year, which coincides with the centenary year. We have distributed \$2 million in our 10 years, and this year we will distribute just short of \$400,000. So it has been a fairly rapidly growing fund.

THE CHAIR: Page 6 of the statement of intent gives a breakdown of some of the work that you have planned over the coming year, and there is an increase of business across most areas it would appear. Are you comfortable with the budget that you have been allocated that you will be able to meet that? Is there any risk in that?

Mr Taylor: We are comfortable that we will meet that. We propose that we will return a surplus of around \$400,000 this year, of which \$200,000 is paid to government under agreement. In achieving that, we carried a position of project officer during the year to complete a number of electronic initiatives which have largely been implemented now. That position of trust officer level 2 has ceased, the occupant being redeployed within the directorate.

THE CHAIR: Your FTE is staying stable but your work is going up. So how do you do that additional work?

Mr Taylor: I guess a lot of what we have been about doing is trying to implement electronic initiatives that will enable us to do things better. One of those has been the EDRMS. We are not seeing immediate benefits from that yet. Another one was a precedent letter management system. We have something like 500 precedent letters that we need to manage for the clients we have. To be able to have a system that automatically creates a letter and populates the letter with data is a significant time saver. As to the establishment of a property officer position, the Public Trustee manages a significant amount of property, real estate, vehicles and different assets for people. The efficiencies that were offered by being able to centralise those responsibilities with one person have been a significant time saver. We also outsourced conveyancing. We used to undertake conveyancing in house with a paralegal. Essentially, we now negotiate a price with an external provider and we pass that cost on to the client so we do not incur any cost within our own organisation to do that.

DR BOURKE: Perhaps you could tell me how many Canberrans die without a will? Would you have any idea?

Mr Taylor: It is a guesstimate. Various studies have been done, and the Canberra population compared to the national average is better informed about will and will-making services. They have better accessibility to services than rural populations. It has been a continuing problem, and the program of the Public Trustee is to increase the numbers of people who have an up-to-date will and enduring power of attorney. But, essentially, it depends on an age group. From 50 years of age and over, the incidence of people having a will can be as high as 80 per cent. But if you drop down below that by five, 10 years or so, it declines significantly. We have taken part in a number of studies by two universities co-funded by the Public Trustee to determine contemporary will-making patterns and what makes people decide not to make a will or to not regard it as being a priority. We are about halfway through that three-year study. Some interesting results are coming out from that.

DR BOURKE: It is part of your role to raise community awareness about the importance of being up to date?

Mr Taylor: Absolutely, yes.

DR BOURKE: Do you think a suitable performance measure could be the number of people who die without a will?

Mr Taylor: Yes, but I do not know whether or not that would be reflective of my performance because I only write a percentage of wills in the ACT. I guess I have a role in educating the community, but the take-up from what I do could not necessarily be related to my performance I would not think.

DR BOURKE: In awareness-raising perhaps.

Mr Taylor: In awareness, certainly, yes.

MR GENTLEMAN: Budget paper 4 shows that you have engaged KPMG to review your fraud, corruption and risk mitigation. Can you tell us why that has commenced and have you had any feedback so far?

Mr Taylor: No. That is scheduled to take place in August. The directorate has been particularly concerned about risk management and has a very strong approach at the moment to all agencies having an appropriate fraud and corruption risk management program in place. We have always taken it very seriously given the significant assets that we manage.

I attended a meeting of public trustees at which representatives of KPMG spoke, and they had recently completed a national study into fraud and causes of fraud and corruption. We negotiated an arrangement with KPMG based on the collective of public trustees at that meeting. The cost is in the order of \$4,500 to \$5,000 to review the risk management plan and also to provide fraud and corruption awareness training to all public trustee staff that is specifically tailored to our own business needs.

THE CHAIR: Thank you very much, Attorney-General and officials. We will reconvene at 1.30 for output class 3, courts and tribunals.

Sitting suspended from 12.07 to 1.29 pm.

THE CHAIR: We will now go to output class 3.1, courts and tribunals. My recollection from earlier discussions, Attorney-General, is that this is where we are going to talk about Mr Eastman?

Mr Corbell: That is correct.

THE CHAIR: Maybe you could give us an update on the progress with that inquiry.

Mr Corbell: Yes, sure. In August last year the Supreme Court ordered a new inquiry into the conviction of Mr David Eastman for the murder of Assistant Commissioner Colin Winchester. The government has appointed a retired judge from the South Australian Supreme Court to conduct that inquiry. That person has been made an Acting Judge of the ACT Supreme Court for the purposes of conducting that inquiry. That is Justice Kevin Duggan from South Australia.

Justice Duggan comprises the board of the inquiry, technically, under the inquiries legislation. He has appointed counsel assisting to assist him with the inquiry. Counsel assisting is Liesl Chapman SC, who is a member of the South Australian bar.

To date, the inquiry has undertaken a range of preparatory steps to assist it with what are quite extensive grounds that have been ordered by the court. The Supreme Court in its decision has set out the grounds upon which the inquiry will consider Mr Eastman's conviction, and those grounds are quite wide ranging.

The inquiry will be held in the Supreme Court. To date, there have been a number of directions hearings to determine the process and timing for the inquiry. Originally, the inquiry was due to commence on 4 March. However, at a directions hearing in February this year, the inquiry's commencement was delayed to allow Mr Eastman to seek appropriate legal representation.

On 18 April this year Mr Eastman withdrew his instructions to his lawyers and filed submissions to the Supreme Court asking Acting Justice Duggan to disqualify himself on the grounds of perception of bias. Acting Justice Duggan ruled on the matter and said he did not believe he was biased and would not be excusing himself. Mr Eastman then filed an application to the Supreme Court for an order which would prevent Acting Justice Duggan from continuing to conduct the inquiry. On 14 May the Supreme Court dismissed Mr Eastman's application.

Following that, a new directions hearing was held on 28 May and Acting Justice Duggan determined that the inquiry will formally commence now on 5 November. Mr Eastman has re-engaged Legal Aid, having previously withdrawn his instructions to them. He has re-engaged Legal Aid. New counsel have been appointed to represent him, and his legal team are now familiarising themselves with the material that they need to familiarise themselves with to provide for his representation at the inquiry.

In terms of funding to the inquiry, to date the government has approved the following funding. For the 2012-13 financial year, \$2.514 million has been made available through a Treasurer's advance. This includes \$1.868 million to cover the costs of appointing Acting Justice Duggan, engaging the inquiry's senior and junior counsel, as well as support staff, and the obtaining of expert evidence, as well as resourcing for a number of other agencies, including the DPP and ACT Corrective Services.

The purpose of the funding to the DPP is to engage external counsel for the inquiry, additional support staff including a prosecutor, as well as funding for the DPP to call on expert evidence and witnesses. Corrective Services has received additional funding for its court transport unit during the inquiry for the purposes of moving Mr Eastman to and from the AMC to the court.

In the 2013-14 financial year, \$2.8 million has been committed by the government in the budget to support resources required by the DPP, the courts, Corrective Services and ACT Policing for the purposes of the inquiry.

THE CHAIR: Thanks, minister. Does anybody have any questions with regard to the Eastman inquiry?

MR SMYTH: Is there a time frame to the inquiry?

Mr Corbell: The timing of the inquiry is in the hands of the board of inquiry.

MR SMYTH: Is there an expectation of how long it might take?

Mr Corbell: At this point in time I am not aware of any definitive time frame for conclusion of the inquiry. As we have seen already, there has been delay, primarily as a result of Mr Eastman seeking to have the board of inquiry disqualified, and his sacking and then appointment of new counsel to represent him.

THE CHAIR: Thank you, members. Dr Bourke?

DR BOURKE: Courts and tribunals?

THE CHAIR: Courts and tribunals.

DR BOURKE: What progress has been made to establish an ACT sentencing database, minister?

Mr Corbell: The government is proceeding with the development of a new sentencing database. The government provided funding of \$2.2 million in 2012-13 for the establishment of a new sentencing database based on and delivered by the New South Wales Judicial Commission sentencing database. This database will provide information to judicial officers, to the broader profession and to my directorate, and potentially to members of the public in due course, on sentencing trends and specific sentencing information that should be easily available to judges.

It will allow judges in particular to very quickly and easily access the relevant information they need to have available on relevant precedent and other factors they should take into account in sentencing. It will also allow my directorate to better track and understand sentencing trends, and therefore help us in policymaking decisions around sentencing matters that the government and/or the Assembly have to consider.

In terms of progress to date, the government has agreed an arrangement with the New South Wales Judicial Commission to formalise the provision of a sentencing database for the territory. We have signed an agreement with the New South Wales Judicial Commission to that end, and I am advised that the first elements of the database will be operational for in-house testing in coming months, and that will then be progressively developed as it is rolled out more broadly. It is a very important development for being able to track sentencing trends and provide instantaneous information to relevant practitioners, and in particular judicial officers.

DR BOURKE: Minister, you mentioned New South Wales, with whom we have an arrangement to introduce this system. Do other jurisdictions also have a sentencing database?

Ms Leigh: New South Wales have had their database in place for well over 20 years, and subsequently both Queensland and more recently the commonwealth have engaged New South Wales to establish and host databases for their jurisdictions.

Mr Corbell: Following on from the question that was raised by Mr Smyth before lunch in relation to the legislation register, this is an example of where the government is using already-developed IT capability and applying it here in the ACT. So we are not reinventing the wheel. We are using the platform, experience and knowledge of New South Wales. We are paying them for that, and having their database framework adapted and populated with relevant ACT information for use here in the ACT.

DR BOURKE: So ACT judges will have access to New South Wales sentencing database information?

Ms Leigh: The purpose of this investment is to establish a database of ACT sentencing data, but as part of the arrangement our judges will have access to the New South Wales data, and that would be very useful to them because of the similarities in the legislation.

DR BOURKE: For policymaking, will that have any implications with respect to the capacity to analyse sentencing trends between different jurisdictions?

Ms Leigh: There is always an issue of difference regarding the jurisdiction that you are analysing, and you need to take care with that, but we can also draw on New South Wales data to the extent that it is relevant.

THE CHAIR: I remember in the Assembly, I think it was last year or the year before, there was an issue with regard to bail, and capturing some of the data around bail in terms of how many offenders had committed offences, of what severity and so on whilst on bail, and the minister at that stage was unable to provide that data because essentially it was not collected. Is there any move to collect that data? Will that be part of it?

Mr Corbell: I will ask Ms Purvis if she can assist you.

Ms Purvis: The bail data we collect is very general at the moment. We have a new case management system coming. It is the replacement for our existing case management system. It was funded by the government this year and it will take three years to implement. It will allow us to collect more granulated data about bail information.

THE CHAIR: In terms of the historical data, that is not really being captured? I suppose the information is there somewhere but it would require going back through judgements and so on, would it?

Ms Purvis: Yes.

MR GENTLEMAN: I want to follow up on the new case management system. What other provisions will be in this new system, and how will it assist courts and tribunals?

Ms Purvis: We are looking forward to the new case management system because it is

going to provide a great deal of extra help to everybody involved in the court—not only the judiciary but also the staff of the court, clients of the court and the profession. We are expecting that it will improve the way that we manage matters as they come through the court. It has built into it workflow. It forces, if you like, staff to input data in a particular way so that we are capturing the data correctly; orders that are produced out of it are automated, so it reduces the time, effort and thought that need to go into producing those orders each time.

For the judiciary, it will allow them to be able to see information about the cases they are running, and that is very important with the new docket system on board. For the profession, it will allow for a portal, a web outward-facing page, so that they can look at the matters that they are involved in and be able to see where those matters are up to in the court.

It provides a much improved listing capability, so that we will be able to keep a much better track of the use of court time and how things are put in the various diaries for the use of all the courts. The ACT community will have that web portal so that people can pay for applications or fines over the web. So it has a range of advantages across the whole community.

MR GENTLEMAN: On the internal side of the program, I would imagine it is a secure program; it is tested?

Ms Purvis: Absolutely, yes. We are at the point now where we are in a procurement phase. We had a year of working through a feasibility study. We looked at what was available in other jurisdictions and what might be a best fit for here in the ACT. In doing that we have agreed that the WA system is the best fit, if you like, because it covers off on tribunal, Magistrates Court and Supreme Court, and it also covers off on criminal and civil—all the jurisdictions that we need. At the moment we are in the procurement phase with WA to work with them to make sure that we have provided them with our requirements, that they can fulfil the requirements that we need of the system, and that is the phase we are in at the moment.

MR SMYTH: Minister, could we go to the new Supreme Court facility, on page 226 of budget paper 4, and on page 228. There are a number of different figures relating to the project. Could we have an explanation and a reconciliation of what they mean? The first is about six down from the top. It reads, “New court facilities (design and PPP scoping)” at \$129,000. What has happened with that money?

Mr Corbell: In 2009-10 \$4 million over two years was appropriated for the design of a new Supreme Court building. Of that \$4 million, \$1.4 million has been rolled forward into the 2013-14 financial year to undertake further work on the development of a public-private partnership, due diligence and policy framework associated with that.

The government has made the decision in this year’s budget to proceed with forward design work for a new Supreme Court on the site of the existing court building. That was taken in July 2011. Since that time there has been a lot of work undertaken. Due diligence and concept design work have been undertaken, and following the consideration of a business case to the government in April last year a further body of

work to optimise the concept, undertake value management and consider procurement options was undertaken during the remainder of 2012.

Earlier this year—that is, 2013—a consultant team was engaged to detail the suitability of a number of procurement options for the development of a new Supreme Court, including a managing contractor model; design, construct, maintain and operate model; and a public-private partnership model. The recommendation from the consultant was that the optimal procurement method for this project is a public-private partnership model.

As the territory has not yet undertaken a public-private partnership model, and as we need to gain a further and greater understanding of the application of the PPP model to the courts, the sum of \$650,000, which is from the original procurement of \$4 million, has been rolled forward to 2013-14. This funding will be used to investigate lessons learnt, governance arrangements and appropriate internal resourcing requirements in other jurisdictions who have built new court buildings under a public-private partnership model.

The residual from the initial appropriation, which is \$750,000, has been transferred from the Justice and Community Safety Directorate to the Chief Minister and Treasury Directorate to allow them to progress the development of a whole-of-government public-private partnership framework. The total cost to undertake these works is \$1.4 million—that is for the CMTD exercise—and the balance will come from CMTD internal funding. The government has asked for this work to be completed by the end of this calendar year to allow it to make further decisions on the development of a new Supreme Court.

MR SMYTH: When will this all be completed—this preliminary work?

Mr Corbell: At the end of this year.

MR SMYTH: At the end of 2013?

Mr Corbell: Yes.

MR SMYTH: The scope of the project—the existing court has how many courtrooms?

Ms Purvis: The Supreme Court building?

MR SMYTH: Yes.

Ms Purvis: It has six courtrooms.

MR SMYTH: How many will be in the new building?

Ms Purvis: The concept design has it at eight courtrooms.

Mr Corbell: Including a significant—what is important to note is that the government has taken the decision to significantly increase the number of jury courts. At the

moment there are two.

Ms Purvis: Just two.

Mr Corbell: Two jury courts in the ACT Supreme Court currently. This significantly restricts the capacity of the current court to deal with criminal matters, because of the limited availability of jury courtrooms. In the new court building the concept is for—

Ms Purvis: For four jury courtrooms.

Mr Corbell: Four jury courtrooms.

Ms Purvis: Plus—

Mr Corbell: There are actually five jury courts—five of the eight.

Ms Purvis: In the new building there will be four, and there is already another existing one in the Magistrates Court building, so there would be five altogether. And four civil courts.

MR SMYTH: The reason for going from six to eight is to allow the extra jury courts and allow for potential growth in the bench in the future?

Mr Corbell: That is the number of courtrooms that are proposed to be built initially in the new Supreme Court. The design makes provision for further growth, and proposes to build into the physical structure of the building the capacity for a number of other spaces to be adapted to and converted into courtrooms as demand continues to grow. This project is a project that will last the territory—this is a 50 to 80-year investment. It is a very important piece of civil infrastructure, civic infrastructure. The design of the building to date has proposed a number of spaces that would be adapted to provide additional courtrooms, beyond the six already proposed, as growth continues to occur in the city. That is additional to—

MR SMYTH: The 50 to 80-year investment—is that the same as the jail, the prison, having capacity for 20 years? Is it that same sort of flexibility of application?

THE CHAIR: It is 25 years, I think.

Mr Corbell: The circumstances are quite different.

MR SMYTH: We will see. The plan to build it on the current site—are there any heritage restrictions on the existing building?

Mr Corbell: The building is not heritage listed in the ACT. It is on the register of the national estate, which no longer has any formal legal status, because of changes to commonwealth law. But the government and my directorate do recognise the heritage values of the building. As heritage minister, I have had a close interest in this matter. As a result, my directorate have engaged with the ACT Heritage Council and with heritage architects to develop an appropriate heritage management plan for the building that will guide, inform and require certain key heritage elements of the

building to be retained. The key elements of that are these. The curtilage of the building—that is, the building sitting on the podium—has a very clear and distinct architectural element. The columns of the building, the marble facade of the building and the coat of arms of the building are some of the most valuable and highest priority heritage elements that must be retained. The design of the new building takes all of those matters into account.

MR SMYTH: When is it expected that construction would start, when would it be completed, and, while the building is being rebuilt, what will be the arrangements for the housing of the Supreme Court?

Mr Corbell: The government has not yet agreed to proceed with construction, so it would be pre-emptive to set a time frame—because there is not yet agreement to construct. The position at this point in time is agreement to develop a PPP model, which the government will then consider. It will decide whether or not it wishes to proceed with construction on that basis. Any time frame is, at this point, hypothetical and has not been agreed to by government. In relation to what would occur during construction, there would be a requirement to relocate the functions of the Supreme Court to temporary accommodation whilst the building was subject to what will be a very significant refurbishment, extension and development. The relocation costs have been built into the total project price.

MR SMYTH: What is the total project price?

Mr Corbell: The government has taken a decision not to disclose the total project price at this point. The reason for that is that if we do proceed with a public-private partnership, we want to maintain a robust environment for bidding from the private sector. If we were to disclose the assessments of costs to date, we could potentially compromise value for money in the public-private partnership exercise.

MR SMYTH: But the building will go ahead. We seem to be doing an awful lot of work for a project that may or may not go ahead.

Mr Corbell: This is an iterative process, and we are reaching the conclusion of the government's assessments. The last stage is to consider whether or not a public-private partnership process should be adopted. The alternative would be to adopt a more traditional capital funding exercise on the part of the government itself, and these are matters that the government has decided it will consider further at the conclusion of this calendar year, once the further work on the public-private partnership has been completed.

MR SMYTH: Thank you.

THE CHAIR: Attorney-General, if you go to budget paper 4, page 206, strategic objective 1, accessible justice system, the strategic indicators for the Supreme Court in terms of timely completion of civil cases in the courts, you will see that targets are being missed. There have been calls from numerous people in the legal fraternity for the appointment of a fifth Supreme Court judge as part of the solution, including, I believe, from the ACT Law Society. At what point will you consider that that is a viable option? Have you looked into this case? I know that you have had a court blitz,

and I assume that you have had quite a bit of engagement with various entities about this. Can you explain the rationale for essentially holding off on appointing a fifth Supreme Court judge? And at what point would the government consider doing so?

Mr Corbell: I am happy to start by outlining to you the government's position in relation to the need or otherwise for a fifth Supreme Court judge. Essentially, the government does not agree, as you know, that a fifth resident judge is required at this time. The reason for that is that the workload of the court, when you compare it with the workload of other jurisdictions, is, at the very least, in the middle of the pack, and in a number of respects is actually the lowest workload per judicial officer of any superior court in the country.

Let me give you an example. The way that we look at this issue is around lodgements, the number of lodgements made to the court. In the ACT in the financial year 2011-12, the number of civil and criminal lodgements per full-time equivalent judicial officer was 178.37. That is, for each judge, there were 178.37 cases lodged with the court. If there was a workload problem in the court, we would expect to find that other Australian jurisdictions would have a lodgement rate per judicial officer well below the 178 figure for the ACT. But in fact it is not the case. Instead, in a significant number of jurisdictions, the lodgement rate per judicial officer is higher than in the ACT; that is, judges in other jurisdictions deal with a larger caseload than judges here in the ACT do.

For example, in New South Wales, for every full-time judicial officer there are 227 cases lodged with the New South Wales courts; that is, on average, New South Wales judicial officers have 49.21 more cases per year than judges here in the ACT do. In Queensland, for every full-time judicial officer there are 298 cases lodged with the Queensland courts; that is, judges in Queensland have 120 more cases per judge per year than judges in the ACT do. In a small jurisdiction like Tasmania, for every full-time judicial officer there are 236 cases lodged with the Tasmanian courts; that is, judges in Tasmania have 58 more cases lodged per judicial officer each year than judges here in the ACT do.

There are only a small number of jurisdictions that have lower lodgement levels than the ACT. Victoria has 169 lodgements per judicial officer, which is only eight cases less per year than the lodgement rate for ACT judges. Western Australia has 169—again, only eight less per year than ACT judicial officers. It is only in the Northern Territory that we see a significantly lower lodgement rate. In the Northern Territory, there are 100 lodgements per judicial officer, 77 less than in the ACT.

So in every jurisdiction other than the Northern Territory, ACT judges have a lower workload per judicial officer than judges in other jurisdictions. From the government's perspective, this does not indicate that the solution is to appoint an additional resident judge, because in every jurisdiction apart from the Northern Territory judges get through more work in a more efficient manner than judges here in the ACT do.

This is not me criticising the work of our judicial officers. They perform a very important function, and I know that each of them individually works very hard. What it does highlight is that the processes of the court and the way the court allocates its

time can be improved to allow judges to deal with more cases and manage a workload which is higher than it is currently, giving them the same level of efficiency as clearly exists in other jurisdictions.

That is why we have invested in better case management systems, as we were discussing earlier. Better IT management will assist the court in its allocation of time and in its processes and business functions. The development of a docket system will assist the court to make sure that matters are more appropriately managed and that there is a much more active case management approach adopted by judges to make sure that there is less delay, less deferral of matters, less holding over of matters, fewer adjournments, more focus on parties meeting their time frames, lodging documents when they should et cetera. These are the types of measures that are needed in our court if we are truly going to address issues of delay.

That is the government's position. It is clear and on the record. It is backed up by the figures from the Productivity Commission report on government services which I have just referred to. We will continue to use and look at our performance in relation to the ROGS data as we make decisions on the resourcing of the court and working with the court to improve case management efficiency and reduce delay.

THE CHAIR: I go to two issues, Attorney-General. One is the complexity of cases. Obviously the Magistrates Court now has got the ability to deal with cases up to \$250,000, which I note in the budget means that the cases being dealt with by the Supreme Court are more complex. I would be interested in how that compares to other jurisdictions.

Mr Corbell: The comparisons that we have made between jurisdictions are based on their intermediate and superior courts. They do not include the Magistrates Court. The comparisons are made on the basis of the intermediate and superior courts, noting that in the ACT many matters are heard in the Supreme Court that in another jurisdiction would be heard in their District Court—or their County Court, as it is in Victoria. So the comparison is on a like-by-like basis. It looks at intermediate and superior courts, because that is the function that the Supreme Court fulfils here in the ACT.

THE CHAIR: Here in the ACT, obviously the Supreme Court is dealing with the most complex cases. From the other example you used, the Northern Territory—that is another small jurisdiction; I am not sure how many Supreme Court judges they have—it seems that there is perhaps an economy of scale issue here.

Mr Corbell: The Northern Territory has eight Supreme Court judges.

THE CHAIR: How many is that per capita?

Mr Corbell: It would be the highest in the country, I think.

DR BOURKE: But how many cases do they hear?

Mr Corbell: You can see what their lodgement rate is from the figures that I quoted earlier. It is important to stress that the type of work is the same, Mr Hanson. The work of an intermediate court or a superior court like the Supreme Court is largely the

same across jurisdictions. These comparisons are based on the work. The types of cases that are heard in the Supreme Court are the types of cases that would be heard in the Supreme Court of another jurisdiction or in the District Court of another jurisdiction. It is on that basis that we have made these comparisons. So we are comparing—

THE CHAIR: How long have you been the Attorney-General?

Mr Corbell: We are comparing the same types of workload.

THE CHAIR: How long have you been the Attorney-General?

Mr Corbell: I have been the Attorney-General since 2006.

THE CHAIR: Right. These issues do not seem to be improving. We hear that there are going to be improvements made and so on. But it seems at odds with the government's stated position in other areas. I cite, for example, increasing the size of the Assembly, where the government has gone for double the number of MLAs because of the perceived capacity constraints there but refusing to take action on issues of efficiency and effectiveness within the Assembly. But for eight years now we have seen the problems remain in the Supreme Court. How are we going to achieve benchmark? Is there a point at which you are just going to accept that what we need is another judge rather than continue with assurances that it is going to work?

Mr Corbell: There are a couple of observations to make. The first is that the courts are the third arm of government. They are independent and separate from the executive and legislative arms of government. Achieving change and reform in the courts is not something that I can simply wave a magic wand and achieve, because the courts and the way they conduct themselves and the way they manage their work are not entirely within the hands of the executive government to influence.

Therefore, it requires a partnership and it requires collaboration, and I am very pleased with the response of the court when it comes to its willingness to look at opportunities around better case management. The key reform is the docket system. The docket system took effect late last year. It has been in operation for less than a year. It is appropriate that we look closely at how the court in practice is improving its case management activities to reduce the need for delay and reduce delay in listings, hearings and judgements.

In relation to the comparison with the Assembly, it is not a like-for-like comparison, as politically convenient as that may be. We do not, for example, have any measures on a national basis to compare the workload of a legislature with other jurisdictions. Clearly, the work of the ACT legislature, in any event, is unique because it performs both local and state government functions. But we do have very clear data on the comparison of relative workload, demand and resourcing across the courts. That is reported by the Productivity Commission in its report on government services.

That data is very clear. In other jurisdictions, judges—in the majority of jurisdictions, judges either deal with the same workload or a higher workload than judges in the ACT have, and they do not have the same level of delay. So that does not indicate that

there is a lack of resources to deal with the workload; it indicates that the way the workload is managed can be improved. That is why the government has adopted the position it has.

THE CHAIR: Just as a note probably more than a question, if you actually read the report that was commissioned by the Chief Minister in terms of the Assembly, there is a great deal of comparative analysis between the Legislative Assembly and other jurisdictions.

Mr Corbell: Yes, I am aware of that, but the point I was making is that there is no annual national comparison of representation at a political level across the country. There is an annual and national comparison on workload and resourcing of the courts, and it is appropriate that we take that into account.

THE CHAIR: But one of the reasons you said it is not a fair comparison is that in the ACT you are comparing two tiers of government with perhaps one tier of government but here you are comparing a single court, which is the Supreme Court, with a couple of courts in other states.

Mr Corbell: No, you are wrong. I have just explained that to you. The figures that I have used are the workload for the district and supreme courts of other jurisdictions, and in the ACT the Supreme Court performs the work of a district and a supreme court. So it is a like-for-like comparison.

DR BOURKE: Minister, does the perhaps lower economy of scale and the relatively small number of civil and criminal cases in the ACT compared to other jurisdictions have any impact around the efficiency of ACT courts?

Mr Corbell: It is instructive to look at lodgement rates. The ACT has the lowest lodgement rate per 100,000 people when compared with other Australian jurisdictions. So the amount of work that comes out of our population is the lowest of any jurisdiction in the country. In relation to all lodgements—civil and criminal—the ACT's workload per judicial officer is the lowest in the country. In relation to criminal lodgements, the ACT's workload per judicial officer is the lowest in the country. In relation to civil lodgements, the ACT's workload per judicial officer is the second lowest in the country.

When you look at the number of matters that are generated by our population, we are not overwhelmed by work. Per 100,000 people in the population, the number of matters being generated is either the lowest or the second lowest in the country. Again, this does not point to a problem with the amount of work that is arriving in the court. It points to how the court manages that workload and how efficiently it allocates its time as an institution to dealing with those matters. That is why case management and the docket system are so important.

DR BOURKE: And that is why the output indicators 3.1d. and e. of reasonable cost efficiencies in both civil and criminal matters reflect those workloads. Do you think, minister, that the small number of cases is because there are better dispute-handling systems in the ACT or are we just more law-abiding?

Mr Corbell: We might think we are just a bit more law-abiding, I guess. It would be fair to say that we have relatively low crime rates in the ACT. So that would naturally be reflected in the number of criminal matters that are ultimately dealt with in our courts. But also in relation to civil matters, we have a very low level of civil lodgements.

As to the reasons for that, it is difficult to fully ascertain. But, clearly, what is unambiguous is that when you look at the number of people in our population, we generate less work for our courts than any other jurisdiction on a per capita basis. It is not as though there is more work coming into courts of the ACT compared to what happens in other jurisdictions.

MR GENTLEMAN: Minister, page 221 of budget paper 4 shows an indicator there for ACAT for the percentage of finalisations of lodgements, which was up for 2012-13.

Ms Purvis: Sorry, which measure are you referring to?

MR GENTLEMAN: Indicator q. Could you explain why it was up for that period and back down to the same target for 2013-14?

Ms Purvis: The clearance indicator is a measure of the number of lodgements coming in in any year against the number of finalisations that are done in that year. Reaching a measure of 100 per cent means that the number of matters that come into the ACAT equals the number of matters that goes out of ACAT or are finalised out of ACAT. A number above 100 per cent is a good number. It means that we are finalising more matters in that year than were lodged in a year. So we are finalising matters that were lodged in previous years. That is the number above 100 per cent. If it is below 100 per cent, then we are not—

MR GENTLEMAN: Not meeting targets.

Ms Purvis: meeting that target. We are always aiming for about 100 per cent so that we clear all the matters that come in in the year in that year. ACAT do very well. They clear more matters generally in a year than come in the door. The targets that are set there are national targets. It is 100 per cent that we are aiming for for clearance rates generally.

MR SMYTH: Minister, the after-hours bail support service, has it been successful? How is its success measured and how are offenders referred?

Mr Corbell: That service is actually delivered by Community Services Directorate in support of youth offenders.

MR SMYTH: Okay.

Mr Corbell: I encourage you to pass that question on to them.

MR SMYTH: All right. Minister, how long would it normally take for the police to get a warrant to enter a premises, to get a judge to sign a warrant?

Mr Corbell: It would depend on the circumstances, Mr Smyth.

MR SMYTH: Is a delay of nine or 10 hours acceptable?

Mr Corbell: It would depend on the circumstances.

MR SMYTH: Do you think there are circumstances where a nine or 10-hour delay is acceptable?

Mr Corbell: No. What I was saying is that you would have to make an assessment of the circumstances in which the warrant was being requested and the relative urgency of the matter. That will vary from matter to matter.

MR SMYTH: You may be aware that a body was found at a Kambah home on a Monday morning some months ago. It took the police something like nine or 10 hours in which to get a warrant to enter the home, at which time a large number of AFP officers and the family of the deceased were left standing in the front yard. Why would it take in a case like that nine or 10 hours for a warrant to be received?

Mr Corbell: The police have authority to enter the premises, which they did in this case. I then understand that there was a need to obtain a warrant for other particular matters and suspicions that police had in relation to the death. It was at that point that they took the decision that they needed to obtain a warrant. I think that given the particularities of that case you may like to ask the question of the police when they attend later this afternoon. They would be in a better position to advise you of their processes and the circumstances.

MR SMYTH: All right. But once the police request a warrant, why would it take nine or 10 hours for a suitable judge to be found?

Mr Corbell: It did not take nine or 10 hours to issue the warrant.

MR SMYTH: How long did it take?

Mr Corbell: It was basically dealt with immediately once the police made the application.

MR SMYTH: All of those officers and the deceased's family stood in the front yard for nine or 10 hours for no reason.

Mr Corbell: As I say, I think the question more is the reasons for the police waiting or having that period of time elapse before they made the application for the warrant. As I say, that is probably a question best directed to the police as to why that timing was as it was. But it would be wrong to infer that it took nine hours to issue the warrant, because it did not. Once the application was made, the warrant was issued very promptly. The question more is: what were the reasons that involved that period of time elapsing before the police made the application for a warrant?

THE CHAIR: We will follow that up with the police. Any further questions,

Dr Bourke?

DR BOURKE: Not from me, thanks.

THE CHAIR: Mr Gentleman?

MR GENTLEMAN: No. Thank you.

THE CHAIR: Mr Smyth?

MR SMYTH: No, we can move on to the next.

THE CHAIR: That being so, thank you very much, Ms Purvis.

Ms Purvis: Thank you, chair.

THE CHAIR: We will now move to output class 4.1, emergency services, and we have an hour for this output. Mr Lane, welcome. These proceedings are being recorded for Hansard and are also being webstreamed. Are you aware of the privilege statement?

Mr Lane: I am.

THE CHAIR: Is there a short statement that you or the minister would like to make with regard to emergency services before the committee ask questions?

Mr Lane: I am not ready to make a prepared statement. I will leave that to the minister, should he wish to do so.

THE CHAIR: Minister, would you like to make a short statement?

Mr Corbell: No, I am happy to proceed to questions, Mr Chairman.

THE CHAIR: I will hand straight to Dr Bourke.

DR BOURKE: Minister, can you tell us of the need for the additional six firefighters costed in the budget?

Mr Corbell: The government has made provision for additional personnel for ACT Fire and Rescue. This is based on our assessment of the need to improve resourcing for a particular capability hosted by ACT Fire and Rescue, which is known as the platform on demand capability. In simple terms, this is a series of shipping containers that are able to be transported quickly by a dedicated purpose-built vehicle. The shipping containers contain a number of different pieces of equipment designed to assist firefighters with specialist urban search and rescue and hazmat response, such as trench rescue, dealing with hazardous substances and urban search and rescue equipment to rescue people trapped in collapsed buildings or other structures.

This capability has previously been staffed on a surge or overtime arrangement as and when needed. The government has decided it is appropriate that we provide dedicated

full-time ongoing resourcing for this capability and, therefore, an additional six firefighters will be recruited to crew this capability on a permanent 24/7 basis, meaning that Fire and Rescue do not have to rely on overtime or other interim staffing arrangements to crew the capability should it be required.

This will significantly boost Fire and Rescue's response capability. It allows the provision of two vehicles to be staffed to move the PODs, or platforms on demand, as and when needed to fire grounds or other incidents and they will be able to be utilised not just by Fire and Rescue but potentially by other services for other emergencies and also other parts of the ACT government. It includes things such as a mobile catering capability to deal with large-scale incidents and a mobile command facility as well as the other specialist equipment that I mentioned earlier.

DR BOURKE: In recent times how often would these POD containers have been used?

Mr Corbell: POD capability is relatively new, and the capital costs of its acquisition were funded, in part, by money received by the ACT from the federal government as part of the federal government's response to some of the terrorist events arising out of both 2001 and the London bombings in 2007. So the initial equipment was equipment to deal with CBRN incidents—chemical, biological, radiological and nuclear incidents—including mass decontamination facilities to deal with people who may have been contaminated with a chemical or other similar agent as well as dedicated urban search and rescue capability for collapsed buildings as a result, for example, of a bombing. That capability has been expanded by Fire and Rescue and also includes some of the other elements I mentioned—dedicated trench rescue capability and catering and command elements. Those will all now be crewed on that 24/7 basis.

DR BOURKE: How important is it to have facilities like catering at that kind of event?

Mr Corbell: It is very important for being able to maintain a sustained presence at an incident. We saw it most recently with the Mitchell chemical fire where Fire and Rescue were on site for close to a week and there needed to be a sustained level of support provided to those crews. It was out of the Mitchell fire that we certainly identified an opportunity to provide this dedicated crewing for platform on demand rather than relying on overtime arrangements or other surge-type temporary arrangements for staff.

DR BOURKE: What is the disadvantage of using a surge or overtime-type arrangement?

Mr Corbell: Reliance on overtime is problematic; there is still a delay in response potentially whilst you call people in, whereas if you have dedicated crew on the ground ready to go, there is no delay in response. That is clearly one of the advantages.

MR SMYTH: So just supplementaries to that, when were the PODs received? Was that 2007?

Mr Corbell: The funding was provided by the commonwealth. I would have to take

the exact time period on notice, but it was following the London bombings and was progressively received over a period of time.

MR SMYTH: How many PODs do we have?

Mr Corbell: Since 2009 the government has received three PODs and two Scania transporter vehicles from federal government funding to enhance urban search and rescue and hazmat capability. ACT Fire and Rescue itself has, using general resourcing made available to it by the ACT government, also put in place a range of other arrangements, including one general purpose POD, one flatbed POD, one breathing apparatus accountability POD, one BA field service POD, one BA welfare POD, one breathing apparatus salvage and ventilation POD, one rapid decontamination POD, one mass decontamination POD and one trench rescue POD.

MR SMYTH: So we have 12 PODs?

Mr Corbell: Yes, quite a few shipping containers.

MR SMYTH: Dr Bourke asked this: how often have they been deployed?

Mr Corbell: Their deployment has been relatively limited to date. I would have to take further advice on the exact number of incidents.

MR SMYTH: Has it been limited because lack of staff in the ACT fire brigade made it impossible to deploy them?

Mr Corbell: No, because they have been crewed as required based on the operational need, and they have been crewed on that overtime basis. The number of incidents that has required them has been limited, but I will take the exact number on notice.

DR BOURKE: Do they transform in use?

Mr Corbell: If anyone would like a demonstration, I am sure Fire and Rescue would be happy to oblige. It can be a bit of a case of big boys' toys, but it is a very useful and impressive capability for such a small jurisdiction to have.

DR BOURKE: What about the scanning capability you talked about? What technically does that involve?

Mr Corbell: No, that was "Scania", the vehicle manufacturer.

MR SMYTH: Minister, the funding \$1.3 million for the coming year, but then it drops to \$0.89 million. Why the drop?

Mr Corbell: It is the cost of running the recruit college to recruit the additional personnel. That is a one-off up-front cost for the training of additional personnel.

MR SMYTH: For the six officers?

Mr Corbell: That is correct.

MR GENTLEMAN: Minister, can you explain for the committee what the \$18 million in the budget will cover in relation to a new fire station?

Mr Corbell: There is \$18 million allocated over four years for the construction of a new Fire and Rescue station which is going to be developed on the border of Calwell and Conder to provide a dedicated fire station for the south Tuggeranong area. This is part of the government's station relocation program. We have already committed funding for the development of a new Fire and Rescue and ambulance station in Charnwood with \$21.3 million allocated in the 2012-13 financial year. That station is now well under development, as anyone who has driven past would know. It is expected to be completed and operational in the final quarter of this year.

MR SMYTH: This calendar year or the coming financial year?

Mr Corbell: This calendar year. The new station for south Tuggeranong is proposed to be built on land located immediately to the south-east of the roundabout intersection of Tharwa and Drakeford drives. The government has already varied the territory plan and rezoned the land to allow the land at this site to be used for this purpose. The funding is \$17.950 million over four years. This will be a Fire and Rescue station only, not a combined station as is the case with the site at Charnwood. The reasons for that are based on the station relocation analysis and program that the government has put in place over a number of years to identify the best locations for fire and ambulance facilities to provide effective and appropriate levels of response times for fire and ambulance cover across the territory.

It is proposed that, once completed, the south Tuggeranong station will see the relocation of the existing Fire and Rescue crews and their vehicles from the Greenway station in the Tuggeranong town centre to the south Tuggeranong site. That will free up the Greenway site to then be either refurbished or redeveloped as a new ambulance station to meet the growing demands for ambulance cover in that part of the Tuggeranong Valley.

MR GENTLEMAN: What effect would this have on response times for the south of Tuggeranong?

Mr Corbell: There are currently weaknesses in response times into the Lanyon valley in particular. The closest station for response currently is Calwell, and the government has identified that there are not optimal response times into the Lanyon valley in particular and south Tuggeranong more generally; therefore, the location of a fire station at the Calwell-Conder site will significantly improve fire cover for that part of the city.

MR GENTLEMAN: Do you have any plans for the old Calwell site?

Mr Corbell: There will not be an old Calwell site; there will still be a fire station at Calwell and there will still be an ambulance station at Calwell. There is no relocation proposed there.

MR SMYTH: Minister, I refer you to the ESA's vehicle replacement program which

is dealt with in budget paper 4, page 225. What are we getting for the \$1.224 million?

Mr Corbell: Dom, you will have to do that one.

Mr Lane: In terms of the specifics, I do not have them in front of me right at this point in time but it is part of our standard ESA vehicle replacement program, which entails, based on average age of fleet and rotation, that we trade over our pumpers, our specialist vehicles, our ambulances, our rural firefighting appliances and our SES vehicles.

MR SMYTH: Can you take that on notice and provide the detail?

Mr Corbell: Yes.

MR SMYTH: Over the page on page 226 there is reference to “ESA—increased fire vehicle replacement” for \$42,000. What does that \$42,000 get?

Mr Corbell: That is for the current financial year. That is not for the future financial years.

MR SMYTH: No, that is okay.

Mr Lane: Mr Chair, I am able to answer that if the minister is happy.

Mr Corbell: Yes, please.

Mr Lane: That particular funding is rollover funding from the previous year. It will go into this particular year.

MR SMYTH: That will just join the \$1.224 million.

Mr Lane: Correct.

MR SMYTH: How many vehicles does ESA have in its fleet?

Mr Corbell: We would have to take that on notice, Mr Smyth. We do not have the exact number in front of us.

MR SMYTH: Why do you not have that number with you, minister? It is not an unreasonable question, given there is funding for the vehicle replacement program under the budget.

Mr Corbell: I guess I cannot read your mind, Mr Smyth.

MR SMYTH: You should come better prepared, minister.

Mr Corbell: A large number of vehicles, but I could not give you a precise number right now.

MR SMYTH: Could we have a spread on the total number of vehicles, the number of

specialist firefighting vehicles and the number of private-plated vehicles.

Mr Corbell: Happy to do that, Mr Smyth.

MR SMYTH: Thank you.

Mr Corbell: Sorry, can I just clarify something? So are you asking for executive fleet private-plated vehicles as well as operational vehicles?

MR SMYTH: All the vehicles in the control of ESA.

Mr Corbell: Okay.

MR SMYTH: What is the age of the current Bronto, Commissioner Lane?

Mr Lane: The Fire and Rescue chief officer should be able to take that question.

Mr Swain: The current Bronto that we have is about 2½ years old. In the normal servicing of it—for all of our appliances we would look for a 10-year front-line time frame. With our pumpers it is 10 years front-line and five years reserve fleet.

MR SMYTH: Ten years front-line and five years reserve. Does the ACT need a second Bronto? It has been put to me that given the increase over the last couple of years in the number of high rises in the ACT, and the growing number that will no doubt occur in the future, a second Bronto would be useful and that modern firefighting tactics would normally demand that you operate Brontos in pairs.

Mr Swain: It is certainly something that we will continue to review. We have arrangements in place with New South Wales and with Melbourne that we currently maintain for replacement or for vehicles should our current Bronto be offline for an extended period of time. But each year when we review our fleet, we sit down and look at the statistics. We look at the built environment and we make suggestions and proposals for future budget submissions.

MR SMYTH: But in regard to OH&S and the safety of the officers at the top of a Bronto if something happened, if there was not a second Bronto to back them up, are they exposed?

Mr Swain: The majority of the time an aerial appliance is used for—an aerial appliance is used for three purposes: as an aerial observation platform, as a water tower and then finally as a mechanism for rescue. Predominantly our Bronto is used for the first two, and very infrequently for rescue purposes. A second Bronto would help particularly if we had a major structure fire as a water tower, but we can use monitors on our current pumpers to serve that purpose as well. So it is not critical that we have two aerial appliances in the territory at this point in time.

MR SMYTH: Is there a ratio of Bronto-type vehicles required to the number of high rises that you have in a city?

Mr Swain: I have not seen any evidence of that done here or elsewhere.

MR SMYTH: Thank you.

DR BOURKE: What do they cost?

Mr Corbell: They are very expensive. It is a multi-million dollar piece of kit—\$1.3 million.

MR SMYTH: What do you need to crew it? If you had another Bronto online, what staff would you need to crew it?

Mr Swain: We would need the full complement. We would need 18 additional staff.

MR SMYTH: Thank you.

THE CHAIR: Through the wonders of technology, I have just been able to Google it. I know what one looks like now.

DR BOURKE: It is red.

THE CHAIR: That one is red. Who would have thought? Have there been any savings measures applied to Emergency Services? I note in the budget on page 215 that there is a moderate increase but that is for new initiatives, I imagine. Are there any efficiency dividends or savings measures being applied to Emergency Services, and if so where?

Mr Corbell: The ESA already has savings requirements from previous years' budgets. The commissioner continues to work to deliver those savings as have been outlined in previous years' budgets. In relation to the current year's budget, are you able to assist?

Ms Leigh: One of the measures in the budget is a review of the cost pressures in the budget in ESA. As part of that, ESA are required to look at how they can find efficiencies in operations. The significant focus for ESA in terms of savings is going to develop through that review.

THE CHAIR: Have you got an amount that you are identifying out of that? Has government said that that review is to find an amount?

Mr Corbell: No, the issue with that review, as the Treasurer has announced, is to look at some of the base funding pressures within the ESA. As this committee would know, and its predecessor committees would know, there has been pressure on the ESA budget over a number of financial years now which has necessitated the use of the Treasurer's advance to deal with cost pressures within the organisation.

The government is very keen to get to the bottom of what is driving that ongoing need for resort to the Treasurer's advance, to try and understand what some of the base pressures are and how they can potentially be ameliorated or addressed. Therefore, this review is designed to assist the government in its consideration.

The government is also very cognisant of the fact that there is an absolute need to maintain a response capability. So we have to look at other elements of our arrangements that do not compromise response capability but potentially are able to help us address these cost pressures. The short answer to your question, Mr Hanson, is no, there is no specific target in that. It is about understanding base pressures and how we can best tackle them. In the interim the government is providing a significant amount of funding in this year's budget to the ESA.

First of all, there is \$7.565 million over two years to support operational capacity. That is recognising some of those cost pressures and maintaining financing to address them. The second is just over \$3 million to deal with increases in the workers compensation premium, which the ESA has to pay in relation to its workers compensation arrangements.

There is \$1.266 million in 2013-14 in supplementation for the arbitrary reduction in the commonwealth fire payment that has been made by the commonwealth. There is a shortfall in the commonwealth contribution for the 2012-13 and 2013-14 financial years as a result of an arbitrary and unilateral decision on the part of the commonwealth to reduce the amount of money it pays us for fire services to commonwealth properties. Therefore, the ACT taxpayer has had to pick up the tab on that question.

The government has also agreed to a number of fee increases to assist with revenue and to help offset the costs of provision of emergency services. This is approximately \$500,000 in additional revenue in the coming financial year. This will increase and amend a number of fees, primarily associated with the automated fire alarm network and false alarms under the Emergencies Act. The aim is to align our fee structure with the fee structure that applies in other jurisdictions for false alarm fees and maintenance of the automated fire alarm network and to align it in particular to the greatest extent possible with the fee structure that exists in New South Wales.

THE CHAIR: Going back to the efficiencies that you have been finding over previous years, that ends this financial year, does it?

Ms Leigh: No, there are efficiencies identified in last year's budget that step up in this year.

THE CHAIR: That step up—is that one per cent, two per cent?

Ms Crowhurst: I do not think I have it as an exact percentage. We would need to take that on notice.

THE CHAIR: If you could, just to get an outline of what those efficiency dividends are. Is it for next year, how long do they stretch and what is the amount?

Mr Corbell: Sure.

Ms Crowhurst: Certainly.

THE CHAIR: That would be good, thank you.

MR SMYTH: I have a supplementary. Is it illogical to have savings targets when the budget is out by almost \$4 million a year for three or four years?

Mr Corbell: It certainly creates a more complex picture for the ESA.

MR SMYTH: That is an interesting explanation.

Mr Corbell: There are lots of ons and offs—

MR SMYTH: Yes.

Mr Corbell: because there is new funding, there are savings, there are also shortfalls because of those pressures. Yes, it is a complex budget picture for the ESA. However, it is important to stress that the ESA, like any part of the ACT government, is doing its bit to assist with savings and to assist the government in its overall budget tasks. We have proceeded on that basis whilst recognising that there are some additional complexities in the ESA budget that also have to be accounted for. There are discrete elements of either appropriation or other activity designed to address that. Each issue is being dealt with on its merits.

MR SMYTH: But in the 2012-13 budget you had to put in \$3.7 million for maintaining operational capability. This year to support operational capability, it is \$3.755 million. The following financial year it is \$3.8 million.

Mr Corbell: Yes.

MR SMYTH: Clearly, there is a pattern there. ESA has had to resort to Treasurer's advance or supplementation for a number of years now. Is it simply that the government is underfunding ESA and saying, "Look, we will underfund you. If you come back we will say it was because we wanted to maintain operational capability."

Mr Corbell: No, I do not agree. There are clearly a number of issues that need to be looked at more closely in the ESA's base.

MR SMYTH: And what are those issues?

Mr Corbell: There is a range of issues, and they—

MR SMYTH: Go on.

Mr Corbell: step right across the board in terms of arrangements around certain on-call arrangements, the structure of our communications centre, procurement, vehicles. There is a whole range of issues that are worthy of further consideration. The purpose of those reviews is to look closely at that. I know that unions, the two key unions in this space—the UFU and TWU—have both welcomed the opportunity to utilise this review framework. They have certainly indicated to me that they believe there are some issues that are worthy of consideration, where they think there are some savings to be achieved in certain elements of the ESA's operations and its interactions with the justice portfolio more broadly. I welcome their engagement.

I think it is a constructive process and one that does show that in times of fiscal restraint, it is absolutely appropriate that agencies look at their budgets and how they can best achieve the outcomes the community expects of them whilst maintaining a high level of budget discipline.

MR SMYTH: Have there been any internal reviews conducted by either ESA as a headquarters or the four services as to their requirement and capability, say, in the last five or six years?

Mr Corbell: Not that I am aware of, Mr Smyth, but I would have to take the question on notice.

MR SMYTH: If you can take that on notice, that is fine. If you find such reviews—and I am aware of a couple of documents—could you please provide the committee with copies of those reviews?

Mr Corbell: I will make decisions on that based on the information I get from the answer to your question.

MR SMYTH: All right.

MR GENTLEMAN: Minister, you mentioned that both of the unions involved in that review have indicated that they think it is a good idea. Will they be consulted on the terms of reference for the review?

Mr Corbell: The normal procedures will take place in relation to consultation with industrial representatives around these questions. Our obligations under relevant agreements and so on will be met. That is the most appropriate way to go.

MR SMYTH: Just to finish on this area: the ESA has also received an initial \$3 million for a workers compensation premium. You have got that as a one-off.

Mr Corbell: Yes.

MR SMYTH: What has driven it for this year? How can you be so certain that you will not need supplementation in the outyears?

Mr Corbell: The government is currently making an assessment about workers compensation arrangements across the public sector. The government remains concerned at the level of our premium through the Comcare arrangements. We think the increases are excessive and we have appealed. At a whole-of-government level we have appealed and have been successful in achieving some reduction in parts of our premium in previous years. We expect to have to continue to do that in future years.

The government believes that consideration needs to be given to alternatives to the current workers compensation arrangements. Whilst that consideration is ongoing, the government is simply providing funding that commits us to a period of time to allow us to complete that assessment on possible alternatives.

MR SMYTH: What caused the \$3 million blowout in the cost of the premium for this coming year?

Mr Corbell: Claims are actually going down in ESA, but the value of each claim is quite high. In part, that is due to the nature of the work. When you think about claims that may involve, for example, post-traumatic stress on the part of a firefighter or an ambulance officer, people would not be surprised to see that that is potentially quite a high value claim compared to perhaps other injury. That is not solely the factors at play, but it is a factor.

The number of claims is going down. However, we have seen Comcare load up a levy on the government across the board to deal with historical liabilities that date back many years and, unfortunately, that is having an impact across the board, across all agencies. This is going into an area which is not my portfolio responsibility. These are matters which the government is looking at very closely.

MR SMYTH: How many claims have been lodged in the current year?

Mr Corbell: Again, I would have to take that question on notice, Mr Smyth.

MR SMYTH: All right. Could we have the number of claims in, say, the last three years?

Mr Corbell: I will take the question on notice.

MR SMYTH: All right. When officers return from a critical incident—for instance, I understand we sent USAR teams to Christchurch—are they debriefed, and how are the debriefings acted upon?

Mr Corbell: Yes, debrief arrangements are put in place.

MR SMYTH: So debriefs were conducted after Christchurch?

Mr Lane: There are a number of debriefs conducted after each operational review. I am not aware of the specifics in relation to the 2011 Christchurch event, as I was not in the ACT at the time, but I can certainly take that on notice in terms of the specifics of it. In general, debriefs are conducted after significant operations such as Christchurch or interstate deployments. They involve a number of things, particularly in relation to the operational review of the incident and taking lessons learnt out of those particular events. That is a very common practice that ESA continues to do.

MR SMYTH: Minister, are you happy that after every critical event a debrief has occurred and the needs of the staff have been met?

Mr Corbell: I am certainly confident that the ESA have appropriate debrief arrangements in place.

MR SMYTH: They may have arrangements in place, but are you confident that after every critical incident staff are debriefed and their needs are met?

Mr Corbell: I am confident that staff needs are met, yes.

MR SMYTH: Thank you.

THE CHAIR: Do you have any further questions?

DR BOURKE: Yes, I do. Minister, on page 222, output class 4.9, item h., it talks about maintaining or increasing the number of volunteers. Could you talk me through the strategies you have in place to recruit and retain volunteers for the SES, the Rural Fire Service and community fire units?

Mr Corbell: I think Mr Lane will be able to assist further, but if I can just answer in a preliminary way. We have certainly seen a strong level of interest in volunteer services over the past 12 months. Not surprisingly, that comes off the back, in some instances, of some fairly high levels of activity and visibility on the part of our volunteer services. For example, over the Christmas-new year period we had a heightened level of activity on the part of our Rural Fire Service volunteers responding to a range of incidents both here in the ACT and some very notable incidents close by in the region—Bungendore, down near Cooma and so on.

That inevitably drives a level of interest on the part of people in the broader community who think, “Gee, that’s something I’d really like to do.” So we have had a strong level of interest, as a result of the fires over Christmas and new year, in people wanting to join the RFS. The RFS conducted a specific information session earlier this year to follow through on those expressions of interest and tell people more about what volunteering involved and what it would mean for them. Those people are now being channelled through the appropriate processes as and when needed to provide new volunteers to the Rural Fire Service.

Equally, we continue to see pretty strong interest in the State Emergency Service. I was very pleased to be out at the ESA training centre at Hume over the weekend where the SES were conducting a rescue competition amongst their units. Certainly, the feedback there was that the SES continue to get strong interest from people wanting to join. The SES are certainly very able to maintain their volunteer numbers at this point in time.

Community fire units can be a challenge. The reason for that is that you can be a member of a community fire unit and not necessarily see much activity for many years. Community fire units have not been called on to any large extent since they were established. Certainly, we have not, thankfully, seen a fire incident like we saw in 2003 which has had a big impact on the urban interface.

Maintaining motivation amongst community fire units can be a challenge. Some are more active than others, but I know that there is a strong core group of volunteers that lead the CFUs. I meet with them regularly, every couple of months. Their feedback to me is consistent and clear that there is still overall a very strong level of engagement by volunteers in the CFUs.

THE CHAIR: Mr Gentleman.

MR GENTLEMAN: Minister, on page 223 of budget paper 4, item s., the output class, it shows the total cost per head of population. What measures do you have in place to keep this indicator?

Mr Corbell: Can someone assist with the basis of the calculation? My advice is that the cost is increasing as the population is increasing. That is obviously driving expansion of some of the capability of the various services within the ESA. Obviously, investment in new fire stations and investment in additional firefighters, for example, will increase the cost per head of population as we are bringing more or additional capability on board.

MR GENTLEMAN: On the previous page, page 222, item f. refers to AIIMS—the Australian incident management system. It shows the percentage of staff accredited, and that has gone up for that last year, but it does not continue in 2013-14. Is there a new indicator for that or another process?

Mr Lane: We have slightly changed the wording of the indicator. If you look at item g., it talks about the percentage of ESA staff. Administratively, we have just ensured we have changed the measure to accurately reflect what we are trying to report against.

MR GENTLEMAN: Is that a good level?

Mr Lane: Again, as the new commissioner, I am particularly satisfied with the amount of AIIMS training being undertaken within ESA. It is something that is ongoing with staff, but it is very much encouraged amongst our volunteer personnel as well. It is something we will continue to do.

MR SMYTH: Minister, you mentioned earlier that the supplementation of the commonwealth fire payment is costing us \$1,266,000 this year. On page 224 of budget paper 4 you do not have anything in the outyears for it. Are you expecting them to pay the full bill in the outyears?

Mr Corbell: The future of the payment is uncertain post that period. The reason for that is that the territory has entered into an arrangement with the commonwealth whereby, whilst we are getting a reduced payment, it has been offset by some other short-term arrangements—payments that we are receiving from the commonwealth. They cease at the end of that period that you indicate. After that point in time the territory is hopeful that we will have been able to negotiate a better deal in relation to the commonwealth fire payment.

The Prime Minister has agreed, following a request by the Chief Minister, to a review of the commonwealth fire payment arrangements as they affect the ACT, recognising that our circumstances are unique compared to other places around the country. All jurisdictions have a commonwealth fire payment arrangement with the commonwealth because all jurisdictions have some sort of commonwealth facility that they need to respond to for fire, whether it be a defence base, an immigration detention centre or whatever.

However, here in the ACT, obviously the seat of government, we have a large number of commonwealth institutions, some very important national institutions. For a

relatively small city that does have a disproportionate impact on the type of capability that the fire and rescue service has to maintain in the event that there is a fire at one of these commonwealth institutions. As you can imagine, some of these are very high risk if there is a fire. The National Archives, the National Library and the National Gallery are all very valuable commonwealth institutions with very significant holdings that ACT Fire and Rescue have the responsibility to protect in the event of a fire or other similar emergency.

What we are saying to the commonwealth is we are not satisfied with the current terms that they have proposed for the commonwealth fire services payment. We are not prepared to accept the terms on which we would otherwise revert to at the end of the period as outlined here in the budget papers. We want a review to be completed before that time to try and get a better deal. I am pleased to say the federal government have agreed to that review.

We are hopeful that we will negotiate a better outcome and at least have a much clearer picture about where we will land in terms of the commonwealth's fire payment obligations to the territory so that the cost of protecting commonwealth institutions is not borne by ACT taxpayers. It is fundamentally unfair on the part of the commonwealth to say that ACT ratepayers should pay the costs, or a significant part of the costs, of maintaining a fire and rescue capability to protect institutions like the War Memorial, the National Library, the National Archives and others. That is the point we will continue to put to the commonwealth.

MR SMYTH: You threatened in July last year to go over Gary Gray's head and go straight to the Prime Minister and Treasurer Wayne Swan. Did you meet with the Prime Minister and the Treasurer?

Mr Corbell: I did not, but the Chief Minister made representations both in person and in writing to the Prime Minister. As a result the Prime Minister agreed to a number of actions including some supplementation to our budget for the two-year period and subsequently agreement to review of the arrangement.

MR SMYTH: At the time, you threatened to pass legislation to allow the territory to withdraw service and force the commonwealth to form a second firefighting force in Canberra. Do you intend to pass such legislation?

Mr Corbell: Not now that we have agreement to a review. We are grateful for the commonwealth's consideration of these matters. While we do not agree fully with the position they have put in relation to costs and what they think they should pay for fire cover of their institutions and premises, we have at least reached agreement that there will be a review of the current arrangements to try and ascertain an appropriate level of payment by the commonwealth to the ACT. I think that is a very satisfactory point to have reached.

DR BOURKE: What was the level of supplementation provided by the commonwealth?

Mr Corbell: The commonwealth fire payment is \$4.6 million this financial year, down from over \$11 million, which has been the longstanding arrangement. That is a

very significant reduction on the part of the commonwealth and was a unilateral decision on the part of the commonwealth. We were successful in reaching agreement with our commonwealth colleagues to have some of that offset by a two-year payment in the order of \$4 million dollars per year for the next two years. However, that ceases at the end of that two-year period, and that is why this review is so important.

MR SMYTH: Has the commonwealth always paid for its fire service?

Mr Corbell: Yes.

MR SMYTH: Since self-government it has always paid?

Mr Corbell: Yes.

DR BOURKE: Apart from risks associated with fires in those major national institutions that you have mentioned, what other types of incidents are more likely given that the commonwealth public service based in Canberra?

Mr Corbell: One of the most common types of incidents is response to so-called white powder or suspected chemical incidents. That requires a very high level of response on the part of Fire and Rescue, and it also means Fire and Rescue have to retain a very high level of capability to deal with a possible chemical agent attack—a white powder attack to a government department or to an embassy or to Parliament House, for example. The number of those types of incidents in the ACT is significant. If you were to look at a city of our size, say, for example, a city like Newcastle, they do not maintain a dedicated hazmat capability to deal with white powder/suspected chemical agent incidents. If there was to be a white powder incident, for example, in Newcastle, response would have to come from Sydney. Now, as the national capital with the presence of significant national institutions, the federal parliament, the executive leadership of our country and diplomatic missions from around the world, we appropriately maintain that level of capability. But, because so much of that is driven by the fact that we are the seat of government, those types of costs should be appropriately borne by the federal government and not by ACT ratepayers.

DR BOURKE: What is the quantum of white powder incidents, say, on an annual basis?

Mr Corbell: I would have to take that question on notice. It is significant.

DR BOURKE: Perhaps Mr Lane could tell us what kind of technical response is required to one of those incidents, how long it ties up a unit for and all that sort of stuff?

Mr Corbell: Mr Lane or Mr Swain will be able to tell you what is involved in a response to that type of event.

Mr Lane: It is probably for the chief officer, Mr Swain, to answer that specific question.

Mr Corbell: The question is: what does it involve in terms of deployment and

capability if you have to deal with a white powder or similar incident at a government department?

Mr Swain: We will deploy our hazmat response. We will also deploy our platform on demand capability response and we will despatch at least two full crews, front-line pumpers and at least one commander. The problem is that they can be tied up there for an extended period of time. A good example was earlier this year on 18 January, I think it was, when we had a high fire danger day, there was a white powder incident at Parliament House. We were there for about five hours. At the same time, all of our resources were deployed because we had a significant high fire danger day. So it is not necessarily what you actually provide on one instance; it is what you have got left in case something happens again. Our response is the same as any other urban fire service; it is just that we do it far more often and often for far more extended periods of time.

MR SMYTH: The proposed airport fire station or the Pialligo fire station, where would one find funding for it in the budget?

Mr Corbell: There is no funding for construction of that facility at this time. No final decision has been made in relation to that. A possible Fire and Rescue station in the Pialligo area was identified and funding was made available in the 2012-13 budget for feasibility and scoping of preferred sites and other issues associated with a possible station at Pialligo.

MR SMYTH: What is the outcome of that study? Is that completed?

Mr Corbell: It is not yet complete and there is not yet a final recommendation to me. Fire and Rescue and ESA have identified their preferred site as being in Pialligo in an area of vacant land adjacent to Pialligo Avenue. The suitability of that site is being further considered. I have asked ESA to provide me with some further advice in relation to a number of matters relating that site, and that advice is still to be forthcoming.

DR BOURKE: What about a fire station at Aranda?

Mr Corbell: The planning processes for Aranda are complete. The territory has varied the territory plan to rezone the land to permit a dedicated fire and ambulance station to be built on Bindubi Street in Aranda adjacent to the Canberra High School. That project will proceed once construction funds are allocated to it. There is no construction funding this financial year. Instead, the government has taken the decision to proceed with the station at south Tuggeranong. Consideration of construction for Aranda will be dealt with further in future budget rounds.

DR BOURKE: Has the DA gone in for that?

Mr Corbell: No, a DA has not been lodged but the forward design has been done. One of the strengths of the station relocation project is that we are using a standard template design for all of our stations. So the up-front investment we have made, for example, as part of the work at Charnwood has involved the development of a template design for stations that will then be rolled out—obviously with some

adjustment for individual sites—for each of our sites. We are using the same basic framework and station layout and we just replicate that at multiple sites.

DR BOURKE: Are you able to quantify those savings?

Mr Corbell: I cannot. I can certainly ask for some advice on what they may be, but it certainly leads to efficiencies in terms of time and we do not need to start from scratch with each site.

MR SMYTH: If I can just go back to finish on the airport, have you had consultation with the local residents if the site you prefer is a site in Pialligo itself?

Mr Corbell: Yes. Consultation has commenced in relation to this project. The ESA station relocation team have met with residents on two occasions to discuss the proposal. In addition, I have asked that consultation be part of the master planning exercise for the Pialligo area, which is being conducted by my other portfolio—the Environment and Sustainable Development Directorate as part of the Pialligo master plan work. Those two processes have now been integrated and are occurring in that framework.

MR SMYTH: Will the station look after non-aircraft fires at the airport?

Mr Corbell: Yes.

MR SMYTH: Given that, therefore, the airport is on commonwealth-controlled land, will the airport and the commonwealth be contributing to the cost of running the station?

Mr Corbell: The airport is held under a private lease from the commonwealth so it is effectively a private business, not a commonwealth facility. It pays the same that any other business in the territory pays in terms of fire and emergency services levies and so on and is subject to those levies.

I stress that fire cover in this area needs to be improved, and it is not just about the airport. Clearly, the proliferation of commercial and retail activity at the airport creates demand for fire and ambulance response. There are people working there, there are more buildings there and, therefore, there is more prospect of the need for fire and ambulance response. But it is not the only factor. There are also issues around making sure we have cover right across the city, and the placement of a station in the Pialligo area, wherever that final site is, will greatly enhance our response capability right across the city, because it will place a fire station close to two key arterial roads.

The new Majura parkway will provide very effective access in a north-south direction—north towards Gungahlin and south along the Monaro Highway—access to places like Fyshwick and then east-west access into the parliamentary triangle, Campbell and those locations. So it is a very important strategically placed station to deal with those broader coverage issues. It would be wrong to characterise it as an airport station; it is not there for the airport alone, but it does recognise that there is demand at that location, too, for fire services.

MR SMYTH: And the likely construction time frame and completion?

Mr Corbell: No decision has been taken on those matters at this point in time.

MR SMYTH: The RFS volunteer association have put forward a proposal to establish an RFS fire museum. I am not sure if Commissioner Lane is up to speed with this, but the previous commissioner was very supportive, as was the head of the RFS. Is the government still actively considering an RFS museum, where are we in that process, and what support will ESA give to the project?

Mr Corbell: The government and the ESA have both indicated their support for this concept. I think it is a great idea and I really welcome the enthusiasm of the people from the RFS who are involved in the proposal. The history of rural firefighting in the ACT is extensive and dates back to well before the establishment of the city, so it is a heritage well worth acknowledging.

I have given my in-principle support and asked the ACT RFS to establish a working group to explore the proposal with representatives of the Volunteer Brigades Association. That working group has been established. They are working on developing recommendations on the scope of a possible bush firefighting museum, options for location and what would be in the collection. This will allow for the development of a proper feasibility study for the project that will allow the government to consider the issue in future budgets. That work is well underway.

I have also indicated to the VBA that there may be scope, if they are able to structure their proposal appropriately, to draw on funds under heritage grants funding. I have written also to the VBA people involved with this proposal indicating to them who they should talk to in the ACT heritage unit about whether or not their proposal may be eligible also for some heritage grants money.

MR SMYTH: On a different issue, on page 225 of budget paper 4, there is a string of rollovers from 2011-12, in particular, the Centracom replacement, the communication upgrade project, the mobile data solution project and the information and communications technology infrastructure project. Could you confirm that all those projects have now been completed and what was the scope of the projects?

Mr Lane: Not all of those projects are completed at this point in time. These are significant ICT projects for the benefit of ESA on a broad range of things in terms of mobile data terminals, ensuring we have the best in relation to our 000 systems and backups accordingly. I am very satisfied that those projects are progressing well and are on track to be implemented within project time frames and will be done accordingly. At this point in time, whilst they are not completed as yet, I am satisfied that they are on track to do so.

MR SMYTH: There is no impairment to the efficiency of the various services because they have not been completed?

Mr Lane: There is no impairment to our ability to respond by any means. These projects will only enhance ESA's capability into the future.

MR SMYTH: If we run through them, the Centracom replacement, what is involved and when will it be finished?

Mr Lane: That is a significant project which involves our links back into our significant communication system, which relies on the New South Wales government radio network. It is a little bit dependent on the upgrades to the New South Wales system as well. I do not have a specific date or time for that to be finished, but, as I said before, it is on track at this point in time.

MR SMYTH: So you will take on notice and give us a time frame.

Mr Lane: I certainly will.

MR SMYTH: The communication upgrade project?

Mr Lane: I am not aware of the specific details. I cannot recall off the top of my head the exact specifics of that project, but I am certainly happy to take on notice the specifics of it and the time frame for its implementation.

MR SMYTH: The mobile data solution project?

Mr Lane: Mobile data solution has been part of a significant upgrade to our mobile data terminals through our fire, rescue and ambulance appliances and the implementation of mobile data solutions for our Rural Fire Service and SES vehicles as well. Again, they are significant projects involving a great deal of complexity. I will have to take on notice the exact time in relation to that, but, again, I am confident it is on track.

MR SMYTH: The ESA information and communications technology infrastructure project?

Mr Lane: I cannot put my finger on the details of that one at the moment, either. I do not think I have got any specifics on that available to me today.

MR SMYTH: Do any of the other officers have the detail?

Mr Lane: I will just double-check if we are in a position to answer that specific question at the moment. I am happy to take that on notice.

Mr Corbell: I have some further advice. The rollover is required to financially complete the project. It relates to the redirection of funding to the 2012-13 ESA strengthening of the 000 backup capability initiative. The revised date is December this year.

MR SMYTH: What does that mean?

Mr Corbell: What does what mean?

MR SMYTH: The backup of the 000 facility?

Mr Corbell: That relates to the capacity of the system to deal with surge events and to maintain system stability under a large number of calls.

MR SMYTH: So this is a consequence of the Mitchell fire?

Mr Corbell: No, it is part of a planned upgrade in stability of the system as part of ongoing technical assessments of the system. It is a routine upgrade of capability to maintain system stability. It was identified in the 2012-13 budget.

MR SMYTH: The commissioner is going to take it on notice and we will get the time frames and the details.

THE CHAIR: Thanks very much, minister and officials. There are quite a few there to be taken on notice, so could you provide those to the secretariat.

Mr Lane: Mr Chair, if I may, before we break, on a point of clarity, a question was asked by Mr Smyth in relation to crewing of the Bronto. The number of additional firefighters required would be 12.

Mr Corbell: Mr Chair, if I may, earlier in the hearings before lunch I was asked about the legal aid budget and supplementation to Legal Aid to deal with the Eastman inquiry. There have actually been a series of Treasurer's advances paid. The first was an amount of \$497,174 in relation to support for legal aid for the Eastman matter. Then there was a second TA paid of \$354,743. The budget for the current year is \$516,000.

THE CHAIR: We will be back here at 3.45 for ACT Policing.

Sitting suspended from 3.27 to 3.46 pm.

THE CHAIR: Welcome, Acting Chief Police Officer. I will just go through a few housekeeping rules before we start. These proceedings are being recorded for the *Hansard* and also are being webstreamed. Could I ask whether you have seen the privilege card and are aware of what that means? Do you have a statement, minister, or Acting Chief Police Officer, before we start with our questions?

Mr Corbell: No, thank you. I am happy to try and answer your questions.

THE CHAIR: I will just go to a matter, then, that arises from our earlier hearings. There was a matter that was raised by Mr Smyth with regard to a warrant. We might resolve that issue before we move on to other matters.

MR SMYTH: I am not sure if you are aware, but there was a body found in Kambah earlier this year, and I have had it relayed to me that the body was found at approximately 9 o'clock but it took some 10 or 11 hours for a warrant to be found for the police and the family to enter the premises, which I understand caused the family great distress. Can you talk us through the process of how the police get a warrant to enter premises and what the circumstances were in this case?

Mr Pryce: I first express my sympathy and condolences to the family. I understand

that the family and the deceased were known to members here at this Assembly.

MR SMYTH: Yes.

Mr Pryce: In answering the question, I am obviously trying to provide some dignity, because we are dealing with a matter about someone that has passed away.

I am aware of the case. That matter did involve police attending the scene on that day, on 18 March, at 9.45, initially, in the morning, and the body was not moved until much later that night. There were a number of factors involved in that case. Firstly it was being treated as a suspicious death. The early information was that it was possibly a suspicious death. And then, as a potential homicide, there are a number of procedural matters that need to be conducted, including preserving the crime scene—what was believed to be the crime scene.

In relation to obtaining a warrant, as we determined that the person was deceased, it became the jurisdiction of the coroner under the Coroners Act. The coroner has legislative control of the body and the scene. But once we determined that we did not believe it was a suspicious death, and then took action to take a warrant, that process only took a few hours in filling out the affidavit and then seeking authority from the coroner. A warrant was sworn at 5.20 in the afternoon, and then the scene was processed by forensic and investigative officers under authority of the warrant, and the body was moved some time after that.

I just reassure the Assembly, though, Mr Smyth, that at all times ACT Policing officers treated the scene and the deceased with utmost respect and to preserve her dignity. There were some allegations that the body may have been visible to members of the public and the media. That is not the case. The body was inside the house, and our officers had taken steps to prevent the body being visible to anyone, and put up other screening to preserve the dignity of the deceased.

I can also say, having reviewed this matter, that ACT Policing is having further discussions with the coroner here and JACS in relation to whether there is any opportunity to improve some procedural matters, as well as our crime scene legislation, here in the ACT.

MR SMYTH: You mentioned that it took a few hours to get a warrant. Why does it take so long to get a warrant?

Mr Pryce: We need to swear the affidavit, the contents of the warrant explaining the circumstances justifying the warrant and what we seek to do. Then we apply to the courts. Then it is a matter of getting a magistrate or a coroner to sign and grant the warrant. And then, once the warrant is granted, obviously the appropriate personnel are briefed on their authority under the warrant, and then that action is taken under the warrant.

MR SMYTH: At what time did the process to get a warrant start?

Mr Pryce: The total time frame, I am briefed, in properly preparing the warrant—so really starting the administrative process to obtain a court warrant under the coronial

act—all up took no more than two and a bit hours. So while there are some procedural things in just getting time for the court, there was no significant delay, although to a lay person, when you are dealing with a deceased, obviously, it would seem that that might be a longer period of time than the public would expect. I fully understand that, and that is why I will be having further discussions with the Justice and Community Safety Directorate and the courts about whether or not we can improve those procedures and the legislation.

MR SMYTH: I might leave it there. I will just think about it, and I might come back to it. Thank you.

THE CHAIR: The \$15 million of savings that has been identified in the budget—can you explain for the committee where that will come from and what impact that will have?

Mr Corbell: Yes.

Mr Pryce: The \$15 million is over the whole period of the forward estimates for the budget. As you are aware, under the ACT arrangements with the AFP, we have an annual purchase agreement. We are in the final stages of negotiating our 2013-14 purchase agreement. The initial general savings measure that is applied is to the value of \$1.499 million. Through that purchase agreement, we will effect that saving. Then, in the outyears, that will be a matter of further discussion under the purchase agreement arrangement.

THE CHAIR: So the process will be that essentially the government will be buying or purchasing less capability?

Mr Pryce: No; they will be asking us to do it more efficiently. They will be asking us to continue to perform highly against our KPIs with the resources that we are allocated under the purchase agreement.

THE CHAIR: And you are confident that you can meet exactly the same KPIs and provide exactly the same capability with fewer resources?

Mr Pryce: We are in the final stages of negotiating the next purchase agreement, but I expect that a few KPIs will increase. We have been performing well against the KPIs with the existing resources that we have. I am also confident that our resourcing for the next financial year will not be affected, and definitely there will not be any fewer police performing front-line services.

THE CHAIR: What sort of areas are you looking at in terms of finding those efficiencies?

Mr Pryce: We will be examining all of our business, but predominantly the savings will come from our back end—corporate, administrative, those back-end roles. I have got my Director, Corporate Services here, whose ultimate accountability here is around our financial stuff, if you want further information from him. But we will be preserving our front-line officers; we will not be reducing our sworn numbers. In fact, with the way we manage the purchase agreement arrangements, that basically

provides us with an affordable FTE, but through our management practice and that, often our numbers go above the affordable FTE at times. That can be due to the fact that, for example, we have new recruits. They have a bit less experience, so therefore they are a bit cheaper on average. At the moment, our FTE numbers are actually above what was in the existing purchase agreement of around 932 total. I think at the moment we are tracking at 950, around that figure. So we will not be seeing a decline or decrease in police numbers as a result of these savings over the next financial year.

Mr Corbell: Historically it is worth observing that, whilst the purchase agreement specifies a certain number of personnel, ACT Policing has, for quite a number of years now, had a level of resourcing that is above that number that is purchased. That is because of the mix of officers and their relative cost. Obviously, more junior officers are cheaper than more senior officers. These are matters which lead the government to conclude that it is possible to maintain the level of sworn personnel whilst at the same time looking for ways to achieve a very modest level of savings over this year and the forward estimates.

THE CHAIR: One of the reasons why, as you have explained, the number exceeds the KPI is that you have got a junior level in terms of your rank structure. Is that going to be changing over the years or are you finding that attrition through natural attrition and across to AFP national is getting some of those senior ranks out so that you have got that continual flow through? When you have done your workforce planning, have you identified that the force is going to age and mature in terms of rank, and then consequent pay levels, or is it going to remain pretty static?

Mr Pryce: Our workforce, the demographics, is actually quite stable. We certainly do not have a very young, inexperienced police force. I will bring up their numbers in a minute. We control strictly the ins and outs, if you will, in ACT Policing. We have to, because new recruits have to be managed and supervised as part of their training and probation period.

So the actual averages—I will just come to them in a second; I will bring up a brief. At the moment, the average length of service in ACT Policing for a male is nine years, and it is eight years for a female. The cohort of members with the least experience, that is in the zero to one year of service, only accounts for four per cent of our total workforce. Forty-two per cent of our workforce has between one and five years. So on average the majority of our workforce is actually reasonably experienced. We do have a number of officers who have greater than 16 years experience; that figure is around 30. A lot of the officers that work in ACT Policing prefer to stay and really enjoy the community policing aspect of it.

THE CHAIR: In terms of the Chief Police Officer position, can you explain what the process is, minister—and are you interviewing? When are we going to see a new Chief Police Officer?

Mr Corbell: The policing agreement between the territory and the commonwealth specifies the process by which a new Chief Police Officer is chosen. That involves consultation between me, as the ACT minister, and the Commissioner of the Australian Federal Police. I can confirm that I have been in consultation with Commissioner Negus. He and I have had a series of conversations, and we are

currently in the process of finalising the identification of a suitable new permanent replacement for the post of Chief Police Officer.

THE CHAIR: So that is imminent? It is in terms of a few weeks, is it?

Mr Corbell: I would not want to put an exact time frame on it, but it is certainly close.

THE CHAIR: Have you had a number of expressions of interest from within ACT Policing or are they all external candidates? Or are you not at liberty to discuss that at this time?

Mr Corbell: What I can say is that the process involves the identification of suitable candidates within the Australian Federal Police.

THE CHAIR: Thank you. Dr Bourke.

DR BOURKE: Minister, what provision is being made in the budget to assist ACT Policing to better enhance road safety in the ACT?

Mr Corbell: There is funding in this year's budget for additional police. That involves the provision of \$1.2 million for the expansion of the road safety operational team. That is \$1.2 million in this year; \$5.052 million over four years. This will provide for the appointment of additional police to enforce the RAPID capability and random roadside drug testing. It will involve the recruitment of one sergeant and seven constables and also provide for the lease-out and fit-out of a further four dedicated traffic policing vehicles to allow Policing to enhance their capability in this area.

As you know, the government has given a high priority to dealing with road safety issues. In my most recent directions to the Chief Police Officer on matters of special additional attention, one of those has been dealing with antisocial and dangerous driving—giving directions to the Chief Police Officer to ask that those be an area of particular priority. I am very pleased with the response of police in that regard. We have seen dozens and dozens of vehicles seized and impounded as a result of police action in relation to dangerous driving, hooning, burnouts and so on. We continue to see a strong emphasis on tackling drink-driving offences, speeding and driving unlicensed, unregistered.

These are all factors that contribute to a dangerous road environment unless they are appropriately tackled. This expansion will give the police some additional capability to further enforce safe driving in the territory and, in particular, deal with those unsafe driving practices—hooning, dangerous or reckless driving—and obviously other matters such as roadside random drug testing, random breath testing and the use of the RAPID technology to identify unlicensed, unregistered vehicles and drivers, or vehicles of interest to police for other reasons.

DR BOURKE: What is the RAPID technology, minister?

Mr Corbell: That is a technology capability, basically a camera fitted to a police vehicle that is able to read number plates. The technology links to the `rego.act`

database so that it can check the status of the registration plate in terms of whether the driver or vehicle is unregistered, whether the licence has been suspended or cancelled and whether or not the vehicle is of interest to police for other matters that may be the subject of investigation.

These are all linked through that camera technology that allows a police officer to sit in their vehicle and scan multiple number plates as they go past. The technology allows, I think, thousands of hits an hour. It is a very effective way of dealing with unlicensed or unregistered drivers, as well as for other police matters. It is helping to keep, in particular, unlicensed and unregistered drivers off the road.

DR BOURKE: You mentioned impounding vehicles. What offences lead to a vehicle being impounded?

Mr Corbell: Those involve offences that are associated, for example, with burnouts or street racing activity. There are certain offences that police can charge and, as a consequence, seize vehicles and impound them for a period of time. Those are being used consistently by police.

DR BOURKE: How long do they get impounded for?

Mr Corbell: It varies. There are a couple of time periods, I believe. The CPO might be able to assist.

Mr Pryce: Yes, it does vary. The Chief Police Officer has some powers. In some cases we get applications from owners of vehicles that they were unaware; the person may not have been using it. In those cases, if an application is made the Chief Police Officer can authorise the release of a vehicle. Otherwise it defers to the courts. Then it is a matter for the courts to determine whether or not the court wishes to return the vehicle.

DR BOURKE: But the impounding happens immediately?

Mr Pryce: Yes.

DR BOURKE: It is like an on-the-spot fine?

Mr Corbell: In certain circumstances, yes.

THE CHAIR: It might be a good segue to go to the member of the committee that drives an electric blue WRX then.

MR GENTLEMAN: Thank you, chair.

THE CHAIR: It has never been impounded?

MR GENTLEMAN: It has never been impounded. I would like to follow on with RAPID. How many cameras do we have on the road now?

Mr Hayward: We have 12 cameras available. We have, I believe, four dedicated

vehicles and eight other cameras that are used in general patrol vehicles. We are planning to expand the measures with an additional four.

MR GENTLEMAN: In your response to a question, minister, you talked about the responses to hoon driving. I recall in a previous time there were dedicated programs that AFP-ACT Policing had to combat those problems. One operation was down in Tuggeranong, which I think was very successful, in Gordon. Do you allocate particular operations to hotspot areas of hoon driving now—burnouts and that sort of thing?

Mr Pryce: We do. Our road safety operations team conducts a range of operations based on intelligence. We had one a while back in the Hume area that had a fair bit of media publicity. Not only does the road safety operations team target and conduct operations to focus on that but also we use other parts of ACT Policing. In that case there was surveillance and other activities there to record the hooning behaviour so as to give us first-hand evidence so that our prosecution and seizure of vehicles was beyond reproach.

Based on the information that we get, we have specific traffic intelligence units that get information from the public. They analyse the information and determine where we should apply our resources. When we apply our resources it is not just about road safety; we apply other patrol strategies around that. There may be overt operations that see the highly marked-up RAPID vehicles, road safety vehicles. There will be covert operations utilising other parts of ACT Policing.

We will use a range of measures to target that behaviour and we do operations. When we do those operations we normally publicise them, because the deterrent effect of saying to the public that we have seized a number of vehicles and we are prosecuting offenders goes a long way towards preventing the behaviour in future.

MR BOURKE: A supplementary, if I may, chair?

THE CHAIR: Sure.

DR BOURKE: With regard to the RAPID system, you talked about identifying vehicles, registration issues and outstanding fines. What about criminal matters involving drivers? Is that something that is going to register in that system as well?

Mr Pryce: We can add alerts to the system for ACT Policing purposes. People in unregistered cars or unlicensed drivers often have other behavioural traits associated with them. Criminals, by nature, have to use the road quite often to get to where they want to commit their criminal activity and then try and escape. As part of that process we pick up other criminal activities or persons that have the interest of ACT Policing—whether it be warrants, outstanding fines or even just a need to be spoken to on other matters, even if it is in our jurisdiction or another jurisdiction sometimes.

We work very closely on the RAPID in particular with New South Wales Police. Combined with their operations group we recently did a cross-border operation for that very reason—so that we are virtually sharing information at the time on the border, scanning vehicles at the same time, so that if it is a target in ACT Policing or

it is a target in New South Wales we can immediately work together to do whatever we need to do.

Since RAPID has been implemented, we have scanned more than 4,000 vehicles. Currently in this financial year around 830,852 vehicles have been identified and scanned. It has enormous potential, as we have seen already. As a result of that we have issued 1,160 infringement notices so far this financial year. That is an average of about one in 700 vehicles scanned and we get a hit rate on infringement detection.

DR BOURKE: You mentioned behavioural characteristics before. What did you mean by that?

Mr Pryce: Our road safety operations and, in particular, our RAPID vehicles are highly marked up and often have different colours. They stand out from the fleet and are very visible. From some research that ACT Policing have conducted in relation to our community engagement and visibility, the vehicles that were most prominent were the RAPID vehicles—according to those surveys. It is that visual effect; seeing police has a strong deterrent effect and it also affects behaviour. We know that if people have seen police or they have seen police operations they are less likely to speed and more likely to be wearing their seat belt. Often nowadays, in the use of social media, they will tell all their friends that they have just seen police operations or activity. Hopefully that has a preventive outcome as well.

THE CHAIR: I would just make a comment on this. In the last Assembly a few members, in a bipartisan exercise, went out and observed the RAPID in action. I was very impressed not only with the technology but also with the way ACT Policing actually managed that technology. If that is available, perhaps some members of this Assembly at some stage could go out. It would be worth having a look at it.

Mr Corbell: We are always very happy to arrange that, Mr Hanson.

THE CHAIR: It is very impressive stuff. We also did a tour by night of Civic, which was entertaining as well. I would recommend that.

Mr Corbell: It is great entertainment too for the people in Civic.

THE CHAIR: Yes, they like watching the boys in blue going through.

Mr Corbell: That is right.

THE CHAIR: I remember that the previous CPO drew great attention from some of the patrons at the nightclubs as he would stride through the nightclubs in his uniform. But that is a matter for another day. Mr Smyth.

MR SMYTH: What do we call you—superintendent, acting CPO? How do we address you?

Mr Pryce: Acting CPO.

MR SMYTH: Acting CPO Pryce, the random roadside drug testing—how many tests

a week are conducted?

Mr Pryce: We do not put a weekly figure or target on it. Our targets for ACT Policing in this area are the KPIs around reduced fatalities, road crashes and then those persons who self-report through the national survey who drive over the speed limit or drive while over the prescribed concentration of alcohol. So far, since the commencement of random roadside drug testing until 31 March, we have conducted a total of 2,461 roadside drug screening tests. Of those, 51 drivers, approximately one in every 48, have returned a positive result after analysis by ACTGAL. Of those, I think between 10 and 20 are before the courts to some degree. We used to have a specific unit that just did that. We combined that to form the road safety operations team. It is now a combined unit. They apply all their measures—RAPID and random roadside drug tests.

MR SMYTH: In the coming year, how many tests will you conduct?

Mr Pryce: This financial year it will be about 2½ thousand—a bit over that. We would aim to do that again.

MR SMYTH: How many RBTs have you done in the current year and how many did you do in the—

Mr Pryce: I am not sure if I have a number on the—

THE CHAIR: Is this one of the issues where measures are reported in the annual report but are not in the budget?

Mr Pryce: I can say for the March quarter that we conducted over 24,000 random breath testing activities. So that is about 25,000 a quarter. We would be averaging, I am told, between 80,000 and 100,000, depending on a number of factors, per annum.

MR GENTLEMAN: I have a supplementary to that. Mr Pryce, alongside those random breath tests and also the roadside drug testing, how often do you work with road user services on checking vehicles? What would be a percentage, for example?

Mr Pryce: I would have to take that on notice. We conduct a lot of combined operations, whether it is with TAMS, the New South Wales Road Traffic Authority or a number of other agencies. Wherever we can, whether it is for vehicle roadworthiness or other measures, we try to do so as often as possible. As I say, a vehicle is not just a means of conveyance; it involves other behaviours or activities. It is an opportunity for police, because these are random road stops. The vast majority are just citizens moving through the ACT. Again, it is an opportunity to engage with them.

MR SMYTH: Going back to the RBTs, of the 24,000, how many were positive?

Mr Pryce: I would have to take that on notice, Mr Smyth.

MR SMYTH: Yes, that is fine.

THE CHAIR: I have a supplementary. Are we having any success with the RBT in terms of the percentage of positives? This has been an ongoing issue. Are we seeing improvement or is it still a problem? You may not have the specific statistics.

Mr Pryce: I refer to our KPIs on crashes and fatalities. While we did have a 12-month period of no fatalities, unfortunately, over the last period, we have had 12 deaths so far, although five are still before the coroner as to the circumstances of death. Our KPIs in road safety are trending well and exceeding the targets in most areas. To me, that is the ultimate outcome here. We want less injury and death on the roads.

THE CHAIR: Sure. I was thinking specifically about DUI and how that is trending in terms of the number of positive tests.

Mr Pryce: I will have to take it on notice.

THE CHAIR: Yes, if you could take that on notice, that would be appreciated. I would like to turn now to your capital infrastructure. I note that in the budget paper at 228 there is an amount there for capital upgrades. Could you give me a bit of an update on the facilities? The Belconnen police station: I cannot quite recall its status, whether you have moved in or not?

Mr Corbell: Yes, the Belconnen police station became operational in the second half of last year. It was formally opened, I think, in August-September last year.

Mr Pryce: March last year.

Mr Corbell: March last year? Time flies.

THE CHAIR: Is that all that is going on with that \$240,000 or is there other building ongoing that has been put in previous budgets?

Mr Corbell: The only other capital expenditure in terms of built facilities is the capital upgrade program which is allocated each year across the portfolio, including to ACT Policing.

THE CHAIR: There are no moves afoot in terms of new stations or relocation of stations? It is just a matter of upgrading the current facilities?

Mr Corbell: The government will be needing to look at issues around the Gungahlin station. Gungahlin has grown significantly in terms of its policing complement, and there are some pressures at that facility. The government has moved to alleviate those with the addition of some reconfiguration within the existing station footprint and also the provision of some temporary accommodation at that facility to assist with numbers. But we will need to be looking at whether or not we need to proceed to a new facility for Gungahlin, and there are a range of options to be considered. This is complicated, of course, by the fact that the Gungahlin station is part of the joint emergency services centre at Gungahlin. So it is actually physically part of a fire and ambulance station as well, even though it is segregated internally. These are issues that the government will be looking further at.

THE CHAIR: It is quite new, isn't it, from memory?

Mr Corbell: No, the Gungahlin police station was first opened, I think, when Mr Smyth was the minister.

MR SMYTH: Before that.

Mr Corbell: Before then? I think it was mid-90s.

MR SMYTH: Late 90s.

THE CHAIR: It is moving to 24-hour operations, I think.

Mr Corbell: 1999, I am advised.

THE CHAIR: Okay. How are the lizards settling in at Belconnen?

Mr Pryce: Very happy.

THE CHAIR: Are they going all right? Good.

Mr Corbell: I have not heard any adverse reports.

THE CHAIR: No news is good news. Dr Bourke.

DR BOURKE: Thank you, chair. Turning to page 227, changes to appropriation, I notice that you rolled over some of your capital improvement money and upgrade money from 2011-12. That has all now been expended and taken care of?

Mr Pryce: What is the page number?

DR BOURKE: 227.

Mr Corbell: I am just trying to find the item.

DR BOURKE: Budget paper 4.

Mr Pryce: Capital upgrade program, \$22,000.

DR BOURKE: And the remedial capital improvements for ACT Policing facilities, \$199,000.

Mr Corbell: Would you like further detail on those?

DR BOURKE: Why not?

Mr Hayward: In the current financial year there was capital upgrade funding that is held with JACS that was directed towards work on both Gungahlin, as has already been spoken about, and some rectification work at the Woden station, where there was in particular some work on the roof there. We had a chronic problem with some water

leakages and that has since been rectified. There was a range of other minor works conducted around existing facilities out of those funds.

Those funds are the same as the \$240,000 that has been allocated in the budget this year. Likewise, that \$240,000 is held within the directorate itself. There is a strategic accommodation committee that the director-general and the CPO co-chair that looks at the necessary work, and works with JACS to allocate funds for minor improvements.

DR BOURKE: Just moving down there, there is an adjustment for the new Belconnen police station of just over half a million dollars. Could you tell me about that?

Mr Hayward: The new Belconnen police station was project managed by JACS itself. I cannot speak to the specifics of that. I would suggest that JACS may be able to provide an answer to that.

Mr Corbell: My advice is that it is simply a reflection of cash flow in terms of when payments were made for the project.

DR BOURKE: So they were paid in the previous year?

Mr Corbell: Yes.

DR BOURKE: It is not a saving?

Mr Corbell: No.

DR BOURKE: Bad luck!

MR GENTLEMAN: Minister, I understand that ACT Policing has met or exceeded most of its KPIs. Can you tell us what effect this has had on crime statistics for Canberra?

Mr Corbell: We have seen some very good results, as members would now be aware, in relation to crime statistics and significant reductions in different crime types. In particular, the work of ACT Policing's volume crime targeting team has focused very strongly on a range of property crimes, break and enter, motor vehicle theft, damage to public property and so on. We have seen very significant reductions in these crime types, some in the order of 20 to 30 per cent over time. So it is a very good achievement by ACT Policing. Again, I put on the record my thanks and congratulations to the relevant personnel in Policing who have led that and have undertaken that work.

It has involved a range of methodologies using intelligence-based responses to identify potential offenders; also, strict enforcement and follow-up of bail conditions and dealing with breaches of bail in a prompt way to return people who have been bailed before the courts, if they are in breach of their bail. All of these are contributing towards significant reductions in property crime and motor vehicle theft.

Last year, for the first time for well over a decade, we went below the national average for motor vehicle theft, which is a tremendous result. Equally, we are seeing hundreds and hundreds fewer homes being broken into each year as a result of these measures. The challenge now is to sustain those reductions and to build on them. This is probably the most challenging part not just of ACT Policing's job but that of the government as a whole.

We have set out in our property crime reduction strategy a range of approaches to drive down property crime further in the territory. This will be focusing very strongly on the causes of crime, not just a response to crime once it is committed. So it is about identifying where those potential offenders have vulnerabilities that may lead them to commit property crime—it may be issues around jobs, housing, training, schooling—and identifying how we can intervene early and make sure that those people end up in a better situation and do not find themselves in circumstances where they feel that their only choice is to go and commit crime or commit a further crime.

Those are the types of measures that underpin the property crime reduction strategy. There are specific targets in the property crime reduction strategy to achieve sustained reductions, building on the results we have already seen from ACT Policing.

MR GENTLEMAN: In my previous job there were some concerns about the amount of drive-offs from service stations. Has ACT Policing done anything to try and combat that statistic?

Mr Pryce: That is a bit of a perennial issue. We continue to work with the operators on that. There has been some recent media about strategies that that industry is looking at to prevent it—using crime prevention methodology to prevent drive-offs. In many cases there are a range of factors. Sometimes people do not realise. In other ones, there are financial pressures and people drive off. In most cases it is often a civil debt for the person and it is just a matter of their capacity to pay, as to when they can pay.

We do work with the industry. We have our BizSafe strategies that we employ in the community. We work with not just fuel outlets but other businesses. If we identify it ourselves or if the community come to us in the business area, we employ our BizSafe strategy through our crime prevention portfolio to work with that sector of the community and come up with crime prevention strategies in collaboration with them to prevent further criminal activity.

MR GENTLEMAN: Would it be worthwhile to consider using the RAPID technology in a stationary position, perhaps at service stations?

Mr Pryce: As I said before, it is not the greatest crime type that I would be focusing my resources on. We deal with it if we see a trend or a particular spike. However, we do place the RAPID vehicles, based on our intelligence, where we believe we get the most effect. We do that in collaboration with all parts of ACT Policing. While there might be a specific road safety effect, because of the alerts, we can use it to support other operational activities, when we are looking for criminals or known targets for ACT Policing.

Mr Hayward: I might add that the RAPID technology, by definition, is picking up vehicles that are either unregistered or drivers that are associated with a number plate that are unlicensed, under suspension and the like. There is no absolute evidence that people who do drive-offs are driving in unregistered vehicles or are themselves unlicensed. So the use of technology for a relatively small number of vehicles that would go past, in comparison to the capacity that the RAPID technology is able to address on open roads, is not necessarily the most effective use of the technology.

THE CHAIR: We will have to leave it there. Any further questions for ACT Policing can be put on notice. Thank you very much, Acting Chief Police Officer, and Mr Hayward. We will now move to WorkSafe, and the Minister for Workplace Safety and Industrial Relations.

We will move now to output class 1.3, industrial relations policy, with Mr Corbell appearing as the Minister for Workplace Safety and Industrial Relations. These proceedings are being recorded and webstreamed. Could I confirm that you have seen and read the privilege card? You are aware of that?

Mr McCabe: Thank you, Mr Hanson.

THE CHAIR: Minister, do you have an opening statement?

Mr Corbell: No, thank you.

THE CHAIR: We will move straight to questions then. The 12 additional WorkSafe inspectors that are in the budget—are they being provided next financial year or is that an incremental growth? And can you give me an explanation in terms of specifically what you see those people doing and what outcomes they will achieve?

Mr Corbell: That funding provides for 12 inspectors to be recruited next financial year—that is, the 2013-14 financial year. It is proposed that it will take six to nine months for that recruitment to be fully complete. That is recognising the need both to identify suitable candidates and to make sure they are appropriately trained before they start work. But the funding is for 12 inspectors to commence in the next financial year.

THE CHAIR: I note that in budget paper 3, page 155, it says that this initiative will be offset by imposing a levy on workers compensation insurers. What is that levy? What does that total? How much is that offset?

Mr Corbell: That involves changes to the way we levy insurers under the workers compensation legislation. Let me just find the relevant information. What we proposed is that both workers compensation and worker health and safety regulatory costs are to be funded by a levy on insurers. This will be phased in over several years from 30 June this year. In most Australian states, these costs are wholly or substantially funded either by employers or by insurers and self-insurers. The ACT is the exception, where taxpayers fund the costs pretty much in full. Only a fraction of the costs are passed on to the users of the system; most are budget funded. This is a subsidy that costs the community around \$5 million each year. The government has taken a decision that it is more appropriate that we shift to a cost-recovery model in

the same way that operates in almost every other Australian jurisdiction.

So commencing this year, the costs associated with regulating the workers compensation scheme will be transferred to insurers by way of a levy. I intend to introduce legislation in the spring sittings to expand these arrangements to include mechanisms to provide for the costs associated with administering our work health and safety laws to also be recovered by a levy from the 2014-15 financial year.

This recognises that, as a community, we are making a larger investment in the costs of enforcing work health and safety laws, but that the beneficiaries of this are not just the community at large but also the industry itself, and therefore the industry should make a contribution towards the costs of operating the system. This is particularly the case in relation to enforcing workers compensation arrangements where employers already have a legal obligation to ensure that they have appropriate workers compensation arrangements in place, and therefore the management of that and the enforcement of that should be borne by the industry. And, to a lesser but still significant degree, that should be the case for work health and safety laws as well.

THE CHAIR: The additional 12—that is on top of how many WorkSafe inspectors that are currently employed? I am just trying to get a view. Is this a doubling in the number?

Mr Corbell: I am sorry; I do not have that information immediately to hand, unless someone else—

THE CHAIR: Does anybody know?

Mr Corbell: I will ask Mr McCabe; he will be able to tell you.

THE CHAIR: Thanks, Mr McCabe. The question is: how many WorkSafe inspectors are currently doing this—the nature of the job that these additional 12 will do?

Mr McCabe: There are currently 18 inspectors doing work health and safety work. So it would be 12 on top of those 18.

THE CHAIR: And these 12 are specifically going to be going onto building sites essentially, are they?

Mr McCabe: Not necessarily. It will allow us to do a lot more proactive inspections rather than reactive inspections. It could be across many industries. But the bulk of our work at the moment is in the construction industry. That is the industry that is getting the poorest outcomes, and it is where we are putting the bulk of our effort.

THE CHAIR: So really it is a preventive measure to try and stop some of the incidents occurring?

Mr McCabe: That is right. At the moment, we are very much in a reactive phase. We try to do proactive work, but we often get dragged back to the reactive work. This will enable us to get on the front foot.

DR BOURKE: I have some supplementaries on that question, if I may, Mr Hanson?

THE CHAIR: You may.

DR BOURKE: Minister, you mentioned that the initiative will be offset by a levy. Is the levy going to cover the cost of the 12 additional personnel or cover the cost of WorkSafe ACT?

Mr Corbell: It is proposed to recover the regulatory costs associated with the work health and safety inspectorate.

DR BOURKE: So it is going to be more than just to cover the additional 12 inspectors?

Mr Corbell: Yes.

DR BOURKE: How will insurers pass that levy on to the policyholders? Is the government going to dictate how that should be happening—as to whether there is going to be a sliding scale depending upon the risk and level of premium or whether it will just be a flat rate or a flat component per employee?

Mr Corbell: The government will look very carefully at the level of the levy and how it should be phased in over time. We will look very carefully at that and make our assessments of what we anticipate the costs will be. Ultimately, the cost is passed through by insurers to policyholders; you are quite correct. We will make sure that we have as good an understanding as we can about what we expect the insurers' reaction to be, and we will take that into account in our policymaking.

DR BOURKE: And my question was: with regard to asbestos policy implications for the ACT, do you anticipate any issues surrounding the rollout of the NBN in the old Telstra pits which we have been hearing media reports of recently?

Mr Corbell: This is a risk that has to be managed, as is the case with so much work in the construction sector. The presence of asbestos and asbestos products is pervasive right across the construction sector. It is the same in relation to the NBN rollout. The risk is there, and it has to be appropriately managed.

The issue in the ACT, as across the country, is that, in relation to Telstra infrastructure, Telstra are covered by the national work health and safety regulatory arrangements through Comcare, so Comcare have a leading role in relation to that response. I am pleased to say that Comcare are working closely with WorkSafe ACT and with the commissioner in terms of their activities to make sure that we are coordinated to the greatest extent that we need to be in that regard. It is a risk that has to be managed, just like renovating your bathroom: if you live in a pre-1985 house or 1980 house, there is a risk that there is going to be asbestos; you have to manage it. It can be managed, as long as you plan for that and train and equip personnel who are dealing with it appropriately.

MR GENTLEMAN: Minister, page 40 of budget paper 4 has an indicator for the implementation of the recommendations of the *Getting home safely* report.

Mr Corbell: Yes.

MR GENTLEMAN: Can you go through those recommendations and how that implementation will benefit the ACT?

Mr Corbell: I do not propose to go through the government's response to each of the recommendations. There were 28 in total. As you know, the government agreed to all 28 of the recommendations, with the proviso that a number of those recommendations were recommendations where action needed to be led by industry rather than by government. With that proviso, we agreed that all of those recommendations were appropriate and should be implemented.

In relation to the key elements, if you like, that the government itself has agreed to implement and pursue, obviously first and foremost is additional capacity in the work safety inspectorate. The additional 12 inspectors are funded in this year's budget to increase the capacity of WorkSafe ACT to do its job, to catch out those people who are doing the wrong thing as well as educate the industry more broadly, as Mr McCabe has said.

The other critical reform is the reform of our procurement arrangements to provide for an active certification system which monitors the performance of contractors doing government work as they are doing that work and which gives feedback into the procurement system in identifying those contractors or companies who should or should not be penalised for poor work safety practice when it comes to an assessment of their bid for government work. That reform is a very important reform. A lot of work has been done by Commerce and Works Directorate, Shared Services Procurement, to establish that framework. Consultation is commencing now with industry—not so much consultation, but education on how it is going to work. That will be occurring with industry in the coming months. It will be phased in over the next six months, with a goal of full implementation from the beginning of the next calendar year.

That is going to send a very powerful signal to the industry about what the government expects in relation to its own projects when it comes to the work health and safety record, and attitude and approach, of contractors who bid for and win government jobs. It is worth highlighting, of course, that a number of the deaths that have occurred in the ACT are on sites associated with or directly involving government contracts, and we should be making these very important reforms.

Finally, there is a whole range of other reforms, including the establishment of the industrial magistrates court—there is now legislation in the Assembly—and a revamp of the on-the-spot fine regime, increasing the number of offences and identifying offences suitable for on-the-spot fines. I have given direction in relation to those matters, and those will be coming back to government for formal decision and implementation, again in the coming months.

THE CHAIR: Mr Smyth.

MR SMYTH: This may be more of a question for Mr McCabe. It is about the process

for how a complaint about a workplace is dealt with when it is received.

Mr McCabe: Yes.

MR SMYTH: Given the additional inspectors, what is the process when a complaint is received, and how do you action them? In particular, how do you determine what gets actioned and what does not?

Mr McCabe: I guess there are a couple of different ways that we get involved in the field. And it depends on exactly what you mean by “complaint”. There are two broad ways. One is that people notify us of certain types of incidents, which they are required to do under the legislation. The other is that we get what I would call a complaint, where someone has rung in and said they believe something is happening incorrectly. Broadly speaking, our response is to query a bit more about exactly what the person believes has been happening, because sometimes that reveals that there is not actually anything wrong. But invariably we will go out and have a look. With almost all complaints, we undertake to go out and have a look and see what is going on. Quite often, we find that it is happening in exactly the way the person said, but sometimes it is not.

MR SMYTH: If there were an incident, you would garner information and then make a decision. One of the officers, one of the 18 existing or the soon to be 30, would then respond to that?

Mr McCabe: Yes.

MR SMYTH: One of the incidents that we have had recently, for instance, was where the crane fractured. They would take the action of shutting down the site and then what process would be involved?

Mr McCabe: Sorry, yes, to follow through on what I said initially. We would send an inspector to the site. That is the person with the powers to both enter the site and to take various actions. The inspector is empowered to make that decision when they go on site individually. They may call back to head office and talk to their team leader, but invariably they will be making that decision themselves.

That decision commonly will be either to do nothing, because there is nothing wrong—to simply advise the people on site what they should be doing, if it is a lower order misdemeanour—or stepping it up to issue what we call an improvement notice, which is a formal direction under the legislation that they must fix something within a specified period of time.

That could be accompanied by—instead of that we might issue a prohibition notice. A prohibition notice is where there is an immediate or imminent threat of serious injury or serious threat to health and safety. A prohibition notice might be on an activity or on the whole site. If there was an issue with a crane, for example, that needed to be rectified, we might prohibit further use of the crane until certain things have been addressed. If it was not an immediate threat, we might just issue an improvement notice saying, “Before next week you have got to do X, Y and Z.”

If it were something like a crane, quite frankly that has got real potential for seriousness. That is probably going to warrant a prohibition notice. That is rectifying the matter that has happened there in the field. A separate decision is whether this is a breach which should then be followed through for even stronger enforcement action such as prosecution. That is going to happen much less frequently, but that could be a separate decision to do a thorough investigation and find out exactly what went on and whether there was a breach of the law that warrants prosecution. That process would involve a decision-making process by the senior executives in WorkSafe and ultimately a discussion with DPP.

MR SMYTH: In the case of a complaint—for instance, I know Mrs Dunne wrote to you about the cracks that were in the dam wall. What was the process followed there?

Mr McCabe: In that particular case—I am going a bit from memory; I do not have that in front of me, but I think I have got a pretty good memory of it—it was allocated to one of our inspectors. That inspector looked at the evidence that had been supplied by the complainant, contacted the employer in that case and sought whatever evidence they had. That kind of complaint, which was about a very technical matter associated with the dam, is not the kind of complaint where we would go out and have a look, because quite frankly our people are not inspectors and looking at the dam would not really tell them a lot.

More commonly, they are matters where we would need to go and have a look and we could make a decision. In that case I believe the inspector sought whatever evidence was available from the employer—engineering reports et cetera—which they submitted. They assessed the two groups of evidence, I guess you would call it, made a decision about whether they needed further information and then reached a decision about whether there was a matter that needed pursuing further. That is a pretty broad description, I know, but—

MR SMYTH: In a specific case like the dam, the gentleman who did the assessment, did he just get the reports from Bulk Water Alliance and say, “Okay, they look all right,” and no further action taken? So there was not actually an inspection of the dam wall?

Mr Corbell: Mr Smyth, can I interject here? It is important to stress that there is another regulatory agency that deals with issues around dam safety. There is a technical regulator, a dam safety regulator, which is a technical capacity that exists within the Environment and Sustainable Development Directorate. They are responsible for making assessments about dam safety in terms of structural integrity and so on. They have been closely involved in checking, overseeing and independently assessing the advice that ActewAGL and the Bulk Water Alliance provide in relation to the construction of the new Cotter Dam. So—

MR SMYTH: Yes, you just got to me a little early.

Mr Corbell: Okay, but I just wanted to clarify that there is two issues here. There is site safety—

MR SMYTH: Yes.

Mr Corbell: which clearly is the responsibility of WorkSafe. But then there are issues around complaints that may be made about structural integrity. Clearly there is an overlap there because if there is a structural integrity issue, which there has not been, but if there was, it would become a site safety issue as well.

MR SMYTH: Yes.

Mr Corbell: But I just wanted to make clear from the beginning that this is not solely a work safety matter.

MR SMYTH: Yes, that was the point I was kind of slowly getting to. You did not go out to the dam and none of your staff went out to the dam. You got some documents from the Bulk Water Alliance. They said all was hunky-dory, it was fine. But given your guys are not engineers in that regard, did you then refer it on to the dam regulator in ESD?

Mr McCabe: I could not tell you. I would have to take that one on notice. I honestly do not know whether that happened or not.

MR SMYTH: How does that happen where it progresses from a site safety issue to a technical issue? What is the hand-off then to Mr Corbell's other hat-wearing people?

Mr Corbell: Whether or not it entailed a referral in this instance from WorkSafe ACT I think we will have to take the question on notice. But what I can tell you today, and I am sure you can follow these questions up with Environment and Sustainable Development when they appear before the committee in the coming week, is that there was in effect a parallel process whereby the dam safety regulator was being kept informed of concerns and issues by the Bulk Water Alliance. It was independently assessing and verifying the Bulk Water Alliance's assessments as to the technical issues associated with the construction of the dam and in particular the issues associated with the flood event which led to rapid cooling of the concrete pour because of the flood, and what issues arose from that.

I was extensively briefed on these issues last year and earlier this year. It is quite clear to me that there has been a very comprehensive assessment, independent assessment by independent technical experts of the Bulk Water Alliance assessment, of dam safety, and no significant issues have arisen.

MR SMYTH: So none of your people went to the dam?

Mr McCabe: I could not say that definitively. I would have to take that on notice. But that is my belief, that they did not.

MR SMYTH: And you are not sure whether or not they were in contact with the dam regulator?

Mr McCabe: I would have to take that on notice as well.

MR SMYTH: All right.

Mr McCabe: But that having been said, we work closely with ESDD, which is I think the relevant directorate, on a regular basis. For example, there was a recent issue out at Belconnen, a site out there which led to a road closure. We were looking at the work health and safety aspects of that issue. We had some concerns about whether there might be building safety issues, which we referred to ESDD, but we then leave it with them. That is their bailiwick. It is a similar approach to what the minister described.

MR GENTLEMAN: Mr McCabe, what support do you provide for employers and businesses? Do you have workshops and seminars, that sort of thing, on workplace safety?

Mr McCabe: Yes. We run regular information sessions and seminars for employers. The bulk of those are free. There is a small number that we charge for. In fact, we have just implemented a new series of safety seminars starting in April this year. We have had almost 900 people through those seminars just in the period April, May, June. So they are very well attended. We work closely with the industry bodies—with MBA, HIA and other industry bodies. We attend sessions at their request on a regular basis and speak to their members. We do a large amount, I would say, in terms of offering education and advice. That is putting aside, of course, all the material that is provided on our website and through other electronic means.

MR GENTLEMAN: How do you encourage employees to report workplace safety issues?

Mr McCabe: We have recently initiated a campaign with the support of HIA, MBA and CFMEU which we call the “Speak up about safety” campaign. Only yesterday I noticed that the banners are still on buses around the place. I was not aware we had paid for them to keep going that long but I was pleased to see them there.

We have been pushing out the message with the support of the industry partners that it is appropriate for people to speak up and raise issues about safety. You may have seen recently that there was an item about an asbestos issue down at Kambah. The news item for that ran our contact number and said to people that if they have got concerns they should ring us. So we actively say: ring us if you have got a concern. That comes at some cost to us, because we get a lot of phone calls about issues which are not necessarily real, but we see that we have to open that door wide and let people come to us and encourage them to come to us.

There is another thing that we do to encourage people to speak up. We get a lot of anonymous dob-ins. We respond to those as we would if they were saying who they were. That does not happen in all jurisdictions. In some jurisdictions they say they will not go out to an issue unless you are prepared to put your name to the complaint. We take the view that we have got an obligation, a moral obligation, to go out and have a look. So we protect the anonymity of anonymous doblers.

MR GENTLEMAN: Why do you think those people would want to remain anonymous?

Mr McCabe: I believe it is because they believe there is going to be a consequence for them if it is known who they are. They often claim to be workers on the site. This is their belief and I cannot attest to whether it is true or not but it seems to be a very strong belief. They believe that if it is known who they are there will be some comeback in terms of whether they will be able to continue to be employed or whatever. We respect that.

THE CHAIR: We might leave it there, gentlemen. Thank you very much, Mr Kefford and Mr McCabe, for appearing.

MR SMYTH: You did very well, Mr Kefford; all those erudite answers.

THE CHAIR: We will now move to the ACT Long Service Leave Authority. Mr Barnes, good afternoon. Minister, would you like to make an opening statement?

Mr Corbell: No, thank you.

THE CHAIR: I always give you the opportunity.

Mr Corbell: Thank you.

THE CHAIR: Minister and Mr Barnes, page 9 of the statement of intent talks about some of the operating losses and risks and so on. Could you give me a sort of position on the investment strategy, how that is working and what the reason for some of those losses were?

Mr Barnes: Yes. The investment strategy is based on achieving a return on investment of approximately 3.5 per cent plus CPI. Clearly, that return is going to be determined by the markets at the time. The authority has determined a fairly conservative investment strategic asset allocation. The current climate has not been as good as it might have been in the past, so returns on investment have been a little lower.

THE CHAIR: Where are those investments?

Mr Barnes: The investments are in a number of places. Firstly, our primary investment is through an investment manager called Vanguard who provide the services to us. We have currently an asset allocation of 70 per cent to conservative and 30 per cent to growth, which gives us a moderate return. In normal circumstances that would have fulfilled our desired return of 3.5 plus CPI.

THE CHAIR: What has the actual been?

Mr Barnes: The actual for the last 12 months I think has been—sorry, up until now has been 2.6 plus CPI.

THE CHAIR: It has been 2.6 plus CPI.

Mr Barnes: So we are a bit short of the mark there.

THE CHAIR: We had evidence regarding the superannuation account, and they seem to be doing particularly well this year—they got 14 per cent or something.

Mr Barnes: This year?

THE CHAIR: Yes, and they are expecting about 7.5 per cent, I think it was, on an ongoing basis. I am just wondering what the difference is there in investment strategies?

Mr Barnes: We are expecting a similar return toward the future, and our actuaries have assessed that. That return is complete. We are talking 6.5 per cent or in that order. That includes the CPI element.

THE CHAIR: That would make 14 per cent, and then you are anticipating 7.5 per cent?

Mr Barnes: That is going to depend upon the risk element that you are prepared to take in your asset allocation, and that is what determines that process. It is all about risk appetite. We have to deal with a defined benefit. Our ability to put at risk our investment is somewhat less than might otherwise be the case.

THE CHAIR: What is the total amount you are investing?

Mr Barnes: The total amount across the four schemes is in the order of \$100 million. But that is not all in equities; that is in the total assets.

THE CHAIR: So that money is used by you then to cover people for their long service leave when that matures and such?

Mr Barnes: Yes.

THE CHAIR: Have you identified where you are in terms of the number of public servants or people in industry who are coming up for long service leave and the amount you have in the funds?

Mr Barnes: Yes, we do that on a regular basis. I think the question you are asking is: what is the balance between our current assets and current liabilities? That varies across the four different schemes, and that varies because of the different stages of maturity of those schemes. To take them individually, the building and construction industry scheme has a current liability-to-asset ratio of less than one. Our liabilities slightly exceed our assets at the present time. That is not perceived as a critical issue at the moment, but we are addressing that matter.

The other three schemes are in surplus to varying degrees. The cleaning industry fund has a positive ratio but not dramatically so. With the two newer schemes, the community services scheme began in 2010. That is an immature scheme so, naturally, the current liabilities are somewhat less because people have not been involved in that scheme long enough to have accrued an entitlement. The same applies to the most recent scheme—the security industry fund—where that is the case also. But they are fairly small amounts.

DR BOURKE: Minister, how do you ensure the maximum number of employers and employees are registered in the scheme?

Mr Barnes: We have a multi-faceted compliance regime within the authority. We interact with other agencies to ensure that appropriate certification has been obtained by the various employers to ensure they are registered with us. We then ensure they have fulfilled their obligations in terms of lodgements of returns and payment of levies. We also do various checks with other agencies to ensure their members are aware of their obligations. We go through things like the *Yellow Pages* telephone book to validate the existence of advertisements against our records and follow up on anything that looks doubtful in that regard. We also visit construction sites and offices of potential employers who may be covered by our schemes.

DR BOURKE: So you have an inspectorate?

Mr Barnes: We have a small inspectorate, yes.

DR BOURKE: How many?

Mr Barnes: We have three personnel in our compliance area.

DR BOURKE: So are you aware of employers trying to evade the scheme—obviously unsuccessfully?

Mr Barnes: Not really. I do not think there is a major effort there. There are people who are unaware who have started up new businesses. There are a lot of small businesses, particularly in the construction industry, who, on advice, set up a company to manage their affairs and are not necessarily always aware of all of their obligations. That is one of the challenges for us—it is just to make sure that people are aware. But I do not think there is a significant element of those evading.

DR BOURKE: So your inspectors have more of an education function?

Mr Barnes: We try and make them aware through our various processes, but we also work through the peak bodies, such as the Housing Industry Association and the Master Builders Association, to make sure that people are aware of and have access to all our information. We have got a website that promotes that. We are probably fortunate in this jurisdiction that we have a fairly contained environment and we can reach those people fairly easily.

DR BOURKE: You mentioned working with other agencies. Which other agencies were you talking about?

Mr Barnes: The Community Services Directorate, which is naturally involved in licensing of employers delivering services. There is a cooperative exercise there. I have already mentioned the HIA and the MBA. They are also quite helpful in guiding their members. We go through various other processes to validate what is happening in the environment, even to the point of using things like Google to identify construction sites around the ACT.

DR BOURKE: Do you have any contact with the workplace inspectors that are part of WorkSafe ACT? I see Mr McCabe is about to get another dozen.

Mr Barnes: No, we do not.

MR GENTLEMAN: In the statement of intent there is a report on the percentage of payments completed within the appropriate timeline for employees and contractors. That has increased quite a bit. How have you been able to achieve that, and what is the benefit for those recipients?

Mr Barnes: We put in a substantial effort. We require our employers to lodge quarterly returns and make quarterly payments against their employees on a pro rata basis, so as a proportion of their normal wages. We follow up at the end of each quarter. We contact all those people who have perhaps been slow in the past to encourage them to be a little quicker this time. We ring them and offer assistance. It is not just a compliance exercise; we are offering assistance, particularly to new people who have not previously lodged returns or had to make payments. It is a pretty rounded approach, probably a little unusual in a compliance environment, where we are more offering assistance rather than compelling them to oblige.

There is a process, though, where there are penalties for failure to lodge on time or failure to pay on time. Those are applied in cases where people persistently fail to meet their obligations. But it is mostly assistance—getting the information out to them early, providing them with the information they require. Our system is also very user friendly. It facilitates electronic lodgement of returns and electronic payment of levies. We try and be as helpful as possible.

MR SMYTH: On page 2 of the statement of intent, the last dot point talks about redrafting the act. Is this a major reworking of the act and, if so, why is that required?

Mr Barnes: We are addressing changing circumstances. There were a couple of little errors in the act itself that we are trying to address. Primarily, the act has grown because of the addition of new schemes, and so the consolidation of those into one act, which occurred first in 2009, is a continuing process. We have most recently added the security scheme so, naturally, there is a need to update in that regard as well. A consolidation process is going on.

MR SMYTH: So it is more amendment rather than a total rewrite of the act?

Mr Barnes: Yes. At this stage we are going through a process of identifying any deficiencies or issues that need to be addressed.

THE CHAIR: What is the levy imposed on employers? Is it consistent across each of the schemes?

Mr Barnes: No, it is not. The levy is calculated on the basis of actuarial study, and many factors are taken into consideration. Probably one of the more significant is the length of service within a particular scheme by the individuals, and that varies because of the nature of their work. With an industry like, say, security, it is perceived

employees are less likely to stay long enough to earn an entitlement under that scheme, so there is a slightly lower levy there imposed by the employer.

THE CHAIR: So because people in security probably are not ever going to be in a position where that matures for them, essentially, there is a—

Mr Barnes: Some are not, yes.

THE CHAIR: So in industries where people are more likely to take their entitlements, there is a need to increase the levy. Which is the one with the highest levy?

Mr Barnes: The highest levy is currently the building and construction industry, and the current levy is 1.75 per cent. Sorry, that is not the highest—the highest is the cleaning industry, which is two per cent.

THE CHAIR: So where you said some of these funds are essentially in the black, do you then look to reduce the levies? At what point do you get to the stage where you have more in the fund than you need and you can then start to reduce the levies?

Mr Barnes: That is done on a regular basis. We conduct a triennial actuarial review. That is enshrined in the legislation. At that time the actuary assesses the effectiveness of the levy and will make a recommendation as to any changes that might be appropriate. In between, we have an annual look at how we are tracking, but the triennial review is the primary decision-making point. Recommendations are then put to the minister as appropriate.

DR BOURKE: Your asset base is around \$100 million, of which the Manning Clark office building forms about 20 per cent. In the balance sheet you have got it at \$21.5 million, but there is a line there that you are proposing to revalue it. What is that process and what are you planning or considering there?

Mr Barnes: We revalue the building on an annual basis to fulfil our obligations in financial reporting. We have just undertaken a revaluation of that building. We just got the final report from the valuers, and that is \$22.5 million.

DR BOURKE: And that building is leased for the next 10 years to the commonwealth?

Mr Barnes: It is, yes. It has a 10-year lease with the Department of Human Services.

DR BOURKE: What is the long-term future of that component of your investment?

Mr Barnes: That is hard to say at the moment. We examine that on a regular basis. At the present time that property is giving us a good return. We have just spent a considerable amount of money having the building upgraded. That has been a very successful project—it came in on time, under budget and achieved all its aims.

THE CHAIR: Thank you very much, minister and officials. I remind everyone that all questions on notice are to be lodged with the committee support office within three business days of receipt of the uncorrected proof transcript. Answers to questions on

notice are to be lodged with the committee support officers within five days of receipt of the questions. Answers to questions taken on notice are to be provided within five business days of the hearing.

On behalf of the committee, thank you very much for attending today, minister, in your various roles.

The committee adjourned at 5.17 pm.