



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

SELECT COMMITTEE ON ESTIMATES 2014-2015

(Reference: [Appropriation Bill 2014-2015 and Appropriation
\(Office of the Legislative Assembly\) Bill 2014-2015](#))

Members:

**MR B SMYTH (Chair)
MS M PORTER (Deputy Chair)
MRS G JONES
MS Y BERRY**

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 26 JUNE 2014

**Secretary to the committee:
Dr B Lloyd (Ph: 620 50137)**

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

ACT Policing	1119
Justice and Community Safety Directorate.....	1065, 1097, 1119

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Amended 20 May 2013

The committee met at 9.30 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

Blount, Ms Wilhelmina, Acting Deputy Chief Finance Officer

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

Phillips, Mr Brett, Executive Director, Office of Regulatory Services

THE CHAIR: Good morning, ladies and gentlemen. Good morning, members of the committee. Welcome to the 11th day of the public hearings of the Select Committee on Estimates 2014-15. Today we will be looking at expenditure proposals and revenue estimates for the Justice and Community Safety Directorate. That includes output class 1, justice services, Public Trustee for the ACT and statement of intent, output class 2, Corrective Services, output class 3, courts and tribunals, and output class 4, Emergency Services and ACT Policing.

Please be aware that today's proceedings are being recorded, transcribed and broadcast. After the hearing, proof transcripts will be circulated to witnesses to allow for corrections, which will be made at the discretion of the committee.

Witnesses are asked to please familiarise themselves with the privilege statement which is on the pink card on the table. Could you all acknowledge that you have read the privilege statement and understand its obligations and protections?

Mr Corbell: Yes, thank you, Mr Chairman.

THE CHAIR: Thank you, minister. When taking a question on notice, it would be helpful for the committee and Hansard if the words, "I will take that question on notice," for instance, could be used. By resolution of the committee, time frames for questions taken on notice are five working days for questions taken on notice, and members have three days after the arrival of the transcript in which to put additional questions on notice. Witnesses are asked to provide responses within the five days, as said.

We now welcome the Attorney-General and his officers. We will work our way through the output classes as listed. Good morning, minister. Would you like to make a brief opening statement?

Mr Corbell: Thank you very much, Mr Chairman. My opening statement will be brief. I would like to thank the committee for the opportunity to appear before you this morning. I would like to make some general comments about a number of key elements of the budget in the Attorney-General's portfolio.

The government has made a series of announcements to assist in the administration of

justice and the delivery of justice support services to our community. Turning first to the issue of sentencing reform and justice reinvestment, the government has made commitments in this budget of \$734,000 over two years to develop and consult on evidence-based reforms to sentencing and restorative justice arrangements.

The government has decided to commit \$689,000 over four years through the reallocation of JACS portfolio resourcing for a senior officer class A to develop an ACT justice reinvestment strategy. Justice reinvestment involves the rebalancing of criminal justice expenditure from custody to community-based initiatives that help tackle the causes of crime rather than only their results.

Through justice reinvestment, a small reduction in recidivism can result in significant improvements for community safety, and longer term a reduction in the costs of the justice system to the community. This initiative will be supported by and closely linked with a proposed three-year research initiative with the ANU commencing in 2015-16 to quantitatively assess ACT justice reinvestment options to prevent crime and recidivism and minimise prison population growth.

The government will contribute \$150,000 in funding and \$450,000 in direct resourcing in support of an application for an Australian Research Council linkage grant jointly with the Australian National University. If the application is successful, matching funding will be provided, making this a \$1.2 million project. The research will look at the efficacy of justice reinvestment for both Aboriginal and other offenders and male and female offenders.

The budget also makes specific provision for the support of legal services to the Indigenous community. The government is providing \$100,000 per annum to the Canberra office of the Aboriginal Legal Service. The Canberra office of the ALS is the primary body which provides legal services to Indigenous people in our community, and like all other Aboriginal legal services it is predominantly funded by the commonwealth.

The additional funds to the Canberra office of the Aboriginal Legal Service will allow it to employ an additional one to 1½ full-time equivalent lawyers to undertake a duty lawyer role in ACT courts. The duty lawyer role will focus on matters in the ACT Magistrates Court, given the vast majority of criminal matters are heard in this court. The duty lawyer will be responsible for assisting Indigenous offenders with representation in the first instance before they have had the opportunity to seek more detailed advice. The funding will allow the court to facilitate better access to justice, and will be a significant contribution towards providing better legal representation to Indigenous offenders.

Turning to the issue of the courts themselves, the government is providing \$225,000 to support reducing the civil backlog in the Supreme Court. The Supreme Court has implemented blocks of mandatory mediation for long-wait civil cases. The first civil mediation block in March and April this year identified civil matters that had been outstanding for some time and provided skilled mediators to try and resolve them. This funding supports the next step in reducing the civil backlog, which is to provide judges to hear those matters that were not resolved through mediation. This program was initiated by the Chief Justice to resolve matters outside the courtroom, but we will

still see some cases needing to proceed to a full hearing.

Sixty-two per cent of the matters mediated this year were finalised during this block of time. To ensure those efficiencies are not lost, the government is providing funding for acting judges to hear matters that do not settle. Justices David Robinson SC, Stephen Walmsley, Linda Ashford and Dennis Cowdroy have been appointed to facilitate this work.

Statistics over the last few years show that the Supreme Court's program of improving efficiency and reducing backlog is succeeding, and the government's support is critical to the ability of the court to achieve these outcomes. Preliminary figures to May 2013 show that the total number of pending civil matters in the Supreme Court has fallen from 863 in May 2013 to 701 in May 2014. This includes both new matters that have recently come to the court and older, more historic matters.

It is worth highlighting to the committee that this year's report on government services, which summarises 2012-13 data—that is the report prepared by the Productivity Commission—shows a reduction in older civil pending matters that have been in the court for more than 12 months from 541 matters in 2011-12 to 373 matters in 2012-13. I expect we will see similar improvements when the ROGS data for this year are calculated.

Finally, it is worth highlighting again that the government is proceeding with an important project to redevelop the existing courts precinct. The government has announced funding of \$5.646 million to support work by ACT government agencies and contracted service providers to develop the first public-private partnership procurement in the ACT for the new ACT court facilities.

This is a historic project for the territory and its justice system that will deliver our community state-of-the-art, core facilities in a fit-for-purpose civic building that meets the needs of justice in the territory. I expect that an expression of interest process for potential bidders for this project will be launched in the coming months.

With that, Mr Chairman, thank you for the opportunity to make those brief opening comments on some elements of this year's budget. My officials and I are, as always, happy to try and answer your questions.

THE CHAIR: Thanks, minister. Members, we have a lot to get through before 11.15. We have an hour and 45 minutes to do 1.1, 1.2, 3, 4, 5 and 6, as well as the Public Trustee. So that is all the time you have. I would suggest you pick and choose the questions you want to ask. There might be a bit of free range across all of them, but that is probably the best way. Rather than saying there is 15 minutes for each, concentrate on where you want to spend your time.

Minister, you talked about the courts precinct. How much is it expected to cost to redevelop the existing court?

Mr Corbell: The government has indicated that, consistent with the government's broader position in relation to procurement through public-private partnerships, it is not appropriate to disclose cost estimates for this project ahead of the competitive

process that will be entered into, because to do so will be to potentially put a floor in terms of the proposals that have come forward from the private sector, and could compromise value for money outcomes for that project.

THE CHAIR: Where does the estimates committee get to scrutinise expenditure for the courts process then, if we are not allowed to know what the cost is?

Mr Corbell: Obviously, once bidders have been identified and relevant negotiations have been worked through, those figures will be disclosed and subject to the full scrutiny of the Assembly.

THE CHAIR: But the estimates committee is charged with looking at the forward estimates. How can we do our job if this is treated as commercial-in-confidence?

Mr Corbell: There is no provision at this point in the budget in specific terms for this project. Obviously, once those matters are finalised there will be a specific provision for this project in detail, and that will be subject to the normal scrutiny. I would refer you to the Treasurer's comments that I know he has made in his appearance before the estimates committee in relation to how the government is approaching public-private partnerships, and the importance of ensuring that value for money in the community is not compromised ahead of a competitive process.

THE CHAIR: Given that, as you say, there are no funds in this year's budget, does this mean you do not expect to begin construction until after July next year?

Mr Corbell: I said there was no specific provision. General provision has been made at a whole-of-government level for a range of projects, including the courts project. Construction is expected to commence in 2016.

THE CHAIR: What month in 2016?

Mr Corbell: Quarter 1 is the current prediction.

THE CHAIR: Quarter one of 2016; so it will not commence next year, as I said. How much has the government spent to date on the court project?

Mr Corbell: Expenditure to date, I am advised, is \$1.297 million.

THE CHAIR: Is all of the work for this being done in-house?

Mr Corbell: It is being undertaken through a project team that has been established by the government for this project, which is a mixture of in-house and consultant capacity.

THE CHAIR: Have any alternatives been presented to the government by the private sector for a different way of developing the precinct, because currently the plan is to build on the existing building?

Mr Corbell: It is to redevelop the site of the existing Supreme Court building, linking it with the Magistrates Court, and retaining the important heritage elements of the

existing Supreme Court building.

THE CHAIR: Again, have any alternative proposals that would be cheaper been presented to the government, and are they considering them?

Mr Corbell: The government has considered a range of options in relation to the site for the building, and also delivery options for the building, prior to determining the current preferred way forward.

THE CHAIR: Since that time have any other alternative solutions been presented to the government that would allow the existing building to remain as is but have an additional building beside it?

Mr Corbell: Those issues were presented to the government prior to the government determining its position as to the preferred way forward, which is the redevelopment of the existing building and—

THE CHAIR: Were those options cheaper than the government's proposed pathway?

Mr Corbell: They were not considered to be the best value for money proposition for the territory.

THE CHAIR: Were they cheaper than what you are proposing to expend?

Mr Corbell: I would have to review those matters because that analysis was undertaken over 12 months ago. But the government's conclusion is that the preferred redevelopment option was considered the best value for money option for the territory.

THE CHAIR: Can you provide to the committee a list of the different options that were considered and their costs?

Mr Corbell: I am happy to take that on notice. Some of that material may be cabinet-in-confidence but I am happy to take it on notice and ascertain what information can be provided.

THE CHAIR: Mrs Jones, a supplementary.

MRS JONES: As a supplementary to that, you have referred to a packet of funding which the government has allocated for these construction projects and capital works projects. Can you identify for us what the packet is, even if you are not keen to break it down because of your argument about tendering processes?

Mr Corbell: The government has provided funding in the second appropriation actually, which was scrutinised by this committee's predecessor and passed by the Assembly early this year, of \$5.646 million over five years to facilitate the work needed to deliver a public-private partnership to redevelop the Supreme Court building and to integrate with the existing Magistrates Court. Of that \$5.646 million, \$1.297 million was appropriated in 2013-14.

The funding will be used to engage a range of legal, project management,

architectural and other technical advisory services to assist the government in the development of the delivery of this project, as well as internal costs for procurement fees and the work of the Justice and Community Safety project management team to help facilitate the delivery of the project. That funding is not construction dollars. It is funding to develop the project to the procurement stage, the delivery of that procurement and the securing of a successful public-private partnership for the project.

MRS JONES: Minister, that was not quite the question I asked; maybe I can clarify it. I believe that you referred to a lump sum that the government has set aside for the extended capital works projects that have all been announced in this budget. Is that not what you referred to before? If so, how big is that bucket of money?

Mr Corbell: That is a central provision, which is held outside of the Justice and Community Safety budget—

MRS JONES: Yes. So who—

Mr Corbell: portfolio and it is the responsibility of the Treasurer in relation to a range of large-scale infrastructure works the territory is forecasting.

MRS JONES: I will put that on notice to the Treasurer.

THE CHAIR: Ms Porter, any questions?

MS PORTER: I am interested to follow up on what you were talking about before in your introductory remarks around the rebalancing of the justice system from custody to community-based initiatives. You would not be surprised that I am interested to know more about the research that you are proposing to do in relation to restorative justice. I believe that the research that you are proposing to do in relation to restorative justice might be—correct me if I am wrong—looking more at whether or not restorative justice can be introduced for adult offenders. I also was wondering what you might do if you are not successful in that funding application?

Do you want me to repeat any of that because I know you were a bit busy?

Mr Corbell: No, it is okay, Ms Porter.

MS PORTER: Is that focusing on the adult offender? Also, if you are not successful in your funding bid, what might you be able to do, attorney? Additionally, if you wanted to talk about any of the other crime prevention programs that you believe you will be able to pursue in this new direction, I would be happy to hear about them and I am sure the committee would be too.

Mr Corbell: Thank you, Ms Porter. The government is undertaking a range of programs and activities in this space driven by an overriding commitment to direct more expenditure in the justice portfolio away from incarceration and response to crime and more towards addressing the causes of crime and preventing offending or, indeed more importantly, reoffending. That is very much the emphasis in relation to this budget.

There are a number of projects that have been funded. Firstly, the justice reform strategy funding of \$367,000 per year over a two-year period; so a total of \$734,000. The purpose of this project is to undertake a wide-ranging analysis and to develop options for evidence-based reforms to sentencing and restorative justice services in the territory. I am very keen to ensure that our sentencing regime reflects best practice and looks more closely at the reasons as to why certain offenders for certain crimes are given custodial sentences.

We need to look very carefully at issues around whether or not general or specific deterrence remain relevant considerations in all types of crime. I think there are compelling arguments to reconsider whether or not general or specific deterrence is relevant in all crimes when it comes to custodial sentences. For example, many crimes are driven by underlying behaviours that need to be more squarely addressed, such as drug and alcohol dependency or abuse and also issues surrounding mental illness.

If we are able to address those matters, we are more likely to reduce the need for people to be sent to prison and, indeed, we should be considering whether people in those circumstances should be in prison in the first place or whether they should be in alternative settings with alternative programs to tackle those underlying causes of offending behaviour.

Obviously, there will always be circumstances where people need to be in prison, particularly in relation to issues around protecting broader public safety. So those are matters which should be balanced. I think there is great opportunity to undertake that very broad ranging analysis of these issues through the justice reform strategy. As a subset of that is work around restorative justice and the capacity to expand the application of restorative justice.

What we know from the research, as I have said in evidence previously, that restorative justice is cheaper than traditional sentencing options. It provides a greater level of restoration to the victim, a greater sense of closure to the victim than traditional sentencing options provide. It is often considered to be more effective in terms of the response on the part of offenders, because offenders are forced to confront the consequences of their offending actions and its impact on the victim in a much more personal and, I would argue, confronting way than they have to face up to through the traditional court sentencing process.

For all of those reasons we need to look at whether or not restorative justice now needs to be expanded to adult offenders for a range of crimes, including violent crimes. The evidence is very clear. Restorative justice works best with adult offenders. That is not to say it does not work with juvenile offenders. It does, but there is an even higher level of outcome for adult offenders and there is a higher level of outcome, a better outcome, for violent crime which would appear to be counterintuitive but, in fact, the international levels tell us that that is the case. Looking at how we can potentially expand restorative justice is another part of this program as well.

There are a range of other elements that are provided for in the budget. The justice reinvestment strategy, which is an agency funded initiative, will look at issues around how we can redirect expenditure away from the front line, catching people at the bottom of the cliff and dealing with the consequences then and reducing the causes of

crime back in the community. We will be undertaking an audit and gaps analysis of current justice reinvestment programs, where we can potentially refocus expenditure and get better outcomes and reduced recidivism rates.

Finally there is the ARC, the Australian Research Council, linkage grant that I mentioned in my opening statement, which is an excellent opportunity to look at how we can develop effective justice reinvestment outcomes and do that in partnership with the ANU. Both of those will link together for a very significant focus on justice reinvestment.

MS PORTER: If you are not successful in getting the grant, have we got some alternative sources to fund this partnership with the ANU in another way?

Mr Corbell: The government is still funding a justice reinvestment strategy itself to the tune of approximately \$166,000-\$170,000 indexed over the next four years. Then obviously if we can harness a linkage grant from the ARC, that is more money on top of that underlying base level.

THE CHAIR: Mr Hanson had a supplementary and then a new question from Ms Berry.

MR HANSON: My question is about justice reinvestment. It is about simply keeping people away from committing crimes. However, there seems to be a trend in recent times for more people to receive custodial sentences. I am trying to confirm whether that is the case. Have you mapped that? Certainly, it seems to be the case based on numbers in the prison.

I am curious to see whether, firstly, that is the case. If it is the case, is that because we are capturing more people? Is it because more people are getting custodial sentences or is it because there is an increase in the duration of those custodial sentences? Is it a bit of everything? What has happened there? If that is the case with custodial sentences, it seems to be quite different from what you are talking about in terms of the government strategy with justice reinvestment.

Mr Corbell: Indeed, it is the reason why, Mr Hanson, we are putting this emphasis now on justice reinvestment and reform in terms of sentencing and delivery of alternative justice options, such as restorative justice. We are seeing an increase in the number of people in custody. The reasons behind that are complex and many. The Assembly itself has determined that for certain crimes there should be higher penalties, including higher custodial sentences. So that is a factor. Obviously there are the individual sentencing decisions of the courts. Those vary in terms of their reason and rationale. It is very difficult to unpick those except on a case-by-case basis as to why a particular offender has been given a custodial sentence.

Certainly the government has also said to our police that it places importance on tackling property-related crime and alcohol-related crime in our community. They have been very successful in doing that with rates of those crimes down significantly, in some instances down by 25 per cent for certain types of property crime. But obviously the corollary of that is that we see more people appearing before the courts and a number of those people are getting custodial sentences. There are a range of

factors at play. The sentencing—

MR HANSON: Minister, I agree with you.

Mr Corbell: It is a complex equation.

MR HANSON: I understand that. What I am after is the detail around that. Can you point to an increase, for example, in convictions for particular offences which might have resulted in those increased convictions or particular crimes where there are greater sentences being delivered by courts? We understand those causes. I outlined them in my question. I want to know what the facts are, what analysis you have done.

Mr Corbell: Sure, if you are asking for the definitive answer on why, it is difficult to drill down beyond, I guess, a summary of those points because the factors are complex and they are multifaceted. What I would say though is that the government is putting in place measures to ascertain over time and to get a better detailed analysis of what is occurring in terms of sentencing. Obviously we have invested in the sentencing database which will, over time, allow us to get a better picture of trends in sentencing, the nature of the offending behaviour and the types of penalties that are being handed for those behaviours.

I said that over time I think we will have much greater capacity to undertake that analysis. But even with that, and recognising we do not have that in any detailed way right now because the sentencing database itself is very new, we have to recognise that it is multifaceted and complex and that it is difficult to drill down to one particular factor.

MR HANSON: Minister, you have got a massive increase in custodial sentences and you are giving me a few motherhood statements why, but there is no analysis being done to explain what increase there is potentially in convictions broken down by crime types. You cannot tell me whether there is any variance in particular sentences being delivered by the courts. You have some good motherhood statements there and we all understand that, but where is the analysis that is telling you what is happening and why, in detail?

Mr Corbell: I think you have mischaracterised my answer, because what I am attempting to explain is that the factors are complex and multi-faceted and it is not always the case that you are able to pinpoint an increase in custodial sentences to one particular factor. There are a whole range of factors at play, some of which are very difficult to ascertain trends on. The capacity that we have in relation to the sentencing database is certainly going to assist us over time in understanding trends better, and the government has made a significant commitment in that respect.

MR HANSON: Can you answer this question, then: has there been an increase in conviction rates for criminal matters that would result in a custodial sentence?

Mr Corbell: It would depend on particular criminal matters that you are referring to. The sentencing database does give us some capacity now to look at that but obviously the issue is about trends over time, and trends over time will take time to develop and properly ascertain. I do not think there are many justice systems in Australia—indeed,

I do not think there are any in Australia—which could claim to have a complete picture or understanding of what is driving conviction rates or particular outcomes in any respective state or territory justice system. It is a very complex picture.

MRS JONES: Just as a supplementary to that, we have had evidence in public hearings in the JACS inquiry that one of the major factors is judges feeling a bit more comfortable, essentially, with locking people away because we now have our own prison. The information we were given was that there was an expectation that that will calm down but there was a bit of a spike after the opening of the prison. Do you have any thoughts or have you had any advice on that?

Mr Corbell: I have heard that commentary too. It is highly anecdotal, and I think if you were to ask questions of our judicial officers they would say that the fact that there is a prison in the ACT does not fundamentally change their sentencing decisions around custodial sentences, because they are obliged to make decisions about sentencing consistent with the sentencing criteria in the sentencing legislation.

MRS JONES: There is a certain amount of judgement on the impact on the person in the system.

Mr Corbell: The only factor that may come into play is the ability to maintain connections with family and extended social network in terms of access for visiting and so on, which is much more difficult if you are in a prison interstate somewhere. And that was certainly a factor prior to the opening of the AMC. But a lot of that commentary, I would have to say, is highly anecdotal and the judicial officers, I think, would make the point that their sentencing decisions must at all times be consistent with sentencing law. And really the presence of a prison within the ACT is not a particularly significant factor.

THE CHAIR: So you have had that conversation with our judicial officers? You know that it is affecting their decisions?

Mr Corbell: It is not for me to disclose discussions that I have with judicial officers in specific terms, but I would simply make the observation that this type of commentary is highly anecdotal.

THE CHAIR: But you just made comments about what our judicial officers are doing. Do you know that for a fact or is that anecdotal evidence as well?

Mr Corbell: I certainly know for a fact that our judicial officers' view is that the issues that they must have in their minds are issues consistent with the criteria set out in the sentencing act. That is how they make decisions about sentencing.

THE CHAIR: Just to finish on this question, the prison has now been open for a number of years. So we do have some data. Has there been any analysis of the imprisonment rates done since the prison opened?

Mr Corbell: Yes, imprisonment rates are reported regularly, particularly through Productivity Commission reports and so on.

THE CHAIR: No, that is not what I asked. I asked was there any analysis of the rates and what is driving them.

Mr Corbell: And that work is analysed and advice given to government. A lot of those matters are directly the responsibility of the Minister for Corrections, and that obviously then informs broader work across the justice portfolio as a whole. Minister Rattenbury and I work closely on those matters.

THE CHAIR: But you said earlier that you did not have any analysis, and now you are saying there is analysis?

Mr Corbell: No, the questions were somewhat different, and I am simply making the point that obviously where we do have analysis, where we do have data, we do look at that data. But the reasons behind imprisonment are complex and multi-faceted, as I indicated before.

THE CHAIR: Can you provide to the committee any of the analysis that has been done?

Mr Corbell: I would have to have a look at that. Some of that may be cabinet-in-confidence, but I am happy to take it on notice and see what can be made available.

THE CHAIR: Ms Berry, a new question.

MS BERRY: I want to ask some questions about liquor licensing. Could you please inform the committee what are the rules around responsible service of alcohol?

Mr Corbell: I will ask the Commissioner for Fair Trading, who has responsibility for liquor licensing, to answer your question in a bit more detail, but in general terms when the liquor licensing reforms were adopted back in 2010 by the Assembly we mandated responsible service of alcohol training for all liquor staff so that they had a better understanding about their obligations in relation to the law and the way to manage the responsible service of alcohol.

Prior to 2010 there was no mandated training for responsible service of alcohol. A significant number of licensed premises in the ACT did do that voluntarily, both within the clubs and broader hotel hospitality sector, but not all of them did. So the mandating of that training in 2010 ensured that there was consistent training across the board for all liquor service staff.

In terms of what RSA means in specific terms, Mr Phillips will be able to outline to you what that does mean. I have to say, overall the response from the industry has been positive to the introduction of RSA as a mandatory measure and I think it is having an effect in terms of raising awareness and understanding of licensed premises staff in relation to their obligations for the responsible service of alcohol. But Mr Phillips can give you some more detail on that.

Mr Phillips: The Liquor Act provides offences for staff who serve alcohol to intoxicated people and sets out a few parameters around how people can assess whether people have had too much to drink. And those parameters include people's

speech, their manner of gait and their general manner.

MS BERRY: How do we know if a venue or permit holder has breached their responsibilities under the licence? We are not standing at the door watching people in the bar do their work. How do we know if there has been a breach?

Mr Phillips: There is regular and ongoing compliance activity by both ACT Policing, inside and outside liquor premises, and also by the Office of Regulatory Services inspectorate, both inside and outside premises. We rely on complaints that we receive from people who might visit venues and find that, but apart from that it is hands-on, regular inspectorate activity.

MS BERRY: And were there any breaches in the last 12 months?

Mr Phillips: There have been some matters referred in relation to conduct. Most of the matters are dealt with by police when they visit premises, by removal of people from premises when they find that they are affected.

MS BERRY: So in the last 12 months there have been no breaches?

Mr Phillips: There has been no disciplinary action taken by me in relation to licensees.

MS BERRY: Do they get warnings or—

Mr Corbell: There is a separate question about patrons and whether or not patrons have been issued with on-the-spot fines for refusing to leave a premise, being abusive towards staff and so on. And those on-the-spot fines are criminal infringement notices issued by the police. The police would be able to give you some more advice in relation to that sort of thing.

MS BERRY: Do you keep track of problem nightspots to aid development policy around alcohol

Mr Phillips: We regularly inspect on weekends and after hours with the police. So we have a regular inspection regime where we look at the security on the door, we look at the RSA qualifications of people inside, we look at the condition of the premises, we look at the numbers of people who are frequenting venues, just to ensure that there is compliance with the Liquor Act. The police also have a regime where they look at the conduct of the patrons and respond to complaints or queries from publicans in relation to where there is a problem in their premises. Those are regular and ongoing.

Mr Corbell: There is also a coordinating body between the liquor licensing inspectors and the police, through a forum known as MALT, which is the multi-agency liquor task force, is that right?

Mr Phillips: That is right.

Mr Corbell: The multi-agency liquor task force. MALT brings together police and our liquor licensing inspectors and other government agencies as necessary, such as

Health, Ambulance Service and at times the fire brigade in terms of occupancy loading, or the Planning Authority in relation to whether operations are consistent with lease purpose clauses and so on. What that allows the government to achieve is a coordinated analysis of licensed premises where there are problems in terms of operation—in terms of patron behaviour, responsible service of alcohol, problems with access and egress, compliance with occupancy loadings, whatever the issue may be—and allow for a coordinated enforcement effort.

So we do see police working with licence inspectors in terms of common inspections or coordinated inspections of licensed premises that are of concern. Intelligence is shared about licensed premises that are causing problems or highlighting issues of concern and then an appropriate regulatory response is developed. And I have to say, there is also the opportunity for the industry, through clubs and the Australian Hotels Association, to be engaged with certain MALT meetings so that they too can give their feedback and input into some of these issues at that regulatory level, as appropriate.

There is, of course, still the Liquor Advisory Board established under the act which has industry representatives across the board, as well as police and others, to give advice to Mr Phillips as the commissioner on matters in relation to liquor licensing more formally.

MS BERRY: Do the inspections take into account things like stairs? A lot of the nightclubs—and clubs as well, but clubs also have lifts——only have stairs, from memory. It has been a long time since I have been to a nightclub.

Mr Phillips: We focus on the condition of the premises. Each licensed premises has a risk assessment management plan that it lodges with my office that details a number of issues that they have to deal with about the safety of patrons. One of those issues that are very important is the issue of exit and egress, ensuring that entrances and exits are not blocked or not locked or whatever. So there is quite a bit of work and quite a bit of focus in inspections on the safety of the premises.

MS BERRY: You talked about the work you do with MALT and bringing people together. Through that process do you track violent incidents or injuries and things like that that occur in nightclubs?

Mr Phillips: Again, a provision in the Liquor Act requires licensees to maintain an incident register, and they are required to record incidents that occur inside the premises and immediately adjacent to the premises. Those issues are checked and tracked during the course of inspections and also during the course of intelligence—

MS BERRY: Is that information publicly available or is that just something that licensees—

Mr Phillips: Licensees keep it on premises.

MS BERRY: But we do not really know if they keep track of everything, do we?

Mr Corbell: Obviously there would also be correlation with matters that involve

police attendance. If the police had attended an incident, they would obviously be familiar with that and have a record of that. There is the capacity to correlate the two, and obviously if police are regularly attending a premise or the vicinity of a premise because of violence or other antisocial behaviour and that has not been recorded by the licensee, that is going to be picked up because there will be a clear discrepancy. Because of the information sharing between police and fair trading there is the capacity to identify those anomalies. But, yes, in relation to the licensees' obligations, we rely on them to uphold their obligations under the law.

MS BERRY: Has the ACT government ever considered the Cardiff model? Do you know of the Cardiff model?

Mr Corbell: You may need to give me some insight into that; I am not immediately familiar with it, Ms Berry. I may have heard of it before if you prompt me a little bit.

MS BERRY: It is a way they have used to tackle drinking and tracking injuries related to alcohol—that is, not just incidents that occur in a nightclub but injuries that occur as a result of alcohol consumption. They track problem spots and put the responsibility on the venue owners to improve their behaviour as a responsible alcohol service venue. The idea behind it is a traffic light system—that is, if you have a history of bad behaviour or incidents or injury coming out of your place you get a red traffic light. If you have better behaviour you get a green traffic light, and that is publicly available so people can see where the problem spots are. That encourages venues to work towards getting the green traffic light rather than the red one and it encourages them to be a place of choice for people because they know they will be safe and it less likely for an injury incident to occur.

Mr Corbell: I am not familiar specifically with what has occurred in that city, but the model as you describe it sounds very similar to models that have been put in place, say, in relation to food safety licensing in different places around the country where there is a red, amber and green rating to give an indication of overall compliance and performance with relevant standards. I am familiar with those types of regulatory approaches.

Here in the ACT at this point in time the mechanism in place is the ability to have regard to compliance with liquor licensing law as a condition of licensing and relicensing. The legislation makes provision for the minister to say that, in setting fees, compliance history will be taken into account. To date we have not put in place a specific implementation of that provision, recognising that our fee structure was quite new and, therefore, the ability to develop an understanding of compliance over a reasonable period of time needed to occur. But, as you would also be aware, the review of the Liquor Act has recently been released by me in the last couple of months, and that outlines that we are achieving significant results in reducing alcohol-related crime across the territory as a whole. There is still work to be done, and issues around compliance are part of that overall review. As to whether or not further steps need to be taken on that, the government is currently giving consideration to the issues arising from that review report and stakeholder feedback on it.

MS BERRY: As to alcohol-related injuries, broken ankles or broken arms or injuries where people have had falls as a result of alcohol consumption, do you know if the

emergency department records those types of injuries for that to be fed back into the work you do?

Mr Corbell: Yes. Since the enactment of the new liquor licensing laws, a concerted effort has been put in to ensuring that different parts of the system as a whole, to refer to it that way, are adequately capturing and recording data about alcohol-related incidents and injuries and associated ambulance and hospital attendances. A strengthening of that data collection is starting to flow through. The liquor licensing review makes some observations about the need to continue to improve data holdings in that area. Obviously, this relies on the development of effective data capturing methodologies in the ED and by the Ambulance Service amongst others. A lot of work is happening to improve that and that is now starting to be reflected, for example, in the annual Chief Health Officer's report in terms of impact of alcohol-related injuries and hospital presentations and so on.

Overall, we are seeing that alcohol-related assaults are down by 11 per cent since the new laws came into effect. Alcohol-related non-driving offences are down 21 per cent and drink-driving offences are down seven per cent. We are seeing overall reductions in the number of alcohol-related offences across the territory, but we are also seeing continuation of some hotspots, and there is clearly still more work to be done to further reduce those rates.

THE CHAIR: Mr Hanson has a supplementary and then Mrs Jones has a supp.

MR HANSON: You said there have been no prosecutions or convictions this year. When was the last time there was a prosecution or a conviction under the act?

Mr Corbell: Mr Phillips's answer was in relation to the specific issue around noncompliance, which was RSA. More broadly I will ask him to give you some clarification on that.

MR HANSON: We will go to the noncompliance issue first and then maybe more broadly.

Mr Phillips: I can give you details of the proceedings that we have taken in ACAT in relation to disciplinary matters. I think over the last 12 months we have taken maybe four or five matters to ACAT in relation to the disciplinary matters against licensees. I cannot give you details of the number of infringements and prosecutions that the police have issued in relation to noncompliance with the Liquor Act.

MR HANSON: The new costs schedule, was that revised in 2010?

Mr Corbell: The risk-based licensing took effect in 2010. Obviously the fee schedule is reviewed and set every 12 months or so as part of the regular fee determinations.

MR HANSON: But that was when there was a quite a significant change to the fee schedule.

Mr Corbell: Yes, the new fee structure and the significant changes in fees came into effect as part of risk-based licensing in 2010.

MR HANSON: Can we have the total amount of revenue from the fees and licensing that we get now compared to the figure immediately preceding the change to the laws? I assume that would be 2009. I want to try and get a view of the quantum of the change in fees and licensing. Is the government collecting more, is it collecting less and by how much? I know that there is a CPI element to that obviously, but I would like to try and get a grasp of back in 2009 the total quantum for fees and licensing was X and it is now Y. I do not know if you have got those available now or whether you would have to take it on notice.

Mr Corbell: I will take the detail of it on notice, Mr Hanson, just to get the figures accurately for you. But a general observation is that before 2010 alcohol licensing in the territory was cheap. You could run a nightclub and pay maybe \$1,000 or so for a liquor licence and you could certainly run an off licence at much less than that. There was a very substantial increase in fees in 2010 because, quite frankly, the cost of buying the privilege to sell alcohol in the territory was ludicrously cheap and did not reflect the full costs associated with the sale of alcohol in the broader community.

Risk-based licensing is designed to better reflect the overall costs to the community of granting certain businesses the privilege to sell alcohol. At the same time the government increased fees, it also increased expenditure on enforcement and the increase in fees was directed towards putting more police on the beat.

MR HANSON: Into the liquor licensing team that you have disbanded?

Mr Corbell: Changed its name, but those extra police are doing their job as a dedicated enforcement capability, and the Chief Police Officer has given evidence to that effect previously. Extra police are on the beat and dedicated police are enforcing liquor licensing laws as a result of that increase in fees. I am happy to give you the specifics of that on notice.

MRS JONES: Regarding the regular inspection regime, can you explain what the rationale is between police regularly inspecting and the other inspections that occur, why they occur and how often they occur?

Mr Corbell: Two separate enforcement actions need to take place in general terms. The first is the enforcement of the criminal law, which is obviously the responsibility of the police. There are certain matters that are criminal matters in our alcohol laws and those are the responsibility of the police to enforce in the same way that any other criminal offence is the responsibility of the police in general terms. Then there are a range of other enforcement elements that are the responsibility of our civilian inspectorate. Those include issues such as maintenance of risk management plans, provision of risk management plans, compliance with occupancy loading requirements, compliance with signage and a range of other matters. Those are enforced by the licensing inspectors and criminal matters are enforced by the police.

MRS JONES: How often are these premises regularly inspected by those other organisations and the police?

Mr Corbell: I am happy to give you a complete breakdown on the number of

inspections that have taken place—

MRS JONES: Maybe the last 12 months.

Mr Corbell: both by police and by our liquor licensing inspectors. I do not know whether we have that immediately to hand. It does not appear so, but I am happy to provide that information to you. I will have to take that on notice.

MRS JONES: There is regular attendance as well as call-outs?

Mr Corbell: Yes. There is a proactive inspection regime both by our liquor licensing inspectors as well as by police.

THE CHAIR: A final question from Ms Berry then a new question from Mrs Jones.

MS BERRY: Regarding stand-alone liquor outlets, does the government take into account when providing a licence to sell liquor from a liquor outlet the amount of outlets that sell liquor in that area, whether they are supermarkets or clubs, before they allow for a licence to be provided? If there is a whole bunch of clubs and supermarkets and perhaps another liquor outlet in one area, would they then say, “Hang on, that market’s covered in that area. We’re not going to give a licence for another liquor outlet”?

Mr Corbell: Yes. As part of the reforms to the Liquor Act in 2010 issues around outlet of density—that is, the number of outlets in a particular location—were introduced as a factor in considering whether or not to grant a new or additional licence in a particular location. The two-year review of the liquor laws which I released in May this year made further recommendations about further options for reform in relation to what is called outlet density as well as trading hours. Those are matters the government is currently considering further.

THE CHAIR: Mrs Jones, a new question.

MRS JONES: Minister, I just—

Mr Corbell: Mr Chairman, I have some advice I can give now in relation to Mrs Jones’s earlier question about the number of inspections.

THE CHAIR: Sure.

Mr Corbell: From 1 July last year until the current time, the number of inspections undertaken by our liquor licensing inspectors—not the police, but our liquor licensing inspectors—of licensed premises was 1,020.

MRS JONES: You will get back to me on the police numbers?

Mr Corbell: I do have some information now from the police. The number of proactive visits and inspections of licensed premises by the police for the period 1 July 2013 to 30 April 2014 is 1,340.

MRS JONES: So a similar number. And can you provide those numbers going back to the beginning of this new act that was put in place in—was it 2009?

Mr Corbell: It was 2010. Yes; I am happy to take that question on notice.

MRS JONES: Thank you very much.

MS BERRY: With that figure for the inspections by both the police and liquor licensing, were they inspections as a result of an incident or just random inspections?

Mr Corbell: In relation to the liquor licensing figure, they are proactive inspections. In relation to the police, in my understanding, they are a mixture of both call-outs and proactive inspections.

MRS JONES: When you give me that data, can you break that down by proactive versus regular?

Mr Corbell: If that is possible, yes.

MRS JONES: Thanks very much. My question is regarding your review of sentencing, which I believe has been announced. What is the time frame for your review, and have you got the terms of reference for that review finalised?

Mr Corbell: The government envisages that the reform agenda in relation to the review is a two-year exercise, with interim and final recommendations on proposals for legislative and system reforms to be drafted and enacted prior to July 2016. That is the overall time frame. The funding for the program has been provided for a two financial year period, 2014-15 and 2015-16.

MRS JONES: And how much is that?

Mr Corbell: As I said earlier, it is just under three-quarters of a million dollars over the two-year period—\$734,000 split evenly between 2014-15 and 2015-16.

MRS JONES: And the terms of reference?

Mr Corbell: The final terms of reference are yet to be determined. They are being finalised by my directorate for my consideration.

MRS JONES: When do you expect them to be finalised?

Mr Corbell: Later this year.

MRS JONES: Will they be publicly released?

Mr Corbell: Yes, they will.

MRS JONES: Who will conduct the review?

Mr Corbell: The review will be conducted both by in-house personnel with in-house

capacity within the Justice and Community Safety Directorate and through the engagement of relevant expert advice externally. For example, a quarter of a million dollars over two years has been set aside as part of the overall budget for this project to fund research and evaluation, engaging relevant academic experts in their field, in relation to sentencing matters.

MRS JONES: What is the consultation process you are expecting to employ on this?

Mr Corbell: The strategy will be guided by an advisory group which will be led by my director-general, Ms Playford, and will include representatives at head of office level from key justice sector agencies and other external stakeholders.

MRS JONES: Are you expecting to look into bail as part of this review—concerns around bail?

Mr Corbell: In relation to sentencing, bail would be a relevant subset of considerations, in relation to sentencing more broadly.

MRS JONES: As you know, there is an inquiry going on at the moment. How will the inquiry play into the review and the recommendations of it? And will specific cases be taken into account—for example, the Belconnen library incident and that sort of thing?

Mr Corbell: The Assembly committee inquiry that is currently underway will be an important input into the review, and we will treat the report of that inquiry as an important input into this broader overarching examination. In relation to particular matters, obviously where particular matters highlight concerns or issues they will be able to be appropriately taken into account.

MRS JONES: Okay.

MS BERRY: Supplementary?

THE CHAIR: Ms Berry.

MS BERRY: Attorney, during the inquiry into sentencing that is being carried out, there has been quite a lot of discussion around mandatory sentencing. It seems pretty clear from that sentencing inquiry that mandatory sentencing has little or no support in the community, including the ACT legal community. What is the ACT government's view on that?

Mr Corbell: As I have stated previously, in my evidence to the sentencing inquiry and elsewhere, the government does not support mandatory minimum sentences. Mandatory minimum sentences are arbitrary. They can undermine judicial independence, which is a very important tenet of the operation of our justice system. They can remove from the judge or the magistrate the capacity to properly impose a sentence that reflects and takes into account all the relevant factors in relation to the offender and the offending behaviour. Fundamentally, mandatory minimum sentencing can lead to unjust, indiscriminate and arbitrary outcomes that undermine the administration of justice. So the government does not support mandatory

minimum sentencing.

THE CHAIR: Mr Hanson, a new question.

MR HANSON: Going to public prosecutions, last year the DPP appeared before the committee. I will just quote from what he said:

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.

Given that, when I compare the previous year’s outcome with the estimates for this year, the budget is broadly the same, where are we sitting with the DPP? Obviously there are significant resource constraints. There do not appear to be significant resources going into the DPP. What is the situation? Is the DPP still in a situation where it is struggling to find bodies to get to court?

Mr Corbell: The government is providing new funding to the DPP to increase their capacity in relation to a particular area of prosecution activity, work safety prosecutions. The government is providing \$1.158 million in new funding over four years to the DPP to increase their capacity to enforce a particular area of pressure that the DPP has indicated he is facing, which is in relation to work safety prosecutions. This will allow for the employment of two additional full-time equivalents, one grade 4 prosecutor and one paralegal grade 2. This will allow the DPP to better manage the workload in relation to work safety prosecutions. We have seen a significant increase in the number of referrals of work safety matters from WorkSafe in relation to alleged breaches of the work safety act. That will allow that unit to better assess briefs received from WorkSafe investigators, lay appropriate charges, and proceed with prosecutions where that is determined to be the appropriate course of action.

MR HANSON: Can you show me where that is in the budget? I am looking at the budget statement, page 11—

Mr Corbell: Page 103 of budget paper 3 outlines this initiative.

MR HANSON: I see 1.5 million under the Director of Public Prosecutions work safety prosecutions unit. But then when I turn to the budget statement, output 1.4 has not increased significantly. With this extra 1.6 million, I would have thought the amount of about 10.3 million, which it was last year, would have increased to nearly 12? How is that—

Mr Corbell: I am advised that there are a number of ons and offs in the budget. There is a decrease, mainly due to the cessation of funding relating to the board of inquiry into the conviction of Mr Eastman. Funding for the DPP ceases in relation to the board of inquiry itself, because the board of inquiry has completed its work.

MR HANSON: Just to clarify that point, there was specific funding provided in addition to what had been appropriated in 2013-14 to provide money for the Mr Eastman matter. How much was that?

Mr Corbell: That is correct. Cessation of the 2013 Eastman funding results in a \$421,000 reduction or decrease in the budget for the DPP.

MR HANSON: So where are the other cuts? You have gone up 1.6 for WorkSafe prosecutions. You have cut the Eastman stuff. I am not sure where that is at, to be honest, but I will probably follow up on that later. But we have still got \$1.2 million in other cuts to the DPP. This is a DPP saying they cannot get bodies to court, and you have cut 1.2 million?

Mr Corbell: I will ask my officials to provide further clarification on that.

Ms Blount: As the minister mentioned, there are a number of ons and offs in relation to the DPP. The only thing that I can advise at this stage is that there are revised wage parameters and other adjustments that would end up with the—

MR HANSON: So fewer people, less hours?

Ms Blount: No; revised wage parameters are associated with wage increases.

MR HANSON: So you had instigated pay increases that you are not giving now? Is that right?

Ms Blount: No; we are giving that. The money came through in the supplementary appropriation for revised wage increases.

Mr Corbell: The advice I have before me, Mr Hanson, is that in relation to total costs, there was a decrease of 52,000 in the 2014-15 budget on the 2013-14 estimated outcome, due to cessation of the 2013-14 funding for the Eastman board of inquiry—421,000, as I have previously mentioned. This is partially offset by the new initiative of the DPP work safety prosecutions unit, 277,000; an increase in government superannuation contributions, 53,000; and revised wage parameters, 19,000. In relation to GPO, the decrease of 0.041 million GPO in the 2014-15 budget from the 2013-14 estimated outcome is mainly due again to the cessation of the 2013-14 Eastman funding, 421,000, partially offset by those three matters that I mentioned.

MR HANSON: Do the DPP have any ongoing role at the moment with regard to Mr Eastman? I see that there is still advice coming forward from the DPP.

Mr Corbell: The DPP, as an independent statutory officer, has a range of matters that he must consider in relation to the outcome of the board of inquiry report and the subsequent proceedings that are before the full court of the Supreme Court. Those are matters for him to ascertain and he will determine what action he should take. As has been reported, there are a number of applications that the DPP has made to the full court, and they are being considered by the full court.

MR HANSON: But in essence you have got the DPP coming before this committee and saying that he is struggling to find bodies to get to court, and then, when you put the ons and offs in there, he has still got the same number of bodies, by the look of it.

Mr Corbell: No. He has got additional staff. He has got additional staff because the

government is funding in his recurrent budget, in the director's current recurrent budget, additional personnel. And there have been one-off amounts of funding to reflect one-off circumstances, such as the board of inquiry, which are coming to a conclusion.

MR HANSON: What is the total number of staff employed by the DPP in FTE terms in a comparison between last year and this year?

Mr Corbell: I would have to have advice from the DPP as to the total number of staff, and I am happy to seek that.

MR HANSON: Could you take that on notice?

Mr Corbell: Yes.

THE CHAIR: And what is the additional funding that the government has made available?

Mr Corbell: In relation to?

THE CHAIR: The extra staff.

Mr Corbell: In relation to the extra staff, it is as I outlined, total expenditure of \$1.158 million over four years for increased work safety prosecutions capability. In relation to the workforce, the advice I have from the Director of Public Prosecutions is that their total FTE is currently 75.34 as of 21 May this year.

MR HANSON: And what is it anticipated to be as a result of this appropriation? Is there any change?

Mr Corbell: I would have to seek clarification. I will see if we can come back with that figure later in the hearing.

THE CHAIR: Ms Berry with a supplementary.

MS BERRY: Just as a supplementary, what are the—

Mr Corbell: Yes, that is an increase. The increase is two FTE, on that figure.

MR HANSON: With the \$1.2 million for the work safety prosecutions unit, is there additional work that the DPP will be doing or is that simply allocating additional resources to what they are currently doing?

Mr Corbell: This is about increasing the number of personnel available to deal with particular matters. This funding is in relation to having additional staff to deal with work safety prosecutions that the DPP has signalled in his previous annual report is an area of workload pressure and where he needs additional staff.

MR HANSON: And is that ongoing or is that limited in—

Mr Corbell: This is ongoing funding.

MS BERRY: What are the witness assistance services and where do they sit in the output?

Mr Corbell: Witness assistance is a particular function that the DPP has in place to facilitate liaison between prosecutors and witnesses who are giving evidence or indeed victims who are associated with matters being prosecuted by the DPP, and that allows the DPP to communicate with those witnesses and/or victims and explain to them what is occurring in relation to prosecutions, time frames, what issues are arising in relation to a prosecution and also to assist them with being prepared to give evidence in court.

MS BERRY: Does that make up a particular part of this budget? Is it separate from it? It is separable or is it just all part of the—

Mr Corbell: It is part of the overall appropriation to the DPP.

THE CHAIR: Remember, members, we are finishing at quarter past 11. We have got every output class 1.1 through to 1.6 and the Public Trustee. I have a question, minister, on the protection of rights. The Hawke report suggested that all statutory office-holder positions in the ACT be reviewed, which the government agreed to, but it has not announced such a review. Is it true that there is currently a review in the JACS Directorate into the statutory office-holders within the department?

Mr Corbell: It is not correct to state that the government has not announced a review. Indeed, I have previously indicated on the public record that a review is occurring in relation to the operation of statutory office-holders. These are statutory office-holders who perform rights protection functions. The statutory office-holders involved in this review are the commissioners of the Human Rights Commission, the Public Advocate, the Victims of Crime Commissioner and the Public Trustee.

Last year I indicated that my directorate had engaged a consultant to review the current structure and service delivery of statutory office-holders within the justice portfolio that are engaged in the protection of rights. That consultant's report has been concluded and provided to the directorate and to me, and I have provided a copy of that review, report, to the statutory office-holders concerned so that they can provide me with their comments ahead of public consultation on that document and options for implementing potential reforms.

THE CHAIR: You perhaps misunderstood me. I said the Hawke recommendation into all the statutory office-holders had not gone ahead. Is the committee allowed a copy of that review document?

Mr Corbell: I have undertaken to provide it to statutory office-holders, rights protection office-holders, in the first instance for their comments. Those comments are being received. I think all comments have now been received. The director will provide me with further advice on those matters and options for the release of the document and I intend to release the document once that matter has been concluded.

THE CHAIR: So when is that release likely to be?

Mr Corbell: It will be in the coming months.

THE CHAIR: Were any concerns raised about the nature of the review with you or other officials in the government?

Mr Corbell: I have seen some of the comments and reviewed some of the comments made by statutory office-holders. I have not read them all definitively or in detail and I am awaiting advice from my directorate in relation to those matters so that I can consider them in detail. It would be fair to say that, on the advice and updates I have received to date, there are a range of views from statutory office-holders about the conclusions of that review report.

THE CHAIR: Were there difficulties or objections raised with the model presented by the consultant?

Mr Corbell: There are a range of views in relation to that matter, both concerns and support for them.

THE CHAIR: People are interested in what might happen. Minister, on a slightly different question, the public—

MR HANSON: Can I have a supplementary on the protection of rights?

THE CHAIR: Yes.

MR HANSON: Just on the funding, in the comparison between last year and this year there was a reduction in the output. It is about a two per cent reduction. That is budget statement page 11, output 1.5, protection of rights, \$8.6 million estimated outcome for last year and \$8.4 million in the budget. Could you explain where that cut is occurring?

Mr Corbell: It is not a cut. It is a transfer of expenditure from the official visitors scheme to the Public Trustee. As you would be aware, decisions have been taken by the Assembly about the operation of official visitors and therefore the funding for official visitors has transferred from this area of the JACS portfolio to the operations of the Public Trustee to the tune of \$361,000.

Overall, funding for protection of rights has not decreased. In fact, it has increased. The reduction is, as I have outlined, in relation to the transfer of functions for official visitors from the JACS' budget to the Public Trustee and there has been an increase in protection of rights, particularly in relation to legal assistance for Aboriginal and Torres Strait Islander members of the community through increased funding to the Aboriginal Legal Service which I outlined in my opening statement.

THE CHAIR: Just to go back to the review of statutory officer-holders, who conducted the review? Was it an internal or an external consultant?

Mr Corbell: An external consultant was engaged. Nous consulting was engaged to

undertake the review.

THE CHAIR: And how much did that cost?

Mr Corbell: I will take that on notice.

THE CHAIR: And given that this is about governance and independence of oversight agencies, did the consultant who conducted the review have experience in governance arrangements and the independence of oversight organisations?

Mr Corbell: Yes, they did.

THE CHAIR: You were happy that they did have it?

Mr Corbell: Yes.

THE CHAIR: Will the community have a chance to discuss the outcomes before any changes are made and will the community have an opportunity to talk about the way they think it would work better?

Mr Corbell: Yes.

THE CHAIR: You mentioned the Public Trustee. Could we have an update on where the inquiry is into the allegations of fraud within the Office of the Public Trustee?

Mr Corbell: As you would be aware and as you alluded to, there is an investigation into financial irregularities in relation to the management of certain trust funds within the Public Trustee. As a result, there is an investigation by ACT Policing. That matter is ongoing and is not something I can comment on further, given it is an ongoing police investigation. Separate to that, the Public Trustee has undertaken a range of actions itself.

Perhaps to give some background, through the Public Trustee's audit committee's processes, there was a commissioning of work by KPMG Forensic Accounting to provide fraud awareness training in August 2013, to review aspects of the fraud awareness operations and fraud detection activities of the Public Trustee. As a result, in January 2014 irregularities were identified in client property maintenance by officers of the Public Trustee. The irregularities involved authorising payment for work that had not been done. The internal investigation confirmed these irregularities and identified that two officers and up to three external persons could be involved in potential fraudulent activities. No other irregularities in respect of any other Public Trustee ACT staff were evident.

The matter was reported to the Director-General of my directorate in January this year, to the Government Solicitor and to the police. Two Public Trustee ACT officers were suspended with pay on 21 and 23 January. Both have since engaged legal representations. Since that time suspensions have been put in place without pay.

On 30 January KPMG were engaged to conduct a review in two parts—to address controls in place, how these controls failed—and to conduct a broader overview of the

Public Trustee's fraud and corruption risk mitigation strategy. On 12 February JACS appointed KPMG to conduct a disciplinary investigation in relation to the officers concerned. ICT Shared Services has provided assets and H-drive records for both officers to ACT Policing. Search warrants have been executed on these officers' work stations and homes as well as other external parties.

The Public Trustee continues to work closely with the police, KPMG, the ACT Insurance Authority and the ACAT to bring the matter to finality.

THE CHAIR: There was another media report about the Public Trustee "Fears Trustee poised to sell elderly woman's house". Were the things reported in the *Canberra Times* correct or incorrect? What is the process here and is this particular woman's family now satisfied with what has occurred?

Mr Corbell: It is not appropriate to comment on the specifics of how the Public Trustee acts for a client in relation to their enduring power of attorney. The Public Trustee is an independent statutory officer with responsibilities under relevant law and is accountable to its clients, the community, government and is subject to the review of the Ombudsman, the Auditor-General and the ACAT in relation to these matters. The Public Trustee has as legal duty to act in the interests of its client.

A decision made by the Public Trustee as an attorney can be subject to an application for review by a family member in the ACAT under the Guardianship and Management of Property Act. The ACAT has the power to revoke an attorney's appointment and put in place alternative arrangements if it sees fit to do so.

A number of laws are in place in relation to these matters, including the Privacy Act and the Powers of Attorney Act. Both impose strict requirements in relation to confidentiality and preclude the Public Trustee engaging in commentary on decisions in individual cases and the underlying reasons for them.

THE CHAIR: Ms Porter, a new question.

MS PORTER: Attorney, you mentioned before some initiatives in the Aboriginal justice system. There is a dot point under "priorities" on page 2, about halfway down the page, which talks about developing and implementing a new Aboriginal and Torres Strait Islander justice agreement. Is that the agreement you were referring to before with the additional staffing?

Mr Corbell: No. Could you clarify your question, Ms Porter?

MS PORTER: On page 2, about halfway down the page, it says, "Developing and implementing a new Aboriginal and Torres Strait Islander justice agreement." Are those two things related, having regard to the announcement you made before?

Mr Corbell: No, not specifically related, Ms Porter. The Aboriginal and Torres Strait Islander justice agreement has been under development for some time by my directorate to replace the existing agreement. The new agreement is intended to operate from 2014 through to 2017 and it will outline a range of further actions to continue to address the issue of overrepresentation of Indigenous people in the

criminal justice system.

The recent discussions with the Chair of the Aboriginal and Torres Strait Islander Elected Body have resulted in the decision not to finalise that agreement until the new elected body is elected later this year. That was the clear preference of the chair and the members of the elected body. The government has agreed with that request. Therefore the new agreement will not be finalised until the new elected body is elected.

MS PORTER: Thank you for that information, attorney. You mentioned overrepresentation of Aboriginal and Torres Strait Islander people in the corrections system. I have two questions. Is the circle sentencing system still operating and how is that going? Also, are we seeing any reduction in the number of Aboriginal and Torres Strait Islander young people committing crimes and being sentenced, having regard to the fact that we have introduced some specific restorative justice initiatives in that area for Aboriginal and Torres Strait Islander young people?

Mr Corbell: Thank you, Ms Porter. Circle sentencing is a continuing function of our court system. The circle sentencing court continues to be strengthened and continues to operate. In relation to the rates of Indigenous young people engaged in that process or otherwise, I will perhaps take that question on notice and get some more details for you.

MS PORTER: I thought I had heard that there was some reduction in the number of young people that were being sent to Bimberi, but that may have been—

Mr Corbell: Yes; I beg your pardon. There has been a significant decrease in the number of young people overall being detained in the Bimberi Youth Detention Centre. The exact numbers are a matter of public record. They are consistent with the broader objectives of the government in relation to our youth blueprint which my colleague Minister Burch released some time ago.

THE CHAIR: We have 10 minutes to go, members, so quick questions down the line would be good. Ms Berry.

MS BERRY: Thank you. Attorney, does freedom of information come under the protection of rights? Is that a question I can ask here?

Mr Corbell: Yes, it is a piece of legislation that I have responsibility for.

MS BERRY: Could you let the committee know how many FOI requests the ACT government received in the last reporting period? I am happy for you to take that on notice if the information can be provided. And are you able to give a breakdown of the categories?

Mr Corbell: Categories in what respect, Ms Berry?

MS BERRY: Perhaps relating to different departmental portfolios. Is it broken down?

Mr Corbell: Yes, we can provide that figure and a breakdown according to which

directorate has had responsibility for it. I will take that on notice.

MS BERRY: There have been some reports that the federal government is proposing some fairly sweeping changes to FOI laws that would make it harder for citizens to access information. What do you think the value of open government is, with regard to FOIs?

Mr Corbell: The effective operation of a freedom of information law helps to provide for transparency and accountability in relation to government decision making and delegated officials decision making, and the government is strongly supportive of that.

MS BERRY: The ACT government is not considering any changes that would make it more difficult for citizens to access this kind of information?

Mr Corbell: No, the government is not proposing to restrict the ability of citizens to access information the same way that the new federal Liberal government is.

THE CHAIR: Mrs Jones.

MRS JONES: In the interests of time, I will give my question to Mr Coe.

MR COE: Thanks, Mrs Jones. I have a question about speed cameras, minister. The Auditor-General's report into speed cameras early this year said that there were problems with the up-time of the network, with some cameras in particular not functioning. Would you please advise us which cameras were not functioning, why they were not functioning and for how long it was known that they were not performing?

Mr Corbell: Thank you, Mr Coe. In general terms, I can outline that some of the older camera equipment in place in the road safety camera network was subject to breakdown. Sourcing parts for the older equipment had become increasingly difficult and that further exacerbated that problem.

In 2013-14 the government allocated \$1.55 million for the replacement of red light and mobile cameras as needed. This replacement program is expected to be complete by mid-2014. If the further evaluation of the program which is now underway highlights priority sites where cameras could be used, there is the option to relocate cameras to alternative locations. That is the general situation in relation to funding. In relation to the specific issues you raised, I will ask Ms Greenland to provide you with further information.

Ms Greenland: The advice from the camera office around particular cameras that have been out of operation is that mobile camera operations have been reduced from five mobile camera vans to two mobile camera vans at this point. That has occurred over a period of time. As the minister has outlined that is related to issues with ageing equipment which is now being replaced. In relation to fixed cameras, the fixed mid-lock cameras, a number of those have progressively been taken out of commission because of equipment not being able to be replaced. There are five that are currently not being utilised. I can give you the details of the locations, if you like, I have them here or I can—

MR COE: Yes, please.

Ms Greenland: Drakeford Drive and Marconi Crescent has been out of operation since February 2013, Ginninderra Drive and Coulter Drive since 17 January 2012, Hindmarsh Drive and Yamba Drive since 14 August 2013, Hindmarsh Drive and Tuggeranong Parkway since 1 February 2014, and Northbourne Avenue and Barry Drive since 26 March 2014. So over the last two years the cameras have ceased operation because ageing equipment has not been replaced. That equipment is now in the process of being replaced and the expectation is that it will be replaced within approximately one month.

MR COE: I note that, for instance, Marcus Clarke and Barry Drive has been replaced. I think Coulter and Ginninderra Drive has been replaced, and others. Did you not expect a year or two ago that some of these assets would be inoperable or were deteriorating at that time?

Ms Greenland: The cameras have not had a government allocation for replacement until recently. Certainly there was work done within ORS a couple of years ago where this issue was identified around ageing equipment, resulting in the camera program being reduced. So it has only recently been possible to replace them with the injection of that additional funding.

MR COE: What is the overall percentage of up time?

Mr Phillips: The percentage of up time across the system is 85 per cent.

MR COE: 85 per cent of functioning cameras?

Mr Phillips: Functioning cameras.

MR COE: It has to be considerably less than that if you take into account the cameras that are not functioning?

Mr Corbell: We will have to take that question on notice, Mr Coe, and provide that figure to you.

MR COE: When the cameras were first installed, were they installed with a management or a service agreement?

Ms Greenland: Yes, they were installed with a maintenance agreement. There were maintenance arrangements, but there was not a specific whole-of-life replacement plan at the time for those cameras.

MR COE: The new cameras that are in place and are being put in place, do they have a whole-of-life strategy attached to them?

Mr Phillips: The new cameras have been installed under contract. They have a maintenance program in place. A camera strategy is currently being prepared for government's consideration that will detail issues such as whole-of-life replacement.

MR COE: I imagine these cameras have been procured since the Auditor-General commenced her report some time ago into the cameras. Would that not have been part of the procurement strategy?

Ms Greenland: The procurement commenced before the Auditor-General's report, so the procurement had been underway prior to the Auditor-General's inquiry commencing and the report being tabled. But, as Mr Phillips has said, through the camera management strategy for the program we will address whole-of-life approach to the entire camera program.

MR COE: How many cameras have been procured under this latest round?

Mr Phillips: Five fixed cameras and six mobiles.

MR COE: When did that procurement process start?

Mr Phillips: Funding was provided for that in the 2013-14 budget.

MR COE: That is the \$1.55 million?

Mr Phillips: In the recurrent budget, \$1.55 million. Procurement started on the Assembly passing the funding.

MR COE: In roughly what month was a contract awarded for the provision of the cameras?

Mr Corbell: I am happy to take that question on notice, Mr Coe.

MR COE: Given that the Auditor-General's report came out at the start of this year, I would have thought your office would have been working on it for six months or more. Would that not, therefore, pre-date the budget which came into effect on 1 July 2013?

Ms Greenland: The first contact with the Auditor-General's Office was certainly in the second half of last year. We would not have seen any preliminary indication of the auditor's findings before late last year.

MR COE: If you knew the Auditor-General was doing a review into speed cameras, would that not have been a signal that it would be prudent to hold off on any business-as-usual-type approach to speed cameras and wait until her advice was published?

Mr Corbell: The funding was committed. It would be reasonable for the government to proceed to address any deficiencies it was immediately aware of in terms of the operation of the existing network. And that is what we did.

MR COE: There is no shortage of budget allocation which has been committed to and then rolled over. Why could not the \$1.55 million have been deferred until the second half of that financial year to quarter 3 or quarter 4 or even rolled over until this financial year?

Mr Corbell: I think it is important that we maintain capability of the existing road safety camera network, and that is what the government determined to do.

MR COE: Is it odd to procure six more cameras when you did not have a road safety camera strategy?

Mr Corbell: No.

MR COE: What strategy does it fall under if you are spending \$1.55 million and there is no strategy attached to it?

Mr Corbell: The government has made a clear set of decisions in relation to the road safety camera network. Officials continue to implement that consistent with government decisions at the time.

MR COE: But by definition of the fact that there is no strategy, that was an unstrategic decision, was it not?

Mr Corbell: No, the decisions in relation to the road safety camera network were based on a range of considerations made by the government over a period of time. It is easy to be wise in hindsight, but the government takes its decisions based on the best available information available to it at that time. Obviously we now have the Auditor-General's report, and we are responding to that accordingly.

MR COE: You have put in five new fixed speed cameras. However, since procuring these cameras and putting them in place you have had advice that the ACT is unlikely to have the right number of speed cameras in the right places, the effectiveness of speed cameras in the ACT has not been established and that speed camera reliability is poor, although this has had no effect on the validity of the infringements issued. You have had advice since installation of these cameras that you have got a pretty shonky rationale for where the cameras are, yet you have gone ahead and put them back exactly where they were before. Is that not odd?

Mr Corbell: No. I would not accept your characterisation of the situation. The speed camera network, as confirmed by the Auditor-General, catches people who are speeding, and it does so reliably and accurately. The issue is about whether or not cameras should continue to be at their existing locations. The Auditor-General did not conclude that the cameras were in the wrong locations; the Auditor-General concluded that more work needed to be done to ascertain whether or not they were at the best locations or whether other locations should be considered. Those are steps the government is now undertaking through the evaluation that I announced prior to the Auditor-General's report being handed down.

MR COE: Prior to it being handed down but after she had commenced her investigation. Recommendation 11 of the Auditor-General's report says that JACS should develop and maintain a master inventory of speed camera devices and use this to verify the key content of new certification against primary and/or secondary sources. Did you not have a master inventory of speed camera devices?

Mr Corbell: That is in relation to certain documentation within the directorate. The government is considering all the recommendations of the Auditor-General's report and will respond accordingly.

MR COE: So the government—

THE CHAIR: Last question.

MR COE: Sure. The government has spent \$1.55 million in the last year to prop up, in effect, a situation which the Auditor-General has slammed.

Mr Corbell: Mr Chairman, members would be rightly critical if the government did not take steps to ensure that existing government assets were operating appropriately. I think it is one of those situations where, when it comes to speed cameras, you can be criticised regardless of what you do.

THE CHAIR: We will call it quits there.

Mr Corbell: Mr Chairman, if I may, I have some further advice in relation to a question that was asked earlier. You asked about the cost of the review conducted by Nous consulting in relation to statutory office holders and rights protection. The cost of that review was \$19,800.

THE CHAIR: Thanks for that. Answers to any questions taken on notice are due in five working days from today. We will break now and resume with Justice and Community Safety, output class 2, Corrective Services.

Sitting suspended from 11.19 to 11.34 am.

Appearances:

Rattenbury, Mr Shane, Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing

Justice and Community Safety Directorate
Crowhurst, Ms Moira, Acting Deputy Director-General (Community Safety)
Mitcherson, Mrs Bernadette, Executive Director, ACT Corrective Services

THE CHAIR: We will resume the hearings with Justice and Community Safety output class 2, Corrective Services. In front of you is the pink privilege card. Could you please tell us that you have read the privilege statement and understand its protections and obligations?

Mr Rattenbury: Yes.

THE CHAIR: You all have done so; fantastic. Could you alert the committee if you take any questions on notice by saying something like, "I will take that question on notice." Would you like to make an opening statement about output 2.1, Corrective Services?

Mr Rattenbury: No, I am happy to go straight to questions.

THE CHAIR: Let us go straight to questions and I will give my question to Mr Wall.

MR WALL: Minister, I will start with some of the easy ones. Table 29 on page 25 of the budget statement shows \$996,000 allocated for next financial year towards workers compensation. What is the reason for that specific line item?

Mr Rattenbury: As is affecting many ACT government directorates, our premium rates with Comcare are on the increase. This is only being funded for one year because the government is endeavouring to develop a whole-of-government strategy to respond to this cost pressure. Certainly across my portfolios this is an issue. We are seeing the same thing in ACTION and a number of other places but particularly the operational areas of government are facing these pressures.

MR WALL: Is corrections affected any more significantly than any other area of government?

Mr Rattenbury: I would not say so, no.

MR WALL: They do not take into consideration the risk profile of the work being undertaken?

Mrs Mitcherson: I think from an actuarial point of view that they would look at workers in terms of their risk, in terms of their closeness of working with clients. That would be similar for all sorts of operational areas, I would believe.

MR WALL: The \$996,000 is in addition to what is currently being paid or is that—

Mr Rattenbury: Yes.

MR WALL: What is the total contribution coming from Corrective Services to Comcare?

Mr Rattenbury: We will take that one on notice. We just do not have that number to hand.

MS PORTER: Can I ask a supplementary?

THE CHAIR: Supplementary to that particular part?

MS PORTER: Yes. Just above that it mentions some funding towards information management solutions. What is that?

Mrs Mitcherson: Thank you for the question. In 2011-12 we were granted an overall amount of money for a security system upgrade. There were five components to that, including K9 unit and KeyWatcher. The largest component with that was to review our data. We have been gradually doing that work through there. We had a large report in terms of our data system. The next bit is building on the work with the money we already had to map our processes in relation to data and how that would be configured in a computer system. It is building on the data integration funding which was really provided in the 2011-12 budget.

MS PORTER: Is this data in relation to everything?

Mrs Mitcherson: It is in relation to offender management, both in terms of not just the jail but also in terms of community corrections. We have to keep, obviously, a client base and the data we provide is—at the moment it is really a manual system. We are looking at going further with that in terms of upgrading the system so that it can be more automated. When we withdraw for various reporting bodies, whether it is ROGS or that kind of stuff, again, it is all sort of manually done. We are looking at ways as we go further on—

MS PORTER: To be more efficient.

Mrs Mitcherson: More efficient for staff in terms of not double-handling, doing things in a paper base and then re-putting them into a system as well.

MR WALL: Continuing on the same table, the additional staffing that has been recorded in there totals about 13.6 over the forward estimates. What is that additional staffing related to?

Mr Rattenbury: That additional staffing reflects both current pressures relating to the increase in detainees numbers but more particularly relates to the expanded facilities. Obviously with additional facilities we will need additional staff.

MR WALL: Still on the same table, there are additional facilities starting in 2015-16 at \$7.5 million and then you have got just over \$8 million in 2016-17 and almost

\$10 million in 2017-18. What are those additional facilities relating to?

Mr Rattenbury: Bear with me for a second. I am just making sure that I have got the right set of numbers. Sorry, I am just clarifying which line I am on here.

Ms Crowhurst: The line for additional staffing relates to an increase of staff funding starting from 2014-15. That is at 3.280 when indexed into the outyears. That provides additional funding now for the increased staffing costs associated with the increase in detainee population. The AMC additional facilities line, the one that is above that, which has recurrent funding starting in 2015-16, is the recurrent expenses including further additional staffing costs following the completion of the additional facilities, the capital works.

MR WALL: It is the recovery—

Ms Crowhurst: It is another step up; yes, the recurrent component. The capital component of that project is recorded in the capital table.

MR WALL: That is in addition to the \$54 million for the construction of the two new facilities?

Mr Rattenbury: Correct.

Ms Crowhurst: That is right. That is the capital component.

MRS JONES: How many FTE will there be in each of the—

Ms Crowhurst: In the additional staffing initiative it is 17.9 FTE ongoing.

MRS JONES: And then once the building is done?

Ms Crowhurst: In the additional facilities initiative, the total FTE is—I have got a mix here because some of it is capital and some of it is recurrent. But in the combined initiative, it is 10 FTE in 2014-15, which relates to the project funding and it steps up to 33.1 FTE in 2015-16 which, again, includes some project funding for project capital funded staff in there, and then 39 FTE ongoing.

MRS JONES: The total additional by the end of the building project is the 39 or the 39 plus the—

Ms Crowhurst: Thirty-nine plus the 17.9.

MR WALL: Why is it listed in additional facilities if it is recurrent funding? Would that not form part of the operating for those additional facilities? I am trying to understand. There are so many fragments that have been put in here relating to the additional facilities that when you add them all up it is actually far in excess of \$54 million. I am wondering why it has all been listed in the budget papers in such a fragmented form when ultimately it all relates to the same project.

Ms Crowhurst: In the budget statements paper that you are looking at there?

MR WALL: Yes.

Ms Crowhurst: Are you referring to the appropriation tables?

MR WALL: Yes.

Ms Crowhurst: On page 25 there is the appropriation for GPO, the government payment for outputs, which is the recurrent expenditure.

MR WALL: Yes.

Ms Crowhurst: Then there are separate appropriation tables that relate to the capital injection funds, which is reflected on page 27. In budget paper 3, where it has the initiative descriptions, the two are combined.

MRS JONES: What page?

Ms Crowhurst: I think it is page 102.

THE CHAIR: It is on page 102 as an initiative. It is on page 140 as a capital work, but it lists the associated expenses in the capital works section.

Ms Crowhurst: That is right. Page 140 in budget paper 3 shows the capital funding on the top line. Then it has got the associated expenses—recurrent funding ongoing and also it displays the non-cash depreciation costs.

MRS JONES: That 54 figure is the two, the 2014-15 and 2015-16 combined?

Ms Crowhurst: It is the capital component. That is right.

THE CHAIR: Mr Wall, any more?

MR WALL: No, that is fine, thank you, chair.

THE CHAIR: A new question, Ms Porter.

MS PORTER: My question relates to page 19, table 26. It is stated in paragraph b:

ACT Corrective Services to refer offenders to programs and services that target their offending behaviour.

Can you clarify what these programs and services are and what results have been produced from offenders being referred to these programs? We were talking with the attorney this morning about the various initiatives that he is introducing, and formally has introduced, in the restorative justice area. Can you also tell us what your plans are in relation to restorative justice, particularly in relation to perhaps adult offenders as well as young people?

Mr Rattenbury: I will start with the restorative justice and the justice reform agenda.

As the Minister for Corrections, late last year I conducted a roundtable and another one early in this year in response to the significant increase in population we saw at the AMC. I brought in a range of key justice stakeholders to talk about both the drivers of that and what the response should be to it. Out of that the attorney and I are working now together to develop a justice reform package that aims to put in place the programs and expenditure that minimise the number of people that need to go to jail. The rationale behind that ideally is to intervene in a place early in people's life experience, I suppose, so that they do not end up going to jail.

This obviously improves community safety, but it also reduces the number of people spending time incarcerated. Restorative justice is one element of that. Members will have heard the broad term "justice reinvestment", this notion of spending money upfront to avoid having to spend money on prisoners. That is the philosophy that we are taking forward. It will result in a number of different measures. Justice and Community Safety is still working up that full program.

You will see it play out in things such as the closure of the periodic detention centre, for example. I guess that our knowledge and experience now is that that is not the most effective justice response. Not only is it a costly way to deal with people, but it also does not provide the best rehabilitative outcomes in the sense that we are not able to provide the right type of programs in a weekend detention environment that we might be able to for somebody who is, in fact, doing some sort of community corrections program.

MS PORTER: The other services that are mentioned here on page 19 in relation to targeting offending behaviour, what else would that be?

Mrs Mitcherson: Generally, if someone comes into community corrections, they may or may not have been in the AMC. They may just have an order that is related to community corrections. The officer who has been allocated will go through a basic sort of induction to start with. They actually do a risk assessment and characterise what their highest risk was. So if it was around AOD or addiction, there would be referrals made to programs associated with addiction.

We do have offenders in custody as well. If they are coming out of custody and into community they can continue on with some programs. For example, the sex offender program that we run in custody, even if their sentence finishes, they can continue that in the community. So we have some rolling programs.

Also in terms of justice reinvestment generally, it is a whole of life kind of cycle. But corrections really get people at the back end. We are getting people that are already adults and already have formed a lifestyle. We are trying to sort of break some of that at the end. For example, in custody we run a range of AOD programs, both in terms of one-on-one counselling or group programs like SMART Recovery or we had the Solaris live-in program.

If someone is suited to NA or Alcoholics Anonymous when they come into custody, they can keep doing those groups when they get out as well. We are trying to do a continuum for those in custody and out of custody, but also recognising that particular cohorts need particular programs for their offending behaviour. For example, sex

offenders need a particular program around their offending behaviour as well.

It is a combination of things: in custody, in the community and transitioning from custody to community where possible. I guess the other layer, which is voluntary, is our through-care layer. It recognises that some people in custody, notwithstanding that their offending behaviour may be around addiction or domestic violence, will still need a whole lot of other things wrapped around them to keep them out of custody. Keeping them out of custody is important for a number of reasons. It reduces victims and it reduces time in clogging up the courts. It is a combination of things that together make the puzzle.

MS PORTER: What is involved in through-care?

Mrs Mitcherson: The through-care program is available to all sentenced men and all women in custody, whether they are remand or sentenced. The numbers are so small that we included all women. It does not mean we do not have anything for remand men, but it is a different cohort. About three months towards the end, if we know their release date—quite often it is complicated, because you may not know the release date, perhaps because they have an appeal in, or for other reasons, though generally we know release dates and we can plan ahead because we know who is being released and what dates—we will start engaging them with a caseworker as well as a through-care caseworker to work on what kinds of things they need.

We have five basic packages. We started off with four, around health, connections, employment—and one other; it will come to me in a minute. But we were finding that when people were being released they needed a basic package as well—just around having clothes on their back and very basic things that we take for granted. So now we have a basic package for those who require it, and it is probably the majority: we have six weeks intensive case management after their release just to add on to all the other things. So it is quite complex.

It is voluntary, but we are finding that probably close to 100 per cent of people are engaging, even if they do not have an order with us, which I think is positive. And it says something about the culture of corrections that offenders are still willing to be involved with us on a voluntary basis. And hopefully the flow-on effects of this are not just for that individual but for their children and everyone else in their family as well as future potential victims.

THE CHAIR: Ms Berry, a question.

MS BERRY: I have a question about the drug and alcohol rehabilitation services. What is the percentage of prisoners who undertake drug and alcohol rehabilitation?

Mrs Mitcherson: I would have to take the exact percentage on notice, and I guess it is complex as well. When someone comes into custody, the first part of any program might be a reduction program: they might need to be engaged with Health to have some withdrawal regime. Depending on how long they are in custody, we would assess them. If AOD was a big issue, we would look at whether they were remand or sentenced. There is a tool to assess readiness that we are starting to work on in the next 12 months. People are ready to do different things at different stages. You might

start doing something that is mainly socio-educational around getting smart, so it is issues around strategies to not offend.

Some might do better at one-on-one counselling. We work with ACT Health as well as corrections for one-on-one counselling. And some may have gone to the point where they are ready to be assessed to go into Solaris, which is a four-month live-in program. It is hard to give an exact percentage, because someone might be at different spaces on the continuum at any one time.

MS BERRY: Do you know how many prisoners are incarcerated for offences related to illicit substances?

Mrs Mitcherson: It is a good question. Often when we look at their offences, the most serious offence is the first one that is on the warrant, but the most serious offence may actually be masking that the offence was related to drugs and alcohol. It might be a serious burglary, for example, or a robbery, but underneath there might be some possession or other things so you can sort of pick that they were doing the robbery to get the money to feed their habit. It is not always easy to count that number, but I would say that, regardless, at least 80 per cent of those in custody would have an addiction issue around drugs or alcohol, or both.

MS BERRY: So you do not keep data on that because it is just too hard to measure?

Mrs Mitcherson: Again, as with the question earlier, we are working to try and have much more of a digital system so that information is easier to keep. At the moment, for one offender you cannot just press a button and say, “How many offenders did what?” The system does not talk like that. We keep individual numbers—how many go into a group and that kind of stuff—but it is hard to do an overall percentage. Some people just refuse point blank to do anything; others want to do whatever they can. And others, through a series of encouragement and engagement with staff, both the casework staff and the custody staff, get encouraged and start to do things. So it is a process.

MS BERRY: And everybody is offered rehabilitation if they are identified as somebody where their offence was, say, burglary but they are identified as somebody having a drug or an alcohol problem.

Mrs Mitcherson: We do not exclude anyone. We do not exclude remandees from education. We also run programs in remand. The only programs that would be difficult for a remandee to attend are, say, a sex offender program, where there is a requirement of guilt; if you have still got a court matter going, people feel that might impact on their offending or how they go in court. So it is a bit complicated, but we really do not exclude anyone; we try and really encourage.

I guess where someone might be excluded would be if they were found unsuitable for a program because their behaviour was too aggressive or they were not really committed. To put them in a group with others who are committed would have an impact. They might say, “Well, I was not offered it,” where they actually were not suitable for these reasons.

MS BERRY: So with people who have issues around drugs and alcohol that are in prison, you think probably there is a pretty high majority of people that have that as an issue?

Mrs Mitcherson: Absolutely. Addiction is on all different levels, but absolutely. It is a significant factor in what is bringing people back into custody after they are released, as well.

MS BERRY: How does cognitive behaviour therapy fit into those sorts of rehabilitative services that you provide, particularly around drugs and alcohol?

Mrs Mitcherson: We use cognitive behaviour around self-change, which is suitable for someone who has got an addiction or other things. It is about trying to think about the decisions you make and why you make them. It requires someone to be really ready to engage at that level. Even in the group, there are activities that they need to do in terms of having to write down their thinking patterns—being put in a situation where you say, “Let’s think back as to why you made that decision.” It is trying to reflect on decision-making. So it can be used in a number of areas. It is not great everywhere but, in terms of best practice, it is one of the ones that are used around all jurisdictions.

MS BERRY: How long has that program been operating in corrections for?

Mrs Mitcherson: That program was going well before I started just over three years ago. I think we have been doing the cognitive self-change and the one related to sex offending before. We have introduced a new one this year, which is a domestic violence program called the DAP program. In custody we are trialling that at the moment. It is just for men. We have that on licence from New South Wales. Tasmania has just got the licence as well. So we piggyback off big jurisdictions that have got big evaluation units. The program has been evaluated positively a couple of times, so we are doing that one now. All reports are that people are attending. It is a very confronting group around domestic abuse, but so far so good.

So we are trialling a few different things. This year we have just also started a new one for women called “Out of the dark”, which is recognising that women might be there as offenders but they are often victims of abuse as well. That is just tailored for women who have lived experience in a violence relationship.

MS BERRY: Do you think people who leave the AMC are connected properly with mental health and counselling services once they get outside? I know Ms Porter touched on the through-care work. Do you think it is enough, or is there more work to be done there?

Mrs Mitcherson: We are developing our systems all the time, and we meet regularly with other providers, if it is mental health. I think that we are getting better and better at that all the time. There is great engagement with the through-care unit and the local CAT team for mental health. Again it is difficult if someone does not have a determinate sentence, if they have a remand period and we only get a couple of weeks to work with them. Or they could be on remand and not actually engaged; we might stabilise them in the CSU. But I think that our engagement from a through-care point

of view with mental health is getting better and better all the time.

MS BERRY: CBT is a fairly long-term program. Is there enough support, do you think? The people who are in the AMC probably are significantly on lower socioeconomic incomes. How do they get access to programs like CBT, given that it is probably quite expensive and it is a long-term program?

MRS JONES: When they get out?

MS BERRY: Yes.

Mrs Mitcherson: If they have started the cognitive self-change with us, for example, in custody, they can continue that in the community if they are on an order. Some people just have a custody sentence and are released at that point in time. What we would then do is try and encourage them, through through-care, to engage with NGOs who are running groups. There are organisations that do that. People can also access psychology services now through Medicare. We work in a number of ways to link people into programs. But again, that part is voluntary.

If they are on an order, we can say, "Part of your condition now is to continue that program." And even if they finish, say, the sex offender program, we still have a maintenance program for offenders who have completed that but still need to be in a group to reassess how they are going all the time. For some, it is lifelong, and understanding the strategies to not offend, being their profile.

THE CHAIR: Mr Wall had a supplementary to this?

MRS JONES: I have a supplementary.

MR WALL: Mrs Mitcherson, you said that about 80 per cent of the prisoners out there have got an addiction issue. What data or follow-up is done to measure what numbers of those detainees are continuing to feed that addiction whilst they are in custody?

Mrs Mitcherson: We do not have data on that. I think it is fair to say that some people come into custody and use it as an opportunity to get clean; others come into custody who are hell-bent on having a criminal lifestyle. We have talked before about the difficulty of those people putting pressure on others. I am not going to speak to you with rose-coloured glasses; there is a grouping in custody in every jurisdiction who will continue to do whatever it takes to gain access to illicit substances and others who want to use the time to get clean and want to engage. It would be hard to put a figure on those kinds of things.

MR WALL: I put a question in on notice earlier this year regarding drug testing within the AMC. The answer came back saying that since December 2011 through to March of this year there had been over 1,100 "non-negative tests". That was the term used.

Mrs Mitcherson: It is a terrible term.

MR WALL: It is, because that is ultimately a positive reading.

Mrs Mitcherson: Yes.

MR WALL: With those 1,167 positive tests, how many individuals do they relate to?

Mrs Mitcherson: I would have to take that on notice. It is conceivable that one individual could have more than one test, absolutely, particularly over that period of time.

MR WALL: You could imagine so.

Mrs Mitcherson: I am not even sure I could get that figure, but I will try.

MR WALL: I have a follow-on from that. What disciplinary actions arose out of those positive tests? I imagine you will need to take that on notice as well.

Mrs Mitcherson: There were a range of disciplinary outcomes. Generally, anything that is related to bringing in contraband would be on non-contact visits. We would also then try and make sure that the caseworker knew about the disciplinary outcome to try and engage them again in some other work in relation to trying to get them to access some programs. There are a few in custody who are just not interested. Generally the discipline around contraband is non-contact visits.

Mr Rattenbury: I will just clarify, Mr Wall—Mrs Mitcherson might help me—that there is actually a difference between a positive test and a non-negative test.

MR WALL: I understand that.

Mr Rattenbury: It is just that you have conflated the two, so I just want to check that we are clear on that.

MS BERRY: What is the difference?

MS PORTER: Could you tell us what the difference is?

MRS JONES: Or give it to us on notice.

Mrs Mitcherson: I had to read this a few times myself. Non-negative means that it did not come back with nothing in it, I guess. If someone comes back with something in the system, it may be an approved substance; it might be something that they have been prescribed—methadone, for example. But if someone came back with methadone and they were not being prescribed methadone—

MS BERRY: Right. That makes more sense.

Mrs Mitcherson: But generally we consider that someone who has taken contraband is one of the most serious in terms of levels of discipline.

MR WALL: Could you take on notice the number of positive tests. Obviously there

are 1,167 non-negatives below that then. I would assume that there has been follow-up testing for those.

MRS JONES: Or therapeutic—

MR WALL: Can we just go from there.

Mrs Mitcherson: We do not always do follow-up testing.

MR WALL: If someone comes back with a non-negative test, what is the next step, the next course of action? To use the example you used, what happens if they are not being prescribed a substance such as methadone?

Mrs Mitcherson: They will be disciplined in relation to that, and there will be normal process through that. I guess there would be intel then; we would be closely monitoring phone calls and other things as well. People know that their phones are recorded, but they do give clear indications in those sorts of situations.

MR WALL: What difficulty does it have for corrections officers themselves, and what is the purpose of the random drug testing done as a non-identifiable test?

Mrs Mitcherson: All jurisdictions do random testing. You kind of know your targets because you have got the usual suspects that are obviously often engaged, and there is intel around that. But I think it is good practice to just do random tests, to give you a more objective view of what is happening in your centre. The generation for who gets a random is actually done on a computer. They spit out the numbers for us. It is not related to any targeting. As I say, generally you know the players that are always going to be positive or refuse a test.

MR WALL: But why is it that, under the policy as outlined, that random drug testing is not identifiable? The source of the sample cannot be identified. The computer randomly identifies a prisoner and says, “Your turn for the random drug testing.” It comes back containing a prohibited substance. Why are you then prohibited from taking any further action? What impact does that have on your operations at the facility?

Mrs Mitcherson: It gives us data to understand what might be in the facility.

MR WALL: But it does not act as a deterrent?

Mrs Mitcherson: I think those who are engaged in drug taking all the time will often even refuse. You know that they have obviously got them. It is hard to say what would act as a deterrent and what would not. But at this point it gives us data about what might be happening in particular parts of the jail.

THE CHAIR: Mrs Jones had a supplementary to Ms Berry’s question.

MRS JONES: There were just two things from your answer to Ms Berry’s question. The first one was that you mentioned women being treated for potential abuse in their past.

Mrs Mitcherson: The out of the dark program, yes.

MRS JONES: Are men treated for potential abuse in their past as well?

Mrs Mitcherson: I think what has been found over the years is that most—and I am not suggesting that men are not abused in their past, of course—

MRS JONES: No; I think often they are.

Mrs Mitcherson: From my own personal experience of working with women, particularly, probably nearly 100 per cent of women in custody have had a level of some sort of abuse, often from a young age. It is not suggesting that they are not offenders as well, but often women do not know how to get out of relationships and get interdependency. This out of the dark program is derived for women in custody in particular—that is why it is not run in the community—and is about those kinds of things. The numbers here are small. So it is not always indicative.

But often if you look at the literature around women in custody, both in Australia and internationally, women are in parcel with a man in terms of the relationship, in terms of the custody. It is about breaking some of those relationships. That is really all that is focused on. It is not suggesting that there are not men in custody who were abused as well. Absolutely there would be, but by and large there are not really women in custody for perpetrating domestic violence but there are a lot of men in custody for domestic violence.

MRS JONES: There are not women who are put in custody for domestic violence. It does not mean men do not suffer domestic violence.

Mrs Mitcherson: I am not suggesting that at all.

MRS JONES: I think it is something we are starting to uncover more as a society.

Mrs Mitcherson: Certainly. Just on men, we do have contact with Menslink for example. There is some counselling available for men that is specific to men as well. So we are not excluding them.

MS BERRY: How does that work? Given that Canberra is small, how does it work when you are trying to break those links and those relationships which are affecting people's lives, even with this program? When people do get back into the community, how do you keep that work going? Canberra is so small and it is easy for people to, unfortunately, get back into those dysfunctional relationships.

Mrs Mitcherson: And I guess it is not about suggesting that they are not in a relationship—they might have children together—it is about understanding their role and how they can be helped. The other thing we have tried to do is—and we have a contract with Relationships Australia for individual counselling, and that is one on one—progress that with them so that there might be couple counselling for someone coming into custody so that they can continue it when they get out. And we have both Aboriginal and non-Aboriginal counsellors available, and male and female.

We do recognise that. We are not saying that families should not be together, because the reality is that it does not really matter what I think. I might not have stayed in a relationship but that is not my call. The reality is that they are together and they do have children and it is about how to manage that as well. And some women are out of relationships but do not know how to stop going back or keep having the same patterns in terms of how they engage with men.

MRS JONES: The other part of my supplementary was around those programs that you are offering and opportunities within the prison. There has been some commentary about boredom in the prison and I think that the former official visitor talked about tension rising and building. I understand there is some work being done. But because we do not have a system that mandates any particular activities for people, do you think there is a place for a basic level of activity or something to encourage skills development but also distract and alleviate boredom?

Mrs Mitcherson: Even when someone is engaged in a program or education, they are not a group with a great attention span. Probably you can only really expect 1½ to two hours a day, every second day, in relation to intensive program work. We do encourage activities in a whole lot of other ways and we have both non-recreational and recreational, and work.

MRS JONES: There is work in the kitchens. I am very fortunate to have seen the inside of the prison, and much of what is going on there has been very good. Are there gardening or maintenance opportunities?

Mrs Mitcherson: Absolutely. We have maintenance, gardening. Those ones are fairly straightforward. We actually have some very good gardeners. We do not really confine it. Sometimes you get a cottage that wants to get involved in working around vegetables, that kind of stuff. We do not really stop that happening. Sometimes certain people come into custody and want to get involved in stuff and some do not.

We do have a horticulture course, of course, and are doing a lot of work in that area. Again, I guess it is to encourage them to take responsibility for their day as well. If you are living in the cottage you do your own laundry. We encourage them to plan their own menus. We are trying to encourage structure in their day as well

MRS JONES: It is avoiding the institutionalisation.

Mrs Mitcherson: I am not going to pretend to you it is not difficult. It is.

THE CHAIR: I have a supplementary. You commented that in your experience, 100 per cent of women in the system have had some form of abuse in their life. What percentage of the men in the system have been abused in one way or another?

Mrs Mitcherson: I am speaking from having looked after a girls institute for three years and then in women's jails and also a lot of literature searching. I have not done that research on men. There would be quite a number of men who had, again, been engaged in violence and learnt behaviour. For example, the domestic abuse program that we are operating does work with men in relation to why they are violent, because

it is probably learnt behaviour in them also from childhood. We are not suggesting they were not abused. It is just different pathways.

MRS JONES: Neural pathways?

Mrs Mitcherson: Yes. There are different ways of addressing issues from a gender perspective. How you would discuss and work with a man is different from how you do that with a woman.

THE CHAIR: But unless you address the underlying cause of the behaviour, you are not going to fix it and the recidivist rates are not going to drop?

Mrs Mitcherson: No. It is very complex.

THE CHAIR: Is it possible to take on notice—and I am sure there is some expertise within the service—what percentage of men have been abused who end up inside? And the second question—and we have spoken about addiction issues—is: what percentage of people in the AMC have or profess to have mental health difficulties and what percentage does the service assess as having mental health difficulties?

Mrs Mitcherson: I refer to the last health survey we did, which did some reporting on that. I would have to take that number on notice. When someone comes into custody, they go through an induction process with the custody officer in terms of welfare and then with health. From that point they might be referred to mental health for a further assessment. The general literature that is available nationally and internationally would tell us that the percentage of people coming into custody with a current issue or who had episodes in their life—it may not be current—is quite high. I think it is probably around 70. I am just going on memory now, from reading.

We do not keep figures. Someone might come into custody—I am just giving you some scenarios—who is unwell but they might have been undiagnosed with mental health issues. They come into custody, work with forensic mental health and our team and have been diagnosed, become stabilised. A lot of people who might be in custody and have a mental health issue are not necessarily in the crisis support unit and not necessarily acutely unwell. They may be stable on medication or happy to engage.

It is not saying that everyone is acute when they come in but they may have had episodes in their life of unwellness related to mental health. And often it is hard to separate; what the literature does tell us as well is that a lot of people with mental health issues also have alcohol and drug issues. Then sometimes it becomes very difficult to manage and work out what has come from which part of the addiction.

THE CHAIR: You were going to take that on notice and give us a percentage? You said 70 per cent.

Mrs Mitcherson: I think the last health survey that we did, which is obviously self-reported, was about that, but we can report that.

THE CHAIR: Mrs Jones, a new question. We may have time for one more after that.

MRS JONES: My question is fairly straightforward. I want to know the overall cost increase in running the prison, including the new building. We have got some indications of it for the new facility. What is the overall packet in increase next year and for the outyears in total, including staffing and building?

Mr Rattenbury: It is all in the budget papers.

MRS JONES: But as Mr Wall has alluded to, it is a little difficult to know which figure refers to which other figure. I would like to know what the overall increased cost is.

Mr Rattenbury: I am happy to take it on notice and give you a table that adds up the items in the budget papers.

MRS JONES: Thanks for that rather sarcastic reply but I am just asking for clarification, if that is all right. Also, each year what is our cost per bed and cost per person per night in the facilities?

Mr Rattenbury: Why don't we give you those figures retrospectively? As you will see from this year's budget papers on the performance indicators, the cost per detainee per night is significantly lower than was the target, and the reason for that is that we had such a significant increase in detainee numbers. That reduces the average and, in a sense, seems to create an efficiency. In that sense, we have the out projections for this year's budget as a target.

MRS JONES: But they may come in lower?

Mr Rattenbury: Or they may go up. If we have a drop in detainee numbers, that can push it up. I just put that rider on the accuracy of those.

MRS JONES: Do you include the cost of the new buildings in that cost over the forward estimates period or is it just the operational costs?

Mrs Mitcherson: I have got the costs per day from the last ROGS report if that would help you.

Mr Rattenbury: No; that is not the question. The question was: how do we account for the new building in the average cost per day?

Mrs Mitcherson: There are two costs. There is the net cost that we do for ROGS and then there is the higher cost which has the capital in it.

MRS JONES: Can I have both figures then that you are estimating over the forward estimates and the previous year's one.

Mr Rattenbury: I do not think we do them over the forward estimates. I think those indicators are done just one year into the future.

MRS JONES: Next year's then.

Mr Rattenbury: We will provide that.

THE CHAIR: Mr Wall, you have a supplementary.

MR WALL: On Mrs Jones's first question, my back-of-the-envelope calculation says we have got \$54 million for a new building. There is \$13.6 million-ish there in the forward estimates for the additional staff, about \$25 million for additional facilities, which was the security and operation, and then \$3 million for security. So we are in the realm of about \$100 million extra in this budget relating to the expansion. Would that be correct?

Mr Rattenbury: Yes, ballpark. I think that is right, yes.

MR WALL: That is how many new cells or beds, 110 beds?

Mrs Mitcherson: Eighty accommodation units with four pods and a 30-bed special care unit with three pods.

MRS JONES: So the overall number of beds is 100?

Mrs Mitcherson: One hundred and ten, with a capacity to increase the 80-bed, if we need to over time, by another 32, yes.

MRS JONES: By adding bunks?

MR WALL: So how many of those 80 new pods on day one of operation will be double-bunked?

Mrs Mitcherson: In the 80-bed facility there are four units. Some of the rooms have double rooms in them and some have single. It is important to have some double rooms, because sometimes people need to have a buddy with them. So we have always designed it to have some double and some single. But the single rooms have been built to a capacity where they could accommodate another bed if we needed it down the track.

Mr Rattenbury: If I can go back a moment, Mr Wall, to your question around that \$100 million back-of-the-envelope thing, it is important to note that some of the costs that are in the budget papers reflect increases in prisoner numbers that have already taken place, as we discussed earlier. Some of those expenditures that you see in the budget in the forward estimates are for the new numbers we already have because we have been required to take on additional staff to accommodate that, just by way of clarity. But perhaps when we provide the detail to the committee in response to Mrs Jones's question it will become clearer for you.

MRS JONES: Also, with that number of beds that you have got coming online, what will be the maximum when all those rooms are double-bunked? If that eventuates, where do we get to? That will be a lower cost addition, just so that we have an understanding of the maximum capacity?

Mrs Mitcherson: When the two units come online we will have 480, but just

remember that that count is operational. With special beds we do not really want to use them all the time if we have to. For example, our management unit at the moment, which has 14 beds, has three people there for the right reason. The others are waiting—a triage waiting for a bed in other parts to become available, depending on what their status is in terms of their classification.

MRS JONES: So 110 come online at the end of the current building phase, with the ability for that building to house 408, or is it an additional building?

Mrs Mitcherson: No; we have 370 now, so when the two units come online it becomes another 110.

MRS JONES: Another 110, but if you double-bunk the rooms that are—

Mrs Mitcherson: Another 32.

Mr Rattenbury: Just for the benefit of the committee, as it has been an issue in recent years we now have on the corrections website a detailed breakdown of what each term means, things like “operational capacity”. All those definitions have been put in a table on the JACS website—

MRS JONES: It will be very helpful for the shadow minister, I am sure.

Mr Rattenbury: We can make sure we are comparing apples and apples.

THE CHAIR: Mr Wall, a new question.

MR WALL: I know the transitional release cottage allows a prisoner on the tail end of their sentence to spend days out in the community, either in employment or in accessing other services, and evenings and weekends back on the campus of the prison. Is there any thought of expanding that opportunity to a wider number of prisoners at the AMC?

Mrs Mitcherson: Not at this stage. However, when we redid the classification policy a couple of years ago when I first got here we changed the classification. There could be someone living inside the walls, so to speak, who can go out and do some work and come back in. They might not have the full benefit of the TRC. That change meant that women could be in the women’s precinct and go out on leave and come back into the women’s precinct. We have had that changed to increase the capacity, should we need it, in terms of leave programs. But we have not planned on expanding the bed numbers.

MR WALL: What is the capacity currently?

Mrs Mitcherson: Fifteen.

MR WALL: That is within the transitional cottage?

Mrs Mitcherson: That is within the cottage.

MR WALL: Have there been any instances of an individual living inside the fence utilising this opportunity?

Mrs Mitcherson: We have a couple coming up. We have been talking about a few who will have that opportunity. We are looking at that. Certainly at least one woman has accessed leave programs under that policy who remains living in the women's precinct. The policy can be flexible going forward in terms of program development.

MR WALL: The experience of an individual living inside or outside of the fence—what would be the differences?

Mrs Mitcherson: There definitely is a difference. There is more freedom. It is like cottage accommodation similar to inside, so you do your own cooking and that kind of stuff. You have your own visitors and you are not really part of the main. For example, if you have just done a Solaris program and do not want to be engaged with someone who still wants to pursue other activities, it is good to keep people away and isolated. It is an important step for some, and they work towards it as well. There is a difference, and certainly a high level of behaviour is expected, particularly when they get to a certain point and they can access day and weekend leave. There is absolutely a difference.

MR WALL: I know the Northern Territory has substantially increased this opportunity within some of their correctional facilities. What kind of relationships do you have with other jurisdictions in monitoring the success or otherwise of their programs?

Mrs Mitcherson: I meet with administrators from across the country and New Zealand twice a year. We are also in contact on a regular basis. We work on a lot of policy issues that might impact on everyone. I am aware of the work that Ken Middlebrook has done in the Northern Territory. We used to work together in New South Wales. He has what I think is called a jail to work package.

MRS JONES: Is that the prison without walls that was featured recently on TV?

Mrs Mitcherson: Yes. As you know, a large number of Aboriginal men are incarcerated. They have larger numbers than us but also bigger opportunities. A lot of industries cannot get workers, so it is about having relationships with the private sector. It is that kind of area where you do not need high skills but you need a volume of workers. It is trying to link that back into being where families are living. He has done a great job in the Northern Territory in the last few years. It is very impressive.

MRS JONES: The men that were interviewed on that topic seemed to have been happy to have had the opportunity to learn some skills in work.

Mrs Mitcherson: They have big numbers, and big numbers mean you can engage because you have a workforce that can be depended on. The issues for us are different from those in the Northern Territory.

THE CHAIR: Incidents that occur inside the prison—how are they judged? What sort of incidents do you have?

Mrs Mitcherson: We have any number of incidents: it could be a fire in a waste paper bin to a medical emergency and a whole range in between.

THE CHAIR: What are the codes and are how are they judged?

Mrs Mitcherson: The codes are coloured. Please do not ask me to repeat what colour goes to which code; there are quite a few of them. There is one for medical emergency, one for detainees fighting. I can take it on notice and give you the full list.

THE CHAIR: In regard, say, to fighting, assaults on officers in the last 12 months?

Mrs Mitcherson: We did not report any in the last ROGS.

THE CHAIR: But since the last ROGS, so for 2013-14?

Mrs Mitcherson: I will have to take that on notice. Nothing comes to my mind at the moment in terms of assaults on staff.

THE CHAIR: And prisoner on prisoner?

Mrs Mitcherson: Unfortunately, men in custody tend to fight with each other. We have not prepared the ROGS data for this year, but our prisoner-on-prisoner assaults last year went down considerably. I have the figure here if you want to wait.

THE CHAIR: When you say “last year”, do you mean 2013-14?

Mrs Mitcherson: The last year reported in ROGS. It went down considerably.

THE CHAIR: For 2013-14 the number of assaults is up or down?

Mrs Mitcherson: We have not done the calculation. Again, as I was saying earlier, for us it is not a digital answer; we have to manually count that work.

MRS JONES: When will that be completed?

Mrs Mitcherson: We have not started. Towards the end of the year we start doing the work around the ROGS.

MRS JONES: You could take that question on notice.

Mrs Mitcherson: The numbers went down last year. I judge from what has been before my desk that it will be down again this year. For all the numbers and the categories, the staff do a really excellent job in de-escalating and managing those sorts of incidents. Again, there are a small number—men mainly but a couple of women—who are intent on carrying out vendettas. We have to manage that, but, by and large, we are getting better and better and maturing as a workforce in terms of managing those situations.

THE CHAIR: You cannot tell me how many incidents have occurred in 2013-14?

Mrs Mitcherson: Not without taking it on notice, no. I do not have that figure in my head.

MR WALL: I think we had an indication from the prison officers at the back of the room that there has been one incident. Is that correct?

Mr Rattenbury: We will take it on notice.

Mrs Mitcherson: We will take it on notice.

THE CHAIR: For each of the categories, if you could tell us how many incidents have occurred year to date and for the previous financial year.

Mrs Mitcherson: In terms of the codes?

THE CHAIR: Yes. Ms Porter, a last question.

MS PORTER: The output statement talks about the provision of safe and secure custody for detainees, but it also talks about effective management of unsentenced offenders. Could you talk a bit about how you provide a safe and secure environment for those people that are unsentenced?

Mrs Mitcherson: We do not discriminate between unsentenced and sentenced in terms of how we provide; it is about having professional staff who are well trained in relation to managing incidents and making sure we understand if someone coming into custody has any issues with other people already in custody that might put them at risk. We look at their offence type. There are certain offence categories where, even if the person wanted to go into the main, we would say they are not. It might be a serious child sex offender with a lot of publicity. We do the normal range in terms of safety. Everyone is assessed in relation to their health needs—primary health or mental health issues. They are the same sorts of processes, but we operate the jail absolutely on safety. It may be that a remandee is in with a sentenced person because that is the safest option for that person.

MS PORTER: Sorry, could you say that again? Remandees are kept separate, are they not?

Mrs Mitcherson: No, they are not.

MS PORTER: They are not?

Mrs Mitcherson: No, we are not able to do that.

MS PORTER: You just have to manage them together?

Mrs Mitcherson: We have to manage them together, but it is based on a risk assessment of their safety. For example, if someone comes into custody who is a child sex offender on remand, they would be safer with six other child sex offenders who are already sentenced. We put that group together. Otherwise we would have another

group to manage. It is absolutely on operational safety in terms of their relationships with other people in custody and their offence type.

MS PORTER: People who are at the other end of the process who are waiting to exit—are they in separate accommodation?

Mrs Mitcherson: No, they are not, except for those few that might be in the transitional release centre.

MS PORTER: How do they qualify for the transitional release centre?

Mrs Mitcherson: A number of aspects are associated with that. The foremost is the sentence length. They need to be in custody a while for us to assess them and stabilise them. They need to have addressed their offending behaviour. That may be through group participation. A lot of them come through the Solaris program in relation to their addiction. It is about their attitude, their behaviour in custody, their commitment and their engagement. There are a whole lot of hoops they have to jump through in relation to that. We also do intel reports in relation to whether they have been engaged in activities in custody around contraband and those kinds of things. It is quite a full assessment process. Ultimately the general manager will sign that off. If he is not satisfied, he will not sign it off. Again, it is about risk management. You want to give people opportunities knowing that it is all around risk management. It is best endeavours.

Mr Rattenbury: Mr Chair, if I might—Mr Wall earlier asked about the workers compensation premium. The figure for corrections is \$2.632 million per annum, GST exclusive. That is the overall cost.

MR WALL: That is the current cost?

Mr Rattenbury: It is.

MR WALL: And next year there is the additional \$996,000 on top of that.

Ms Crowhurst: That figure was the 2013-14 workers comp premium for corrections. The supplementation of \$996,000 takes into account prior year premium increases for 2013-14 plus the last few years. We had a one-off supplementation this financial year. This extends into next financial year, 2014-15.

THE CHAIR: Did you have a final question, Mr Wall?

MR WALL: A very quick follow-up.

THE CHAIR: Really quick.

MR WALL: What consideration was given in the discussions about expanding the AMC to build a stand-alone remand centre?

Mr Rattenbury: I think the key focus in the expansion of the AMC is to give us more flexibility to segregate detainees. That is why you see this pod approach being taken,

particularly in the main building but also in the special needs building. It gives an ability to segregate across a whole range of factors. Certainly remand is one consideration, but, as Mrs Mitcherson has just outlined, it comes down to operational safety as the primary driver.

MR WALL: Once the expansion is completed, remand will continue to be mixed with sentenced detainees?

Mrs Mitcherson: Absolutely; we will have to. Again, we envisage all our sex offenders, for example, being in the one area. We will probably have a new admissions wing. Some people come into custody for the first time on remand, but some people come in the first time having not been on remand. That group you would want to put together, as they are in other jurisdictions, to assess them better. We cannot do that now because they just have to go in. We will have all the newbies, if you like, in together to do a better assessment and also break down some of the barriers, and then try a bit more of a buddy system with smaller pods. We are a small community, and if someone comes into custody on remand and their brother is sentenced and that is the best place for that person, we consider those kinds of things. To run just a strict remand area would not solve some of our separation issues.

THE CHAIR: We will end there. Questions taken on notice are to be answered within five working days. A transcript will be provided as soon as it is available for any corrections or alterations that you might want to suggest to the committee.

Sitting suspended from 12.32 to 2 pm.

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

Playford, Ms Alison, Acting Director-General

Alderson, Dr Karl, Deputy Director-General (Justice)

Crowhurst, Ms Moira, Deputy Director-General (Community Safety)

Boersig, Dr John, Chief Executive Officer, Legal Aid Commission

Palfreyman, Mr Hamish, Chief Finance Officer, Legal Aid Commission

Field, Ms Julie, Executive Director, Legislation, Policy and Programs

Lane, Mr Dominic, Commissioner, ACT Emergency Services Agency

ACT Policing

Lammers, Mr Rudi, Chief Police Officer

THE CHAIR: Good afternoon, ladies and gentlemen. Welcome back to the afternoon session of the penultimate day of public hearings of the estimates committee for 2014-15.

MR HANSON: You are making it sound far more exciting than it is!

THE CHAIR: One can only inject as much enthusiasm as one can do, on an afternoon like this. I see a few fresh faces, so we will go through the rigmarole. Minister, welcome to you and your officials. On the table before you is the privilege statement. If people appearing could acquaint themselves with the statement and its protections and their obligations, we would be most grateful for that. The proceedings this afternoon are being broadcast and will be transcribed, and that will be available to those that give comment this afternoon to peruse and give corrections if required.

For any questions taken on notice, it would be appreciated if a written answer could be provided within five sitting days. Any additional questions, members, should be placed on notice in the three days following the arrival of the transcript.

Minister, do you want to make some brief comments on the courts output class before we begin?

Mr Corbell: No, I do not propose to make any further comments.

THE CHAIR: Minister, there was an article on 23 June in the *Canberra Times* from known criminologist David Biles about the need for a fifth judge, as well as the effectiveness of the Supreme Court blitz. When will the government be introducing a fifth judge into the Supreme Court of the ACT?

Mr Corbell: The government has no proposals at this time to appoint a fifth judge.

THE CHAIR: Mr Biles did some analysis of the Supreme Court blitz. Was he accurate in his assessment of the effectiveness of the blitz?

Mr Corbell: I am afraid I have not read Mr Biles's article at this time, Mr Smyth, so I am not in a position to comment.

THE CHAIR: Ms Playford, have you or any of your officials done an analysis of what Mr Biles stated in the *Canberra Times* and would you like to share that with us?

MR HANSON: I have a copy of it here.

Mr Corbell: I will ask Dr Alderson if he would like to make some comments on this matter.

Dr Alderson: Just briefly, in fact the statistics, some of which the minister mentioned in his opening remarks in the earlier session, show that the number of pending and long-pending matters in the Supreme Court have been reducing over the last couple of years. Statistically, that would suggest the combination of measures that have been put in place, including the various blitzes and intense listing programs of the court, have been having the intended effect.

THE CHAIR: So Mr Biles was wrong in his assessment?

Mr Corbell: Mr Biles has a view. He is entitled to his view.

THE CHAIR: I am asking whether the assessment of the directorate is that he is wrong in his assumptions and his conclusions.

Mr Corbell: It is not the role of the directorate to provide commentary on Mr Biles's views.

THE CHAIR: That is a little bit defensive, isn't it, minister? Don't you have an opinion or doesn't somebody in the department have an opinion on what they have said?

Mr Corbell: The directorate's job is to give me advice as the attorney, and that is what they do. The government's position is that we have seen significant improvements in both the number of matters subject to delay and the overall wait time in terms of the performance of the court. I think our new Chief Justice is doing a very good job. She is injecting energy and new thinking into how the court should manage its workload and measures to improve access to justice. The government has a strong professional relationship with the court and we continue to cooperate with the court to address matters of common concern.

It is probably worth giving some further context in relation to overall performance. Backlog is down in the Supreme Court. In 2012-13 there were 92 criminal matters awaiting finalisation for more than 12 months. That is down from 174 matters in the previous financial year. That is a 47 per cent reduction in the number of criminal matters older than 12 months, including appeal and non-appeal, awaiting finalisation at the end of the 2012-13 year.

Civil matters fell from 541 matters in 2011-12 to 373 matters in 2012-13. That is a

reduction of 31 per cent. That reduction comes with a reduction in new workload for the court. I think this is the principal consideration: what is the overall number of lodgements being received by the court? Is it going up or is it going down? The indications are that civil and criminal lodgements have declined in the last full reporting year, 2012-13. There were 814 civil lodgements in 2010-11, and 636 in 2011-12. Civil lodgements dropped 12 per cent in the last financial year to only 560 matters. Criminal lodgements declined by 28 per cent in 2012-13 to 284 matters, from a 2011-12 total of 395 matters.

What this really highlights is that the workload of the court is declining, in terms of the number of lodgements that the court is having to deal with. I think that, combined with the measures to address the backlog, recognises that the court is doing some considerable work, led by Her Honour Chief Justice Murrell, to improve the overall way in which the court manages its workload.

THE CHAIR: When does the workload become such that a fifth judge has to be appointed?

Mr Corbell: The government keeps this matter under constant review.

THE CHAIR: What would be the threshold of such a review?

Mr Corbell: There is no specific threshold. The government looks closely at a range of indicators, including issues such as lodgement rates. We also look at the number of judges compared to judges in other jurisdictions. I have previously put a lot of that material on the public record about how we are not a jurisdiction that has a low number of judicial officers compared to the workload of the court. Indeed, compared with other jurisdictions of similar size and similar workload, our number of judicial officers is quite reasonable.

THE CHAIR: With respect to the length of time for judgements to be received, are there many overdue judgements from our Supreme Court judges?

Mr Corbell: I will see if we have some recent data on that.

Dr Alderson: We have statistics on the number of matters where judgement has been awaited for more than 24 months and more than 12 months. At the last reporting period the number of judgements that had been awaited for more than 24 months had fallen to 125, from a significantly higher number previously. The most recent statistics are right in front of me. With respect to Supreme Court cases where the matter has been pending for more than 12 months, the most recent figures are 104 civil matters and 13 criminal matters.

THE CHAIR: And more than 24 months?

Dr Alderson: I am sorry; that number, the 104 and the 13, was the number for more than 24. The more than 12—the numbers I have here—are 150 civil and 24 criminal. Included within those numbers there is a proportion where, regardless of whatever systems or processes the court has in place, there are reasons why a matter is adjourned at the request of the parties or whatever. So there will always be a certain

number that will be in that longer bracket on any assessment.

THE CHAIR: How many of those are in cases that have been adjourned rather than cases for which the hearings have finished?

Dr Alderson: I do not have that statistic, Mr Smyth.

THE CHAIR: Could we get that breakdown, please?

Dr Alderson: I can see whether we are able to.

THE CHAIR: Minister, is it acceptable to have 104 civil cases and 13 criminal cases waiting longer than 24 months for a judgement?

Mr Corbell: Any delay is regrettable and unacceptable, and the court is undertaking a significant body of work to address those matters.

THE CHAIR: In the criminal cases, could we also know whether the defendant has been on remand at the AMC while these determinations are being waited upon?

Mr Corbell: We can certainly take that question on notice.

MS BERRY: I have a supplementary. Minister, you took us through some numbers on the number of cases and the systems that the Chief Justice had been implementing to get through the backlog. Are you talking about the pilot program that is identified on page 2 of the JACS papers? Is that part of the work that she is doing?

Mr Corbell: That is a pilot in relation to management of the civil list; yes, that is correct.

MS BERRY: Can you take us through that new pilot program?

Mr Corbell: That entails an increased use of mediation to seek to settle matters without the need to proceed to a full hearing and determination by a judicial officer. The Chief Justice has indicated that the use of professional mediators to seek to resolve matters between the parties can have some good outcomes. The court has engaged the necessary resources, with the support of the government, to undertake that work.

MS BERRY: This is to hopefully resolve cases before they actually get to the court's door?

Mr Corbell: It is in relation to matters—

MS BERRY: It can happen at any time?

Mr Corbell: It is in relation to applications that have been made to the court but prior to a hearing and prior to a hearing date being settled. The civil mediation block program took place during 17 March and 11 April this year. Ninety-five civil matters were listed for the mediation; 59 settled prior to trial as a result of that mediation. So

that is a significant number. That is a 62 per cent reduction in matters that would have otherwise required management by or hearing before a judge or the master.

MS BERRY: You said that pilot had been completed as of April this year?

Mr Corbell: Yes.

MS BERRY: Given the success, from those numbers, of the program, is that something that the government is considering pursuing?

Mr Corbell: That will be a matter for the court to determine. These are matters that are properly the responsibility of the court to determine.

THE CHAIR: Just to finish on this question, what is the cost of a Supreme Court judge, minister?

Mr Corbell: It is about \$1 million per annum.

Ms Playford: That is with all the on-costs included.

THE CHAIR: So it is the judge's own remuneration, plus staff and support?

Ms Playford: Yes.

THE CHAIR: If we had 13 criminal matters outstanding for more than 24 months, and those people were incarcerated in the AMC, that is about \$3 million over two years. Wouldn't it be cheaper just to have a fifth judge?

Mr Corbell: I return you to the analysis about workload. Issues around workload are the key consideration here from the government. Is the court under-resourced compared to its case load? We expect all other parts of public administration to work more efficiently, to use their resources wisely and effectively. Similar obligations apply to our courts as well.

I draw your attention to some comments I made in the *Canberra Times* last year. I highlighted that, based on the *Report on government services* analysis by the Productivity Commission, the ACT Supreme Court's criminal and civil workload per judicial officer compared to supreme courts and district courts in other jurisdictions is less—less cases per judicial officer—than in Queensland, New South Wales, Tasmania and South Australia. And it is only a handful of cases higher than the case load of judges in supreme and district courts in Victoria and Western Australia. Only in one jurisdiction is the case load substantially higher, and that is the Northern Territory.

Is the workload more than the judges can sustain compared to other jurisdictions? The answer to that is unequivocally no. In fact, the answer is that in the majority of jurisdictions judicial officers undertake more work, with more cases per judicial officer, than our judges do. That needs to be taken into account. Compared to national averages and compared to the performance in other jurisdictions on a like-for-like analysis, our judges undertake a lower number of cases each year.

MR HANSON: Minister, don't you think there is a bit of a contradiction to argue for eight more MLAs whilst you are refusing to appoint a new judge when there is an argument for an additional judge. I am not saying there is not an argument for extra MLAs, but there does seem to be an inconsistency.

Mr Corbell: It is based on case load; it is based on workload. We have got some very clear data in relation to judicial officers that we can compare with the workload of judicial officers in other jurisdictions. As I said before, and I am happy to go through these figures if you like, in New South Wales, for example, for every full-time judicial officer there are 227 cases lodged. That is, in New South Wales, judicial officers have 49 more cases lodged each year per judge than in the ACT. In Queensland, for every full-time judicial officer, there are 298 cases lodged in the courts. Queensland judicial officers have 120 more cases lodged per year per judicial officer than in the ACT. In Tasmania, for every full-time judicial officer, there are 236 cases lodged. That is, Tasmanian judicial officers have 58 cases more every year per judge than in the ACT. In South Australia, for every full-time judicial officer, there are 180 cases lodged. That is, in South Australia judicial officers have just slightly more, two more, cases per officer than in the ACT.

So workload per judicial officer is lower in the ACT than in a majority of Australian jurisdictions. Our courts, per judicial officer, are not overworked when you look at that case load. There are a range of other factors in relation to case load that should be appropriately taken into account, but I do not think you can suggest that, compared to the performance of other jurisdictions' courts, based on the number of judicial officers, our judges have a heavy case load. It certainly does not stack up when compared to other jurisdictions interstate.

THE CHAIR: A new question from Ms Porter. Remember, members, that we are looking at output class 3.1, courts and tribunals, as well as the Legal Aid Commission. We have until 2.45 to do that.

MS PORTER: I am looking at page 142 of budget paper 3. At the top of the page, "Courts and tribunal management system", there is some capital shown for additional funding that was provided in the 2012-13 budget for the replacement of the courts' case management system. This money is going to meet that ICT infrastructure and recurrent costs associated with this. Could you tell the committee why we needed this new system, what benefits it has brought, and whether you see that this investment has been value for money?

Mr Corbell: I will ask Dr Alderson to give you an update on the progress on that project.

Dr Alderson: To begin with, let me go to the question of what are the benefits of the system. At the moment, the court and tribunal system is a very old one, designed before a lot of the things that we can do now and the data collection that is expected now. The system will mean that essentially, as the court is undertaking its activity—receiving cases lodged with it, making orders, making judgements—in real time, that data and information, for example about the nature of the case, amounts and so forth, will be entered directly into the system. When information is needed about how the

court is operating, how long things are taking and what categories of matter are arising, with judges trying to determine their listings, the system itself will make it very easy to produce data that will assist in the more effective use of the judge's time and the court staff time. A lot of manual processes at the moment will be replaced by electronic processes.

The procurement that is occurring and the arrangement that is in place are for a Western Australian case management system which has been proven to be very effective. It will be implemented in the ACT environment. Those benefits will go to the efficient running of the court in doing its business, but will also mean that, for example, information for the minister and information for Assembly committees on a range of things will be easier to produce.

MS PORTER: In relation to the backlog that we were just discussing, you are saying that it will be easier for the judges to manage their workload in some ways, so that this could assist in that process as well.

Dr Alderson: Yes, it is certainly part of it. Although there is not a direct connection to how a particular case will be resolved, it is true that it is an investment in how you can get the most effective outcome with a given court budget and given resource. This, overall, will assist in the management of the court, for example by allowing things to be done without taking as much time of the judges in the collation of things manually and so forth. So overall it would assist and support judicial and court time being directed to the substance of matters.

MS PORTER: You said this system is operating in WA?

Dr Alderson: That is correct.

MS PORTER: Do you have any information about how they experienced it when they first introduced it?

Dr Alderson: Very positive. I should say that that has not been the uniform experience around Australia. Over the last few years, most states and territories have moved towards more modern case management systems, but our assessment was that Western Australia had been the most successful. A number of others had considerable difficulties between the concept of what the system would be and what was actually implemented. Western Australia, on our understanding, was the smoothest, and the judiciary and court staff have been comfortable with how it operates. Of course, with any new system, you have to provide information and training, and help people along with the process, but the Western Australian experience suggests that this should be very successful.

MS PORTER: Thank you very much.

THE CHAIR: Ms Berry, any questions?

MS BERRY: Thank you. Regarding the new Magistrates Court, has the government ever considered putting in a human services shopfront for people who are at the court, rather than having people have to leave the court to go to different places to get

support?

Mr Corbell: This is a matter which is raised from time to time, Ms Berry, and I—

MR HANSON: Could I clarify? The question is about the new Magistrates Court? I assume you mean the new Supreme Court—or are you talking about something in the existing Magistrates Court?

Mr Corbell: Perhaps I could clarify. The court project involves the substantial refurbishment and redevelopment of the existing Supreme Court building, but it also involves its physical connection with the existing Magistrates Court building. In effect, we are going to have a single court complex that will house the current Magistrates Court as well as a substantially renovated Supreme Court—

MR HANSON: So the Magistrates Court stays as it is as an entity and just has a connection with the new Supreme Court? Is that right?

Mr Corbell: There will be, I think, some remodelling involved. I think it is reasonable to ask the question. In any event, it is not really about physical facilities. It is about the types of services that are offered within the court complex and—

MS BERRY: That is what I meant, really.

Mr Corbell: This is an issue which I know the current Chief Magistrate is exploring. She, I think rightly, sees some benefits in the co-location of a range of various support services for people who come into contact with the criminal justice system, with some sort of physical contact, consultation or advice presence in the court building. Those are matters that are worthy of further consideration. I am certainly open to discussing those matters further with the Chief Magistrate. She has not approached me directly about that matter at this time, but I know there have been some discussions with my directorate, and I am very open to discussing those matters further with her, should she feel that those are matters she wishes to pursue.

MS BERRY: I think they do something similar in Victoria. I was with Mrs Jones at a sentencing seminar and they were talking about something like that. I do not know what it looks like in reality, but it is along the lines of providing those support services for people who might not otherwise be able to access them, or have difficulty accessing them, outside on their own. Anyway, I just thought I would ask the question.

Mr Corbell: Yes. The former Victorian attorney, Rob Hulls, did a significant amount of work in this area that sought to co-locate justice operations such as—what is it called in Victoria?—the County Court, which is the equivalent of our Magistrates Court, with a range of support services, sort of human services operations, along with the formal court infrastructure. That was very well received. It is not widespread, but there are a couple of pilot examples in Victoria, and I think it is something which is worthy of further consideration.

MR HANSON: Supplementary, Mr Chair.

THE CHAIR: Ms Porter has one first.

MS PORTER: Thank you.

MR HANSON: When visiting the court building, I noticed—

THE CHAIR: No, Jeremy; Mary had one first.

MR HANSON: Sorry.

THE CHAIR: Yes.

MS PORTER: And then for you.

MR HANSON: That is fine. I am a patient man.

MS PORTER: I am pleased to hear it, Mr Hanson. When a person needs some support within the court precinct, it may not be information about something but just general support because of what is happening to them. For example, we were discussing victims of domestic violence—I like to call them survivors—or people who have been subject to some other form of violent behaviour who may be in the court, often waiting for long times, or may have gone into mediation and then come back out again, having to wait before they go into more mediation—

MR HANSON: I am not that patient, Mary; come on.

MS PORTER: Sorry, Mr Hanson; I am trying to explain myself here so that the attorney can understand what I am getting at. What kind of supports are there for those kinds of people? And are people who are waiting separate from the people who may have offended against them when they are waiting? They both have to come out from mediation, for instance.

Mr Corbell: In the court building?

MS PORTER: Yes, in the court building.

Mr Corbell: In the Supreme Court those facilities are extremely limited. Basically, it is very difficult to avoid encountering other parties with whom you may be in potential conflict in one way or another—whether that is witnesses encountering the friends and family supporters of the accused, whether it is those families and supporters encountering the prosecutor, or a range of other mixtures of different parties that ideally should not come into direct contact with each other, or they should come into that contact in a managed way because there is the potential for conflict and worse.

At the moment, the current Supreme Court building is simply inadequate to manage those matters. There is not even sufficient space for private consultation between lawyers and their clients in the court building. These are the reasons the government is focused on the redevelopment of the existing Supreme Court—to make sure there is effective and adequate separation of people who need to be kept separate from each other, that there is privacy and appropriate rooms for consultation with legal counsel,

even simple things like effective facilities and modern facilities for juries, jury deliberation and selection of juries.

All these things are needed in our new court building. A very detailed brief has already been developed and is subject to further refinement with key legal stakeholders, including obviously the Chief Justice and her brother and sister judges, the legal community, the Bar Association, Law Society, Prisoners Aid, Legal Aid, Victim Support, human rights—a whole range of stakeholders—to make sure that we are managing all those issues about adequate physical separation and ease of movement of various parties who need to be in a courtroom in a way that works appropriately. There is plenty of precedent to follow from modern court precincts in other places, and those lessons are certainly being taken into account.

MR HANSON: I have a supplementary. I see JPs working over there as well to certify documents and so on. What support is the government providing to JPs in Canberra more globally, but also maybe at the courts, in helping them to perform that function?

Mr Corbell: My directorate works closely with the Justices of the Peace Association. I am very pleased to be the patron of that association in my role as attorney. They are an excellent organisation. The government is focused on providing practical advice and guidance to JPs in the performance of their functions. That is done through my directorate. Information, advice and guidance are given through the JPs association to JPs about the important functions they perform. In addition, the government is very focused on acknowledging the service provided by JPs. I was very pleased to be at a ceremony last year for, I think, it was over 200 JPs in total who had contributed varying lengths of service to the territory of between 10 and in some instances 40 or 50 years. I was able to acknowledge them individually and present them with certificates—

MR HANSON: Sure, but beyond being patron and being at an award ceremony, what is the government doing? Is it providing financial support for JPs at all?

Mr Corbell: No, these are unremunerated positions.

MR HANSON: There is nothing there to sort of assist with the administrative costs of—

Mr Corbell: No, and there never has been. These are honorary positions and obviously people seek to be a JP for a range of reasons. But all of them involve a recognition that it is a voluntary position that performs an important duty to society more generally.

MR HANSON: Over in the courts when they set up to assist people, are they given an area? It looked a little ad hoc when I saw them there.

Mr Corbell: Yes, they are provided with a relatively simple space where they can witness and certify certain documents. That is the primary reason for them being there in terms of documentation that a person may need to lodge with the registry there in anticipation of a legal matter. The JPs are able to certify and witness those documents

in accordance with their duties. They do that on a voluntary basis. I acknowledge that JPs perform similar arrangements in other parts of Canberra as well. There are a number of shopping centres I know where JPs set up on a regular basis and say that they will be available between X and Y times to witness and certify documents. I know that is very well received.

Those are all things that are organised by the JPs association. I would have to say also, Mr Chairman, that it is actually important I think for government to acknowledge service, because that is one way of ensuring that people's service is appropriately acknowledged and recognised. Often it is all that volunteers ask of the government, but it is very well received and important for maintaining people in that role.

MR HANSON: With regard to their training, my understanding is that the training requirement has increased over time. So there are perhaps JPs that became JPs back in a day when essentially they were not required to do much of any training, whereas now there is a course. Is there a need, in your view, to catch up the training of those that have been JPs for a long time but who perhaps have not been through that training or are you comfortable that the experience that they have had—the on-the-job training, so to speak—would meet that requirement?

Mr Corbell: It is very much the latter, Mr Hanson. People who have performed the duties of a JP for a significant period of time are considered to be familiar with their duties and responsibilities. Indeed, when I approve the appointment of new JPs in the territory, I also have the discretion to waive the training requirement should they be able to demonstrate that they performed the duties of a JP in another jurisdiction, for example. That is common. We take a practical approach to this, but the training course for new JPs is a straightforward training program provided, I think, through the CIT. Certainly, I cannot recall any instance where an applicant to be a JP has said that they are concerned about the costs involved with that. It is a voluntary program. The cost is modest. People become a JP because they want to volunteer for that civic function.

THE CHAIR: We might move on. A new question from Mrs Jones and then Mr Hanson, if you are lucky.

MRS JONES: Can you update the committee on where the Eastman trial is at and what the next steps are?

Mr Corbell: Thank you, Mrs Jones. Just to clarify, there is not a trial, but there has been a board of inquiry—

MRS JONES: Sorry, my apologies, yes.

Mr Corbell: into the conviction of Mr Eastman. The government has funded the operation of that board of inquiry and appointed an acting judge to be the board for the inquiry following an order of the Supreme Court establishing the inquiry. The board has presented its report, as it is required to do. The matter is now before the Full Court of the ACT Supreme Court.

The Full Court has determined that it will hear submissions. In the first instance it

determined that it would hear submissions from the parties about the jurisdiction of the court to hear submissions in relation to—to hear the matter and to consider what actions should be taken as a result of the board of inquiry's recommendations. Following that time, the court has now determined that it will hear substantive submissions as of Monday this week in relation to the board of inquiry findings themselves. Those are now matters that the Full Court will proceed with before, presumably, making a decision about the recommendations of the board of inquiry report. That substantive hearing on the issues involving the recommendations of the board of inquiry itself will be held on 15 and 16 July.

MRS JONES: I have two questions of clarification. The first one is that my understanding, as limited as I say it is, is that the decision to hear these substantive submissions is not simple in law. It is not clear that that is the only method of dealing with the situation. Can you shed some light on that? Also, can you explain to us when you expect the next steps after the time frame, that you expect at this point in time, what the different options are for what might happen after that?

Mr Corbell: It would not be appropriate for me to pre-empt or to speculate on what the Full Court may decide. There is a substantive hearing in July. That substantive hearing will hear submissions from the parties that the court has granted leave to appear. Those are Mr Eastman and the DPP. They may hear others, including myself on behalf of the territory.

They will then determine what course of action they should take in relation to the board of inquiry report. In terms of alternative courses of action, well, the course of action that is being followed is that set out in the Inquiries Act, which is that the board of inquiry reports to the Full Court and the Full Court determines what steps should be taken in relation to the recommendations of the board of inquiry.

MRS JONES: What are the different options that are available to the board of inquiry as possible outcomes?

Mr Corbell: To the Full Court, you mean?

MRS JONES: All right, as recommendations from the board of inquiry.

Mr Corbell: Yes, so the recommendations from the board of inquiry to the Full Court—

MRS JONES: What are their options?

Mr Corbell: The Inquiries Act sets out that the Full Court can confirm the conviction, quash the conviction and order a retrial, quash the conviction or recommend to the executive a pardon.

THE CHAIR: Mr Hanson.

MR HANSON: I have a follow-up on that. If they recommend a pardon, who is responsible for that? Is that the cabinet, or is that you as the Attorney-General?

Mr Corbell: It is the ACT executive. Formally, the ACT executive is nominally two ministers. But often decisions of the executive will be subject to a cabinet consideration before the executive formally acts. In that instance I would make a recommendation to the Chief Minister and the matter would be considered by cabinet.

THE CHAIR: A new question from Mr Hanson, and I acknowledge that John Boersig, the CEO of the Legal Aid Commission, is at the table.

MR HANSON: I understand that there have been some funding changes for legal aid. The commonwealth provides an allocation, as does the ACT government. There is an amount of funding from the commonwealth that has ceased or that was due to cease. Is that right?

Dr Boersig: That is right.

MR HANSON: So it was always due to cease?

Dr Boersig: It was a two-year contract and the contract has been cut in half.

MR HANSON: Where does that leave the Legal Aid Commission in terms of its funding, its ability to do its job and its number of FTE? What is the ACT government allocation at the moment? Has the ACT government maintained its funding, reduced it or increased it?

Dr Boersig: In relation to the effect of the commonwealth matters, we have negotiated with the commonwealth Attorney-General's Department to roll over some unexpended moneys, about \$100,000. That is crucial because we were to receive \$400,000 in the forthcoming year. They have—

MR HANSON: Sorry, you were to or—

Dr Boersig: We were to.

MR HANSON: My understanding is that that allocation only went until June this year. Is that not right, or is there—

Dr Boersig: It was a two-year contract worth \$800,000. We have had one year of that contract. The second year of the contract was to be \$400,000, for the forthcoming year. We have unexpended moneys from this current financial year, which is not unusual, because in many contracts there is a lag period, to get working, and it has been agreed that we can roll that money forward, to be expended in the current year. So the bottom-line shortfall from the commonwealth is about \$300,000. The effect upon us is still significant. They have agreed we can use that money to maintain the 2.5 FTE that was affected by that expenditure. Happily, we can keep those people going until at least November this year, and we will have to reassess towards the end of the year.

That is particularly significant because, of course, the bulk of that work was directed towards assistance for Aboriginal and Torres Strait Islanders, and we want to maintain and increase our services to that sector of the community.

MR HANSON: What is your funding now from the commonwealth, and what is your funding now from the ACT government?

Dr Boersig: We have a number of areas of funding. Our two primary funding bodies are from the commonwealth and the ACT. We also receive funding from the Law Society through the statutory interest account, and you will have seen that that has also been reduced by \$400,000-plus in the forthcoming financial year.

MR HANSON: Who made that decision? Is that the Law Society's?

Dr Boersig: That decision by the Law Society is based around the income they receive in their statutory interest account. They are earning less income in the coming year. It has affected all legal service providers in the ACT similarly.

MR HANSON: What is your commonwealth funding amount now, for the financial year coming up?

Dr Boersig: It is \$4,460,000 in round terms, and 5.3.

MR HANSON: We are talking about the commonwealth funding, and the ACT funding is 5.3. How does that compare to previous years?

Dr Boersig: That is consistent and has somewhat increased, in relation to CPI and the addition of some funding for expensive criminal cases—about \$200,000 in the forthcoming year for that.

MR HANSON: With respect to the effect of the reduction of \$300,000, essentially from the commonwealth, and the \$400,000 from the Law Society, what does that mean in real terms?

Dr Boersig: In relation to the Law Society in real terms it will affect the number of grants of legal assistance we can make. We would estimate that would be in the vicinity of 160 to 200 grants of assistance in the forthcoming year.

MR HANSON: Can you provide the committee with a copy of the contract that you had that has now ceased?

Dr Boersig: I do not have it with me but I can take it on notice.

MR HANSON: If it is okay to provide it to me, I would like to have a look at that contract. That would be good. I have no further questions, noting the time.

THE CHAIR: A question of clarification quickly from Ms Porter.

MS PORTER: I refer to the table on page 49, output 1.1 in the small budget paper, with the amounts of money there for 2013-14 and 2014-15. When you were answering Mr Hanson's questions just now, I was having some difficulty reconciling those figures with what you were saying. There seems to be an increase from the ACT government. Is that right and is it the amount of \$12,000?

Dr Boersig: I will ask Hamish Palfreyman, who is my CFO—

MS PORTER: I am just having difficulty reconciling this.

Mr Palfreyman: In terms of that table for the 2013-14 estimated outcome, you will need to add the next table as a comparison, on page 50. If you add those two figures with the figures from—

MS PORTER: This is discontinued money?

Mr Palfreyman: Basically what we are doing is combining two outputs into one. In 2013-14 we had two outputs, 1.1 and 1.2, but we are now combining those in 2014-15 into one output class, legal aid services provided to the community. One of the requirements is that we need to report on the estimated outcome as it was presented in last year's budget papers. So we have to report the estimated outcome against output 1.1 and 1.2 and then going forward in 2014-15 they are now combined into the one output, which is the legal aid services provided to the community.

MS PORTER: I understand that better now; thank you very much.

THE CHAIR: We might bring output class 3, courts and tribunals, to a finish at this stage. For any questions taken on notice, could they be answered in five working days. Transcripts will be provided as they become available for your perusal and any corrections. We thank the commission for its appearance as well. With that we will move to output class 4, emergency services.

Given there are so many new faces, we will go through the whole rigmarole again. I welcome the commissioner and officers to the 2014-15 estimates inquiry. On the table in front of you is the privilege statement, on the pink card. There are obligations as well as certain protections. Could you and your officers acknowledge that you have read the card and understand your obligations regarding privilege?

Mr Corbell: Yes, thank you, Mr Chairman.

THE CHAIR: Thank you, minister. We have output class 4, emergency services, before us. The hearings today are being broadcast and will be recorded and transcribed. Transcripts will be made available for your perusal and any corrections you wish to make.

With any questions taken on notice, could you please say, "We are taking that on notice," so that we can log it in through the *Hansard* and then follow it up. We would like written answers within five business days of today. For questions placed on notice, members have three days after the transcript has arrived.

Minister, would you like to make a brief statement about output class 4, emergency services?

Mr Corbell: Yes, thank you very much, Mr Chairman. I will make a couple of brief comments in relation to the budget initiatives in this area of my portfolio responsibilities. The government is committed to a range of emergency services

initiatives in this budget. It builds on the very significant work undertaken by the Emergency Services Agency and its respective services in previous years.

In relation to budget initiatives, there are significant investments, both capital and, to a lesser degree, recurrent. First of all, the government is making commitments in relation to development of a new joint fire and ambulance facility to service the area of Belconnen in the vicinity of Aranda. \$21 million in capital and recurrent funding has been set out in the appropriation bill for the construction of a new combined ambulance and fire station in Aranda. This delivers in full on the government's 2012 election commitments where we committed to the redevelopment and creation of the new west Belconnen ambulance and fire station and a new fire and rescue station for south Tuggeranong, both of which are either complete or under construction right now. This last station at Aranda completes stage 1 of the station upgrade and relocation program and delivers a state-of-the-art ambulance and fire rescue facility to be located in Aranda.

Other funding is provided for upgrading the territory radio network and the computer-aided dispatch system in the emergency 000 comm cen with a funding allocation of \$7.4 million. The government will continue funding for the completion of the trial of the ACT Ambulance Service extended care paramedic program with a funding allocation of \$455,000 for this coming financial year. The government will continue to enhance the existing management facilities at the ESA headquarters at Fairbairn by the enlargement of the 000 comm cen with \$424,000 allocated for funding in this regard.

The government will also focus on a range of important initiatives, including a women in emergency services strategy, to implement throughout the ESA a program to encourage more women to become involved and become members of our emergency services. This initiative, which has been allocated \$160,000, will be funded from within the existing ESA budget.

Regrettably, the government has been forced to provide a net additional amount of \$4 million each year over the next four years to the ESA to offset the commonwealth's significant reduction in annual payments to the ACT for the provision of fire services to commonwealth assets in the territory. In addition to this supplementation, the government has announced increases in false alarm and commercial building development control fees as well as increasing the fire and emergency services levy on commercial properties to help fund this significant shortfall from the commonwealth's arbitrary cut in payments for fire services. There is also funding to meet increases in workers compensation premiums and just over \$300,000 available for capital upgrades programs across a range of ESA facilities.

Finally, it is worth highlighting that the government is currently undertaking public consultation on the finalisation of the strategic bushfire management plan. A new strategic bushfire management plan is required to be completed in accordance with the Emergencies Act later this year. Today I have announced that consultation on the draft of the new strategic bushfire management plan is continuing. It was launched publicly last week. Today I am again asking Canberrans to look at the plan, to understand what it means for them and to provide comments on it. In particular, I am keen to outline to the community that there are some significant changes in this new

draft strategic bushfire management plan—in particular, the establishment of bushfire-prone areas across the ACT and their incorporation into the SBMP, and foreshadowing that these zonings will also be incorporated into the ACT’s planning regime and, in particular, the territory plan.

We see that close to a quarter of all dwellings in the ACT are located in an area identified as a bushfire-prone area. That is a very large number of dwellings. As a result, and because of this concentration of people and houses, particularly on the western—but not exclusively on the western—edge of Canberra, it is very important that Canberrans understand that the establishment of these new formal bushfire-prone areas will have potential implications for future construction standards in relation to those dwellings. So I encourage people to have their say on the draft strategic bushfire management plan as we move forward to its finalisation later this year.

With that, the commissioner, officials and I are here to try and answer your questions.

THE CHAIR: There have certainly been a number of newspaper articles over the last couple of years about the culture of the ACT Ambulance Service and you have now launched a review. Where is that review at and when will it report?

Mr Corbell: I will find my relevant papers. A reviewer has been appointed to commence this review. The reviewer is a firm called 02C, a Canberra-based company specialising in building resilience within organisations. There has been extended discussion with the Transport Workers Union and the union representing our intensive care ambulance paramedics on the terms of the review and a suitable reviewer. The terms have now been agreed and the reviewer has commenced work.

THE CHAIR: Can the committee have a copy of the terms of reference for the review?

Mr Corbell: I am happy to make those terms available.

THE CHAIR: When is the review to be completed? How will it be conducted and when will it be completed?

Mr Corbell: It will be conducted through detailed engagement with relevant stakeholders. It is expected to be completed by August this year. I will ask the commissioner if he would like to make some further comments.

Mr Lane: Further to the minister’s answer there, the review is well and truly underway. A plan of consultation is out with staff. The review takes a number of elements: firstly, in relation to a doctrinal review of literature in relation to ambulance culture nationally and internationally. The second part, which is very close to commencing, relates to a number of visits to ambulance stations and what we call ride-alongs, where the reviewers themselves will be able to meet with ambulance staff in the field and make their way through the work that they do as well as a number of other meetings and the like. In addition, a process is being put in place of communications with me, the Chief Officer of ACTAS, and the Transport Workers Union to keep staff updated on the progress of the review.

THE CHAIR: What is the cost of the review?

Mr Lane: I would have to take that one on notice.

THE CHAIR: A number of incidents have led to this review. What has been the cost of disciplinary action, say, over the last 12 months to the Ambulance Service in that officers might be under disciplinary processes, have gone off on leave and have either been acquitted or settled?

Mr Corbell: That would require some further interrogation of the relevant data. I would take the question on notice and see whether or not a figure could be ascertained in relation to that.

THE CHAIR: When a disciplinary matter is started in the Ambulance Service, how long do they normally take to resolve?

Mr Lane: That is a difficult question to answer in that it depends upon the nature of the matter. All ACTAS staff are subject to the broader ACT public sector guidelines in relation to the management of disciplinary processes and matters are handled in accordance with those processes.

THE CHAIR: The bulk of them are covered in a month, two months, a quarter?

Mr Corbell: I think, as Mr Lane says, it is difficult to quantify that exactly. We would have to interrogate what data is available and see whether or not we could give you a figure on that. If you do want a more specific figure, we can do our best to try to obtain that. But I would have to take that on notice in terms of obtaining that.

THE CHAIR: I am aware of at least two cases. In one case, two officers were suspended and remained on suspension for almost a year. There is a separate case that has also seen an officer on suspension for almost a year. Minister, is it acceptable for highly trained paramedics to be on suspension for a year pending the resolution of a disciplinary inquiry?

Mr Corbell: It would depend on the nature of the circumstances in each case as to whether or not you could consider whether it was reasonable or not.

THE CHAIR: What inquiry takes a year to determine whether a breach of discipline is warranted?

Mr Corbell: These matters can be very complex and often involve an interaction about a disciplinary matter. There can also be the interaction of workers compensation considerations as well. So it is difficult and complex and it would be, I think, unwise to make a general observation about it without drilling down to the detail of the specific cases and understanding factors at play in each specific case.

THE CHAIR: Do you believe it is acceptable for disciplinary matters not to be resolved for such long periods?

Mr Corbell: I refer you to my previous answer. The factors are difficult, can involve

many different people and parties, can involve the interaction of other associated matters that may hinder the capacity to resolve the matter in a more timely manner, such as workers compensation issues. For all of those reasons, it is difficult to provide a general answer to what are very specific and individual circumstances.

THE CHAIR: In one of the cases, the officer took the Ambulance Service to both Fair Work Australia and WorkSafe. Fair Work issued a provisional improvement notice. That process requires the notice to be put up around the department. Was it put up around the department in accordance with the law?

Mr Corbell: My understanding was that it was displayed but there was a question as to whether it needed to be displayed in every single ambulance station, is my understanding of those circumstances.

THE CHAIR: So was it displayed in every ambulance station?

Mr Lane: I am not able to answer that question specifically except to say that the notice was put up with advice from WorkSafe ACT in relation to the display of such notices. I am not sure of the specifics of what that meant, but I can certainly take that on notice.

Mr Corbell: I will ask Ms Playford to add to that answer.

Ms Playford: My understanding is that the notice was initially put up at the ESA headquarters. On further clarification from WorkSafe around a suggestion that it needed to be displayed in all ambulance stations, it was placed on an appropriate part of the intranet where all relevant staff could access that.

THE CHAIR: If you were advised that it was required to be placed in all ambulance stations, why was it not?

Ms Playford: There was a question about whether that was required. And when clarification was sought with WorkSafe and following further discussions with relevant unions, it was agreed the appropriate approach for display was through the intranet.

THE CHAIR: Is there correspondence from WorkSafe that we could see?

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

THE CHAIR: The Ambulance Service has also had some issues with equipment, minister. How many clinical advice notices have they had to issue this year over defibrillators?

Mr Corbell: Sorry, the type of notice you are seeking clarification on was?

THE CHAIR: There are two notices you put out. If we could have how many of each has been put out?

Mr Corbell: You are referring to clinical safety notices and clinical safety alerts?

THE CHAIR: Yes, please.

Mr Corbell: In relation to clinical safety notices, five; in relation to clinical safety alerts, six.

THE CHAIR: That is this year?

Mr Corbell: No, that is since October 2012.

THE CHAIR: Is it normal for that many notices to be put out about a single piece of equipment?

Mr Corbell: It is not often new pieces of equipment are introduced into the ACT Ambulance Service. Obviously this is a significant equipment replacement program involving a large number of machines.

THE CHAIR: Is it acceptable that there are that many notices put out about a piece of lifesaving equipment like a defibrillator?

Mr Corbell: It is important that appropriate advices are issued if there are any concerns about the operation of the equipment.

THE CHAIR: Is it of concern to you that, following a procurement process, lifesaving equipment that should have been ready to be used in the field required 11 notices to go out?

Mr Corbell: It is of concern to me that there are any technical issues with equipment. But I am reassured that the consistent advice to me by the Ambulance Service is that there have been no adverse outcomes and no adverse incidents in relation to these technical failings with the equipment. I have explained at length in question time and elsewhere the circumstances in relation to this equipment and the fact that it results in a failure in relation to particular parts of the equipment, most specifically and most significantly the issue of the operation of the batteries supplied by the supplier with the defibrillator equipment itself. But the bottom line is that there has been no adverse patient outcome and there has been no compromising of patient safety because the Ambulance Service and our paramedics have put in place the appropriate practices and procedures to ensure that patient safety is maintained.

THE CHAIR: Have all the issues concerning the defibrillators now been resolved?

Mr Corbell: There has been a significant improvement in the performance of the equipment. In particular, 50 new batteries have been delivered to the ACT Ambulance Service, and they were deployed to front-line vehicles on 10 May this year. Further batteries will be delivered to the service by the Australian supplier as they become available. What we have been dealing with is a fault in this particular batch of batteries which has been made available for worldwide distribution by the distributor. There has been a fault in that batch, and part of that batch has been used to supply the ACT Ambulance Service with the new defibrillator equipment.

I am advised that ACTAS completed the deployment of the batteries to all new front-line vehicles, station charging units and support vehicles as of 10 June this year and has also taken delivery of additional CODEX charging units and 15 additional batteries to support the battery calibration program. This is a substantial milestone in addressing these technical issues.

THE CHAIR: So how many batteries are yet to be provided?

Mr Corbell: All replacement batteries are now confirmed as being supplied.

THE CHAIR: You did not answer my question. Have all the issues been resolved in regard to the defibrillators?

Mr Lane: The key issues that we have seen, based on the issues that did arise from October last year, all seem to source at this stage back to the battery supply and reliability of those batteries. At this stage we have worked very closely with the supplier and the manufacturer about this issue and obviously have taken their advice in relation to the issues that we have reported to the supplier and the manufacturer. So at this stage, following that agreement, and as the minister has described about the replacement system of the batteries, since that time we have not had any issues whatsoever with the MRX defibrillators.

THE CHAIR: Have there been any additional costs to the ACT in resolving these issues?

Mr Lane: Certainly the manufacturer and supplier have picked up all the costs in relation to those batteries. So we have been able to deliver the project within budget.

THE CHAIR: And was there an international recall of the MRX monitors or batteries?

Mr Lane: Not to my knowledge, but I would have to take that question on notice.

MRS JONES: A supplementary.

THE CHAIR: Yes, Mrs Jones.

MRS JONES: With regard to the inquiry that is ongoing, I want to ask: is there a method for anonymous commentary from members of staff to that inquiry? Can members of the service self-refer to put information to that inquiry or is it purely a one-directional information-gathering exercise?

Mr Lane: I cannot comment on the specifics in relation to a process and the exact details of how O2C, the independent company involved, is going about how they communicate with staff directly and how they get messages to individual staff members who may wish to make observations or put something forward in a way that demonstrates a level of confidentiality. However, we will be meeting, over the length of the inquiry, with the reviewers as part of the project team, and that will be something I will make sure we do put forward as an option.

MRS JONES: I just foreshadow that, as I think I have mentioned to the minister already, I have got a question on notice regarding bullying and harassment which is about numbers of cases and so on. I will put it to you on notice regarding both the department and Emergency Services. Thank you.

THE CHAIR: On this issue, Ms Porter has a supp, as does Ms Berry.

MS PORTER: Minister, I want to go to one of the reasons why I think you established these joint and emergency services depots and changed the position of some of them. The one at Aranda, I believe, is the relocation of the one that used to be near the Belconnen town centre. Is that correct—the one that is being built in Aranda?

Mr Corbell: Yes, that is correct.

MS PORTER: Were response times part of what you were considering at that time? And how are response times measuring up for us in regard to other jurisdictions?

Mr Corbell: In relation to the rationale for station location, the government undertook a significant body of work and detailed analyses of station locations for all ACT emergency services to ensure that response times and coverage for emergency response by all of our emergency services were meeting projected demand, existing performance and potential future performance measures and other agreed standards. That assessment recognised that the city is continuing to grow and develop and that the existing location of a number of our emergency services stations needed to be revised to either maintain response times, particularly into the future as growth in the city continues to occur, or improve response times in particular parts of the city.

That work resulted in a defined program of station upgrades and relocation works. The first stage of that program has now been completed in terms of its funding with the allocation of funding for the Aranda station. As you rightly indicate, the development of the new ambulance and fire station at Aranda, on Bindubi Street, will allow the existing station on Lathlain Street, within the Belconnen town centre, for both ambulance and fire, to be closed.

The problem with the location of facilities like Lathlain Street is that they are in the heart of a growing and busy commercial centre, and fast response out of those station locations is increasingly difficult because of the relatively congested nature of being in the heart of a commercial centre. Where appropriate, we are relocating stations to other locations which are closer to major arterial road links that allow prompt dispatch of emergency vehicles onto relatively free flowing and higher speed roads as soon as possible, to get them to where they need to be to maintain response times. That is the overall rationale.

In terms of our performance on response times, in relation to ambulance, we have continued to see our performance improve over the last five years. In 2008-09, in relation to emergency responses, at the 50th percentile, the time taken for emergency response was 10.3 minutes. As of the first half of this year, it is down to 8.3 minutes, and it has declined each year over that time. At the 90th percentile in 2008-09, the emergency response time for ambulance was 16.8 minutes. It is now, in the first half of 2013-14, at 13 minutes. These are really excellent response time improvements, as

a result of the government's investment in additional capability and the effective staging and resourcing of ambulance resources by the Ambulance Service.

MS PORTER: The combined station at Charnwood was anticipated by the community with a lot of positive anticipation. Has that continued to be accepted in the community in the way that we imagined it would be? How is it bedding down?

Mr Corbell: The new Charnwood station has been very well received by the community. There was a very popular and well-attended open day shortly following its formal opening. A very large number of people attended. I know Ms Berry attended; I am not sure whether you did as well, Ms Porter. Certainly a number of members were there. It continues to have, I think, the strong support of the community, with improved emergency service capability in the neighbourhood. We have seen similar support in relation to the new south Tuggeranong station for Fire & Rescue, which will deliver improved fire and rescue response capability to the southern areas of Tuggeranong. I am confident we will see similar support with the new Aranda project as well.

THE CHAIR: Ms Berry has a supplementary.

MS BERRY: Yes, a couple of supplementary questions on the Ambulance Service. You had a number of meetings with the TWU; it sounds as though they have been supportive of the process that has been agreed to. Is that the case?

Mr Corbell: Yes; it is an agreed way forward in terms of both the terms of reference and the chosen reviewer.

MS BERRY: I did not quite catch whether you mentioned to Mr Smyth the length of time that the review would take.

Mr Corbell: It will conclude in August this year.

MS BERRY: As you mentioned, Mr Lane, are there union members or union representatives as a part of the project team?

Mr Lane: Yes, certainly, Ms Berry. There are two levels of governance in terms of the project team, which involves workforce membership and staff of ESA, and representatives as delegates of the Transport Workers Union. At the higher level, that involves me, the chief officer and the industrial representative for the Transport Workers Union.

MS BERRY: Finally, whilst the review finishes in August, the work does not finish. How will you review the work that comes out of the review?

Mr Lane: We will take advice from the reviewers, who are very experienced in undertaking this type of work. I would assume there would be some actions that will arise for ESA that come from the review. We look forward to seeing what the independent reviewers have to say about that and working closely with the workforce and the TWU in implementing any proposed actions once we have an agreed position on those actions.

MS BERRY: Thank you.

THE CHAIR: I have a final question on the Ambulance Service. Ms Berry mentioned the TWU. The TWU said in a *Canberra Times* article on 28 April this year:

Appropriate authority must be provided to an external body to break the protection ring in senior management and hold managers accountable for their incompetence ... The union warned the ACTAS in April 2013 that the concerns identified by the officer were serious and needed to be investigated to eliminate the potential risk to the officer's emotional well-being.

WorkSafe, when they issued their warning, did not investigate the complaint but said that the ESA should. Has that investigation now been completed? What were the results of the investigation?

Mr Lane: I am not exactly sure where we are up to with the status of that at this particular point in time.

Mr Corbell: My advice, Mr Smyth, is that the investigation is currently being finalised.

THE CHAIR: When will the officer receive a report on the investigation?

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

THE CHAIR: I have a final question on the Ambulance Service. I do not believe I am going to do this, but I will give you a dixer, minister: was the Charnwood station completed on time, on budget and on scope?

Mr Corbell: Let me get my brief, Mr Smyth.

THE CHAIR: This is your first and last chance.

Mr Corbell: Sounds like I have convinced you, Mr Smyth.

THE CHAIR: No. You have not heard my supplementary question, so you had better be careful.

MS PORTER: We got a roundabout as well.

Mr Corbell: I can advise you, Mr Smyth, that the project did come in within its budget and it was delivered on time. Indeed, the project returned quite a few million to the budget because of effective delivery; \$4.2 million was returned to budget.

THE CHAIR: Did the officer in charge of the station upgrade and rehabilitation program get a bonus for being zealous and productive?

Mr Corbell: I am not aware of the use of bonuses in our pay arrangements, Mr Smyth, but the officers involved—and there is a large number of them—certainly have my

thanks for effective delivery of that project. I am looking forward to similar performance in relation to all the other projects they are responsible for.

THE CHAIR: There you go. I understand Mark Doverty is with us today; he is the director of the station upgrade relocation program. Wherever you are, congratulations; you have finally put a smile on the minister's face, after 13 years of government, on a capital works program.

Mr Corbell: I am certainly grateful for the work of Mr Doverty, but I am also grateful for the work of other officers, in particular Mr Greg Hammond, who is responsible for overall capital works within the justice directorate, who has played a very important role as well.

MS BERRY: I have another supplementary, now that you have mentioned that.

THE CHAIR: No; we are moving on. Ms Porter has a new question.

MS BERRY: I will be really quick.

THE CHAIR: We have heard that before.

MS BERRY: I am always quick. I will ask it later, then.

THE CHAIR: You can ask it later.

MRS JONES: You are in trouble now, Brendan.

THE CHAIR: Just moving along.

MS PORTER: Minister, on page 6, there are strategic objectives, and it talks about emergency-related community safety. Given the impact of the bushfires in 2003, obviously we have introduced measures to decrease and eliminate the impact of bushfire emergencies on the community. You were talking just now about the new strategic plan that you are encouraging people to look at and to make comment on. I am particularly interested in the continued work of the community fire units and also that of the rural leaseholders. In table 4, it mentions the percentage of leaseholders within the bushfire abatement zone with farm fire wise plans. Obviously we are working with our rural leaseholders as well as our urban community. You mentioned the bushfire-prone areas that have been designated. This is new in this particular plan. Will there be a need to increase the number of CFUs because of these newly designated areas?

Mr Corbell: In relation to community fire units, it is a very effective and good program. Indeed, it is actually the largest of our volunteer emergency service arms, with over 1,000 CFU volunteers registered across the community. There are approximately 50 community fire units at key locations around the urban edge of the city and in other bushfire-prone areas. The CFU program, I think, has been a really effective program. The government continues to support the program, and we continue to look at ways in which we can enhance its utility as part of our overall emergency planning and response capability.

In terms of increases, those are matters the government keeps under review. Certainly, the government would make decisions on those matters having regard to advice, particularly from ACT Fire & Rescue as the service responsible for the CFU program.

MS PORTER: Could you give me some clarity around these new bushfire-prone areas? These are not necessarily on the urban fringe?

Mr Corbell: They are predominantly on areas of the urban-rural interface—whether that is on the western edge of the city where suburbs interface with the rural areas of the ACT, which are either areas of Canberra nature park or rural lands, or they are in other locations that immediately interface, say, with parts of Canberra nature park itself, and which, in many respects, can be very close to the centre of the city. There will be bushfire-prone areas in Yarralumla, Turner, O'Connor, Lyneham, Ainslie and Campbell. These are suburbs that are very close to the heart of our city but they have areas that are proposed to be designated as bushfire prone. I might ask the commissioner to talk a little bit more about the different types of areas we are looking at and the different types of issues that arise in terms of their vulnerability.

Mr Lane: The key is in relation to understanding the bush environment adjacent to the city in many ways. We have undertaken a prescriptive mapping program to map the whole of the ACT to determine those areas.

Generally, as a rule of thumb, we looked at areas of more than two hectares of bushland and the like and what was adjacent to that and then went through a mapping process to identify those properties that in the draft bushfire strategic plan we believed would come in, in relation to what we would call “bushfire prone”. That will then allow us to provide better guidance to our community in relation to our community education programs to ensure that those people do know about this, if they are in such an area, because we can then actually target those people through community education programs and also potentially provide additional advice in relation to the construction standards of their dwellings.

Were it to be considered in the future, I certainly believe it would be a good thing that we amend regulation to allow the construction standards to be amended so that should a house be built in that bushfire-prone area, or significant renovations undertaken, it is done in line with Australian standards for properties within bushfire-prone areas.

MS PORTER: With respect to the farm fire wise program that I mentioned with rural leaseholders, what is the process for engaging rural leaseholders in this program of having bushfire abatement zones with the farm fire wise plan?

Mr Lane: We have a very successful farm fire wise program, thanks to a government initiative a number of years ago to increase resources for that area. Basically we have RFS staff available to work with farmers to assist them in creating a farm fire wise program which in this instance is very much a bushfire safety plan for their property.

We have been able to do that very effectively across the ACT with rural leaseholders and with close engagement through those individuals and that program and with rural fire brigades. In essence, it allows us to provide key advice to farmers in relation to

their own bushfire hazard reduction programs, the siting of their assets, the clearance that they should have around that, strategies they should have in place to minimise ignition on their property and, of course, fire breaks and those sorts of things to prevent the spread of fire on their property.

It has been an excellent engagement tool. We have recognised very much the importance of that within the bushfire abatement zone. That is principally that area closer to the city, mainly on the western side of the city between the city and the Murrumbidgee River corridor, to ensure that we target those farmers to help protect the city should a fire occur.

That is very much work in progress. We are just in the middle, as part of the strategic bushfire management planning review, of enhancing that farm fire wise program so that we have an even better farm fire wise toolkit available for farmers to use.

MS PORTER: Will there be a campaign leading up to the next bushfire season where householders will again receive something in their mailbox, to make sure they prepare a plan, or are we going to have a more web-based approach and have notices on the radio and perhaps on television, in the media, saying, “Download this plan and make sure you fill it in, make sure you have done it”?

Mr Corbell: The ESA will certainly be reiterating, in the lead-up to the coming bushfire season, the importance of the “prepare, act, survive” message. Central to preparing is having a plan, and having a bushfire survival plan for yourself and your family. So that message will be reiterated through the coming awareness campaign leading up to this year’s bushfire season. That message will be delivered through a variety of media. The exact details of that are yet to be settled, but certainly the message will be to prepare, act, survive for the coming fire season.

It is also important to stress that the work that is going into the new strategic bushfire management plan will allow us to focus on areas for targeted education and information. I know that the ESA is doing a lot of work—and the commissioner has been briefing me on his thinking on this—in relation to how we can better engage a broad range of our capability within the ESA—our RFS volunteers, our CFU volunteers and our SES volunteers, as well as Fire & Rescue, to get information out to property owners. We have quite a significant capability on the ground, and it is about better utilising that to get the message out to households, particularly households in quite vulnerable areas where we know there are particular risks that people should be aware of and preparing for.

THE CHAIR: Ms Berry, a new question, no doubt on a range of subjects.

MS BERRY: Yes, that is a fact; thank you, chair. I want to ask about fire tankers. Given the growth of our city and the nature of our town centres and given that we have more high-rise buildings than we have had previously, is the government considering in its planning for new tankers having bigger tankers or the Bronto? Is it the Bronto?

Mr Corbell: Yes.

THE CHAIR: Keep going; it is a question I have asked for many years. You might get a better answer than I have had.

MS BERRY: I have been looking around the place and seeing it is growing up. I wondered where that was in the planning.

Mr Corbell: Sorry, what is the question, Ms Berry?

MS BERRY: Do we have enough trucks to service our city given that we have changed from years ago when Mr Smyth was asking these questions?

THE CHAIR: That would be last year.

Mr Corbell: As I have previously said, these are matters the government keeps under review and expects that advice as appropriate will come forward from emergency services about their resourcing and capability. The government has provided significant additional allocations of funding for a range of capabilities in recent years. We have invested significantly in a wide ranging vehicle replacement program right across the ESA, including Fire & Rescue, ambulance and the rural fire and state emergency services. There is a very significant range of new vehicles in our fleet as a result of a multi-million-dollar, multi-year vehicle replacement program.

In relation to specific capabilities like the Bronto, those are matters where the government will have close regard to advice coming forward from Fire & Rescue. I have not received formal requests for that at this time, but I know it is a matter Fire & Rescue keep under close review, as they should.

In relation to overall size of capability, again that is a matter that individual services and the ESA as a whole make assessments about and provide advice to the government on. For example, the government has strengthened capabilities in a number of areas. In particular, in the last budget additional funding was provided to ACT Fire & Rescue to improve the staffing profile of its platform on demand capability, which is a specialist response capability that provides for the timely provision of equipment and personnel for particular types of emergency.

That was \$4.1 million over four years. That employed six additional firefighters to crew the platform on demand capability on a 24/7 basis. That includes additional specialist vehicles to transport these pods, as they are known, which are effectively fit-for-purpose shipping container structures that contain a range of specialist response equipment—trench rescue, chemical-biological-radiological response, and a range of other capabilities. So we have moved that capability from being crewed on an overtime basis as and when required to a full-time dedicated 24/7 crewing basis. That is an example of the steps we are taking as and when appropriate to improve capability response and vehicle availability.

MS BERRY: How is the ESA working in with developments like the Riverview development? Particularly of concern to me is the bushfire risk out that way, and also the development of that project in making sure that the roads out that way are capable of taking fire tankers, so that they can properly service that area?

Mr Corbell: There is a very high level of engagement between the Rural Fire Service, Fire & Rescue and the ESA as a whole with new development proposals, new estate development proposals, particularly those like the one you mentioned, the Riverview west Belconnen area, the Molonglo Valley, when it was going through its detailed planning, and new areas of Gungahlin. So, in particular for those urban expansion areas on the urban edge, it is critical that bushfire planning be central to the design and standards of infrastructure that are put into those estates. The ESA and its relevant services are very closely involved in that from the concept planning up.

We have a very high standard of design requirement, particularly in relation to the provision of urban edge rows, the treatment of inner and outer asset protection zones and a range of other measures that are all specified in quite a bit of detail in the new draft strategic bushfire management plan. I would encourage you to look more closely at that, because that talks about the planning framework and the concepts that are applied in relation to those matters.

I am confident that we see a very high level of engagement and officials on the ground walking the sites, talking with the developers, talking with the planners, about what the issues are from a bushfire management perspective.

MS BERRY: Finally, given the success in the construction and savings of the Charnwood fire station, would the same team be used in the development of the Aranda station?

Mr Corbell: Yes, the same team is running the full station upgrade and relocation program. What is particularly important in that program, in terms of transfer from site to site, is also the learnings from the west Belconnen project and the application of a common template for design that can be transferred across-site with appropriate site modifications to reflect the particularities of a certain site.

You will see with the development of south Tuggeranong and the development also of Aranda many similarities in design, because we are not redesigning them from scratch each time; we are applying a broad template and then making the adaptations we need from site to site. That is certainly a very cost-effective way of doing it. It helps save the territory money and it also helps to de-risk a project, because we are doing what we did before and we know what the lessons were from that previous project, and that helps to de-risk and manage cost as well.

THE CHAIR: I have a supplementary to Ms Berry's question. Minister, there was a distinct shift in your language in that you said you had not had a formal request from the Fire & Rescue service for a second Bronto. Have you had an informal request?

Mr Corbell: No, I have not.

THE CHAIR: Minister, when does Canberra become large enough to need a second Bronto? What is the threshold that would push—

Mr Corbell: That is a matter that, as you have heard in previous evidence in previous years, Mr Smyth, will be assessed by the operational experts and advice given to the government. I do not think a particular formula is applied. It is a risk-based

assessment, as it should be.

THE CHAIR: Is it simply a constraint of budget that is stopping the purchase of a second Bronto?

Mr Corbell: No, it is not. I think if you were to look at the ESA budget you would see that government is investing significantly with multi-million dollar investments in a whole range of areas.

THE CHAIR: Except for Brontos.

Mr Corbell: I understand there is this obsession with this one type of vehicle on your part, Mr Smyth. But as I say, this is a matter for the services to determine and to make their relevant recommendations. I have not received a recommendation that we need a second Bronto.

MS BERRY: With respect, I did not ask whether we were getting a new Bronto because I am not an expert in fire services or on the requirements. My question was whether those things were taken into consideration. And that is the case, is it not, minister?

Mr Corbell: Yes. Perhaps if I come back to the—

THE CHAIR: Well, I am told by the experts that modern high-rise firefighting tactics would normally have Brontos operating in a pair, potentially operating as either firefighting or rescue. Have you had advice from the head of Fire and Rescue on the desirability of a second Bronto?

Mr Corbell: No, I have not. In relation to the suggestion that there is some sort of budget constraint here, I will take you through what we are either providing for the new build or refurbishment when it comes to vehicles in this coming financial year. We are providing for the replacement of four new intensive care ambulances, one new pumper replacement for ACT Fire and Rescue, one new replacement heavy tanker for ACT RFS, three new replacement medium tankers for RFS, one refurbishment of a quick-fill trailer for RFS, five new replacement quick-fill trailers for RFS, one new replacement dual cab 4x4 utility for the State Emergency Service, one new replacement bogey first-aid trailer for the SES and two new refurbished storm response trailers for the SES.

It is not like the government is not prepared to make investments in new vehicle or replacement vehicle capability. It is not a question of budget; it is a question of assessment of need and the recommendations from the relevant services as to what their priorities are.

MS PORTER: I like the foam tankers, minister, that you introduced a while ago. They are fantastic.

Mr Corbell: Yes.

THE CHAIR: A new question from Mrs Jones.

MRS JONES: I want to go to the ACT Fire and Rescue women's inclusion action plan. Minister, the \$160,000 you mentioned in your opening statement will be funded from within existing resources. What will be squeezed—I do not want to ask what will be cut because I am not making any assumptions here—to achieve it or how will it be achieved? Also, will the funding be over four years?

Mr Corbell: The funding is for this coming financial year. As is the case in relation to a range of initiatives in a range of portfolios, the government seeks to have its directorates identify where, if possible, new initiatives can be met within existing resources or reallocation of existing resources. In this instance the government has determined that the ESA will deliver this from within its existing budget. That is a normal function of budget management, particularly at a time when the financial circumstances facing the territory and the budget are significant.

MRS JONES: I guess you do not have the detail of how exactly that will be managed on the inside, is that what you are saying?

Mr Corbell: That is yet to be fully determined, but the program will be delivered and it will be met within existing resources.

MRS JONES: Why the \$160,000 figure? What is that to fund, exactly?

Mr Corbell: That will provide for a program coordinator, recruitment materials including posters, flyers, audio-visual material and pre-entry training sessions.

MRS JONES: Do you have a target of how many women you would like in the service?

Mr Corbell: No, we do not have a specific target at this time, although that may evolve over time. I might ask the commissioner if he would like to talk more about that.

Mr Lane: Thanks, minister. We do not have a specific target in relation to numbers of women within ESA. But when you consider that women make up only 18.6 per cent of the total ESA staff and volunteer workforce and that we have even lower numbers amongst our firefighter ranks, I am very keen to lift those numbers. It would be very good—this is just my personal view but one I would like to see come to fruition—to see that when we next run a recruitment campaign for ACT Fire and Rescue we are able to attract many more women than we have in the past and, in doing so, give many more women the opportunity to meet the rigorous standards expected as part of the recruit training process. In the first instance this strategy is about getting that awareness out to women—that is our key target—and making sure that through that awareness we can provide people with the opportunity to be prepared and have the wherewithal to undertake the skills and strength and physique they need to do the role of a firefighter.

MRS JONES: What are the current fitness and strength requirements for entry?

Mr Lane: It is a multiple standards process in relation to our recruitment process. It is

staged during the process. Depending on how far one gets through the program, they are involved in a number of tests. At the early part of the test it is in relation to cardio strength, and that is through the beep test.

MRS JONES: What level on the beep test is expected?

Mr Lane: I cannot remember the exact details of what the standard is.

Mr Corbell: We are happy to take that on notice and provide some detail to you.

MRS JONES: That would be good. And it is just the beep test; there are no sit-ups and a strength lifting test?

Mr Lane: Should they successfully achieve the result on the beep test, potential recruits then move on to other elements. They are tested in relation to their cognitive abilities, their teamwork and a number of other skills. Then they undertake some tests relating to simulating as best as is possible some of the drills and equipment they might have to use on the fire ground in terms of the use of loaders, the carrying of hoses, the movement of heavy residue equipment and the like.

THE CHAIR: Minister, can we have a break down service by service? In Fire and Rescue there are how many officers in total?

Mr Corbell: Within Fire and Rescue two per cent of the total firefighter cohort are women—seven out of 354 firefighters.

THE CHAIR: And in the Ambulance Service?

Mr Corbell: The Ambulance Service is higher. If my recollection is correct, it sits around 30 per cent.

Mr Lane: It is above 40 per cent.

Mr Corbell: It is around 30 per cent in the volunteer services—the RFS and the SES. But the exact figures—I am only going off the top of my head in terms of those latter numbers, Mr Smyth—I would have to take some further advice on. You can look at the annual report in terms of the break-up across the JACS portfolio. In the last annual report for the Ambulance Service it was 77 female and 139 male; as I said, in Fire and Rescue, seven female and 342 male; and the volunteer services are not registered in the staffing profile because they are not paid employees.

THE CHAIR: In regard to the ACT Fire and Rescue women's inclusion action plan, how does that stand in light of the report that was done into bullying, sexist and misogynistic behaviour in the fire service? Could you tell us the circumstances of how that report came to be done?

Mr Corbell: That report came to be done as a result of a number of complaints being brought to my attention and a request that there be a more detailed look at what was occurring around the nature of those complaints.

THE CHAIR: You asked for the report to be done?

Mr Corbell: Yes, I did.

THE CHAIR: Commissioner, were the reports not brought to your attention first as the commissioner, and were they not brought to the attention of the Fire and Rescue chief?

Mr Lane: The two instances that led to the commissioning of the review occurred some time ago, certainly long before I was commissioner. The review obviously identified the importance of the inclusiveness we are seeking to achieve through something like the women in emergency services strategy. I am not precisely sure of the exact timing in relation to those matters.

THE CHAIR: Is there somebody here who knows when those two matters were first raised?

Mr Corbell: I am happy to take the question on notice and get an accurate—

THE CHAIR: Is the head of the fire service not here?

Mr Corbell: I am happy to take the question on notice to get an accurate—

THE CHAIR: Does the head of the fire service not have that information?

Mr Corbell: I am happy to take the question on notice, Mr Smyth.

THE CHAIR: Why cannot the fire service—

Mr Corbell: Given the sensitivities of these matters it is important we give you an accurate answer. The best way to do that is to take that on notice.

THE CHAIR: So the head of the fire service would give us an inaccurate answer?

Mr Corbell: No. I am simply saying that these are matters of detail that I would normally take on notice.

THE CHAIR: What was the nature of the complaints? What was the outcome of the review? Can the committee have a copy of the review?

Mr Corbell: The report contained a number of recommendations which both the ESA and JACS directorate as a whole are acting on. These actions include developing new strategies for the recruitment of a more diverse workforce specifically targeting female recruitment, training of all new recruits in the respect, equity and diversity framework, utilising external expertise to further enhance professional development of Fire and Rescue personnel; undertaking exit interviews for firefighters who leave ACT Fire and Rescue, focusing management action and employee training on the impact of inappropriate conduct in the workplace, ensuring the environment of new and existing facilities supports the personal dignity, privacy and other needs of staff, improving communication with key stakeholders, including the UFU and clarifying

the roles of the ESA and the Justice and Community Safety Directorate's corporate services areas. As a result, a detailed series of actions underpin our response to those recommendations.

In relation to the provision of the report, because of the sensitive nature of a range of the matters canvassed in that report, I would have to take some advice as to its provision to the committee. But I am happy to do so and provide an answer to the committee.

THE CHAIR: Who conducted the review?

Mr Corbell: An external consultant was engaged to conduct that report.

THE CHAIR: And who was that?

Mr Corbell: That was Mr Clive Haggar.

THE CHAIR: How much was paid for that?

Mr Corbell: I would have to take that on notice, unless we have it to hand. I have to take that on notice.

THE CHAIR: As a result of that review, has any disciplinary action been taken against officers?

Mr Lane: The answer to that question is no.

THE CHAIR: So the allegations that were made were not substantiated?

Mr Lane: I think it is important to clarify that the review was not a review into the actual actions that occurred. The review was into the process of determining how we can do that better and how we can improve overall to avoid such types of instances happening again.

Mr Corbell: The review was focused on systemic matters, not on the specific allegations themselves. They were dealt with by other processes.

THE CHAIR: What other processes were taken on the specific actions, and did a disciplinary action arise from that?

Mr Corbell: Management put in place the relevant investigative arrangements in response to those complaints.

THE CHAIR: They put in place the other processes, but what was the outcome of those processes?

Mr Lane: One particular matter was subject to the process under the employment provisions of the Public Sector Management Act here in the ACT. That outcome was achieved. The other related to specific actions undertaken by ACT Fire & Rescue which were not of a disciplinary nature whatsoever. It was more about improving

messaging to staff through a number of key programs that ACT Fire & Rescue took on at the time, in particular the respect, equity and diversity program which is part of the ACT public sector, which was rolled out to all fire stations and continues to be utilised as part of staff training days, future recruitment colleges and the like so that people understand the importance of the issues that were raised previously. A number of key actions came out of it that were not of a disciplinary nature but certainly were very important.

THE CHAIR: Therefore the complaints were not upheld?

Mr Lane: Sorry, which one?

THE CHAIR: Not the Clive Haggart investigation but the other processes, were the complaints found to have happened?

Mr Lane: At the time that the actions were undertaken, some work was done with the complainant to ensure that it was understood that what were believed to be important processes could be put in place to avoid those concerns being raised again. The outcome at the time certainly reflected an agreed position on that.

THE CHAIR: Work was done with the complainant. But those that complaints were made about, was action taken on them? I am not sure what “action under the employment provisions” means. That is a bit of double speak.

Mr Lane: The key is that the actions were agreed to at the time. The work was put in place. And the outcomes were achieved in relation to creating a better understanding within the workforce of the importance of these issues.

THE CHAIR: Again, I am not sure what that means. Obviously a member has made a complaint. Was the complaint found to be true or was the complaint found to be false?

Mr Lane: The issue in this particular case is that it was an agreed position with the complainant and the management about the actions to take forward. As I mentioned before, it was not about disciplinary processes.

THE CHAIR: A number of fire officers have said to me they feel there is a cloud hanging over their heads because of the lack of clarity over this matter. Were the issues of bullying, misogynistic and sexist behaviour found to have occurred or not occurred?

Mr Lane: I think the key there is that, again, we implemented the review to go through the process of better understanding the two issues the minister has already pointed out. Where we are at at this particular point in time is that with the completion of the review, we have been able to develop, in consultation with the JACS Directorate and ACT Fire & Rescue, a draft action plan which comes out of the recommendations that the minister has already taken the committee through. We anticipate working with the United Firefighters Union, who obviously represent the workforce who may be raising these concerns, to bring forward the action plan from a draft to something of fruition.

THE CHAIR: I have got no idea what that means. There are a lot of nice words, but officers—

Mr Corbell: If I may—

THE CHAIR: No, minister, you can wait. I have had it put to me by longstanding officers of our fire brigade that they feel they have got this spectre of being bullies, sexist or misogynists hanging over their heads, and there is no clarity. Is there bullying, sexist or misogynistic activity going on in ACT Fire & Rescue?

Mr Corbell: It was behaviour that would not be considered acceptable in any public sector workplace.

THE CHAIR: And what was the nature of that behaviour?

Mr Corbell: The nature of those complaints has been publicly reported. It involved the use of a concealed filming device in a private cubicle used by a female firefighter and other complaints about printed material which was not suitable in a public sector workplace. That behaviour is not acceptable. It should not be happening in the public sector workplace.

The complaints were made and were acted on and appropriate courses of action were determined consistent with the requirements on the part of Fire & Rescue management. That is what occurred. It is not necessarily about findings of fact. That is not the way these matters are dealt with. It is about recognising that a complaint has been made. Behaviour or material that is not appropriate in a workplace was declared and appropriate responses have been put in place in relation to it.

THE CHAIR: Why is it not a matter of a finding of fact? If somebody makes an allegation, surely there has to be a finding as to whether that has occurred or not before you can actually move forward?

Mr Corbell: The point I am making is that it is not a court. It is a different process.

THE CHAIR: But disciplinary action can be taken?

Mr Corbell: That is the point I am making. And in relation to those instances, the appropriate steps have been taken consistent with the advice that has been given about what steps are available to ESA management.

THE CHAIR: Mrs Jones, I think you had a supplementary.

MRS JONES: In these sorts of instances, if there is not a very simple and clear acknowledgement of what has happened and a form of reconciliation for those involved and those who have been unhappy about it, how can the service move on? If someone is very offended or if people are offended by even printed material, how can their experience be acknowledged unless there is a very simple and clear—not reparation, what is the right word?—acknowledgement? In many cases, there has to be either an apology or an admission that that should not have happened to those

people in that workforce, otherwise it does not go away.

Mr Corbell: We have to be very clear about this. What occurred was wrong. And harm was done to others as a result. The ESA and JACS have worked very hard at providing appropriate support to the people who have been adversely affected.

MRS JONES: Does that include those who perceive adverse effect on their entire workforce or not?

Mr Corbell: I understand why firefighters as a whole feel that there is a negative perception about their standing. But regrettably, the actions of some people within Fire & Rescue have had that impact. But that is no different from any other organisation where some people behave in a manner which is not consistent with the broader ethos or expectations of the organisation. And that is a regrettable consequence of these matters emerging.

MRS JONES: Has it been taken down to a specific couple of locations or at the end of the day, after investigations have taken place, can it be clearly said that this is just something that occurred in a little place once or twice, or is it something that systemically has to be repaired?

Mr Corbell: I think it would be fair to say that in a workforce which is predominantly male and where there are complaints about behaviour which is oriented around gender, you are going to inevitably have to address the question of whether or not there is a need to redress the gender imbalance in an organisation. That is the circumstance.

MRS JONES: Or the expectation?

Mr Corbell: That is the circumstance we face. We have an organisation which historically is overwhelmingly male. We have a number of complaints that are oriented around gender and we have to squarely address that. And that is what the government and the ESA are seeking to do through a campaign and messaging that is about respect, about equity and about diversity in organisations and about the need to encourage a greater balance of gender within the organisation's workforce. I think those are very responsible steps to take.

MRS JONES: But it is a bit much to expect a new group of women to be able to rebalance a workplace and also it is a bit much to say that because it is a male workforce, that is why the issues have been there. There are plenty of males in workforces all around the country that do not behave like that.

Mr Corbell: It is not in any way a suggestion that everyone in the workforce behaves in that manner, because clearly they do not.

MRS JONES: No, or that because it is an overwhelmingly male workforce then that is an inevitable outcome. It is not.

Mr Corbell: But it is a consequence. It is the case that organisations that are overwhelmingly of one gender, particularly when that gender is male, if you have any suggestion of behaviour that could be considered gender inappropriate, sexist or

discriminatory towards other gender, towards women, these perceptions may arise in broader commentary. And that is what has occurred. These perceptions have arisen in broader commentary. The government does not, and I as the minister do not, suggest that this is behaviour common to every member of ACT Fire & Rescue, because it is not.

But there have been instances of inappropriate behaviour, and it is incumbent on us to address those matters because in this day and age questions about discrimination or inappropriate behaviour revolving around gender simply should not be tolerated in the workplace. And that is exactly what we are seeking to address.

MRS JONES: I am really glad to hear that that is trying to be addressed, but again I say that the recruitment of women should not necessarily be the answer. It is a whole separate issue really. It is insulting to the men of our community to say that they cannot have a workforce that is well perceived simply because they are an overwhelmingly male workforce.

Mr Corbell: I think you are raising matters that go to the heart of some fairly significant philosophical questions about whether it is a good idea to have organisations that are overwhelmingly one gender or another. And I do not know whether this is a place to litigate those arguments. But what I would say is that it is recognised that where organisations in the structure of their workforce are representative of the broader diversity of communities as a whole, they are healthier, stronger and more resilient and effective organisations. I think that is very much the case. And that is not to say Fire & Rescue is unhealthy. I am not saying that. But I am saying that greater diversity within an organisation is overwhelmingly good for the capacity of the organisation to serve the community it is there to serve.

MRS JONES: I understand your philosophical answer.

THE CHAIR: We might have to finish there. I suspect it is an argument or a discussion that will go on for a long time and should go on for a long time. Members, we will finish there. Minister, thank you and thank you to the officers of the ESA for appearing this afternoon. For any questions taken on notice, could we have answers in five working days. A transcript will be provided for perusal and if there are any corrections that need to be made, contact can be made with the secretariat. Members, we will adjourn for a tea break and resume at 4.30 with ACT Policing.

Sitting suspended from 4.13 to 4.30 pm.

THE CHAIR: Welcome back, members, minister and officials of ACT Policing, including Chief Police Officer Rudi Lammers. We will start this last session of the 11th day of estimates. I need to bring to your attention a few things. On the desk is a privilege statement on the pink card. It offers obligations as well as certain protections. Could you please tell me that you have read and understand the privileges statement?

Mr Lammers: Yes.

THE CHAIR: So acknowledged; thank you very much. Proceedings this afternoon are being broadcast as well as recorded and will be transcribed. A copy of the

transcript will be given to you for correction or proofreading. If there are any corrections you would like to make, please make them available to the secretariat. Minister, would you like to make an opening statement in regard to ACT Policing?

Mr Corbell: Thank you, Mr Chairman.

THE CHAIR: A brief opening statement.

Mr Corbell: I am going to be very brief, Mr Chairman, and not make any opening statement.

THE CHAIR: No opening statement? There is a first. Thank you, minister. We will go straight to questions, then. Minister, in relation to the recent agreement between the ACT government and the Australian Federal Police, previous agreements have had something like 30-odd achievables; in this agreement it is down to about 20. Why is that?

Mr Corbell: The government goes through a process of revising the outcomes expected in the agreement and also the KPIs that are reflected in the agreement. This year, the government has retained all of the KPIs and added an additional two that deal with respective aspects of community perceptions of the quality of policing services. We have retained all KPIs—that is my advice—and, indeed, increased the total number of KPIs by two.

THE CHAIR: Who asked for the number of criteria to be reduced by 14 and then increased by two? It has gone from 33 to 21. At whose request was that?

Mr Corbell: Sorry, it is not clear to me what you are referring to, Mr Smyth.

THE CHAIR: I am told that in the 2014-15 purchase agreement there are only 21 measures.

Ms Field: We have reduced the number of KPIs, but the KPIs that were removed from the actual KPI list have been moved to another part of the Policing purchase agreement. We have done this in recognition of the fact that there are certain things, such as perceptions of crime, that ACT Policing is not solely responsible for and should not be held to account about. They are still in the purchase agreement, and police will report against them, but they do not appear as the numbered KPIs.

MR HANSON: Are they a KPI or not?

Ms Field: They are not really—

Mr Corbell: Sorry, Julie; can I just interrupt. Mr Smyth is not asking about KPIs; he is asking about something else. It is not clear to me what it is he is asking about. Mr Chairman, could you please clarify what it is specifically you are asking about.

MR HANSON: Performance measures, isn't it?

Mr Corbell: Are you asking about KPIs or are you asking about something else?

THE CHAIR: You mentioned KPIs, minister; I did not mention KPIs.

Mr Corbell: Could you just tell me what it is you are referring to, so that we can answer your question as accurately as possible?

THE CHAIR: As I said, in last year's agreement, the 2013-14 agreement, there were 33 performance measures. In the 2014-15 agreement there are only 21 measures. As Ms Field has reported, they are all in the agreement, but some of them are now not in the measures; they are later in the document.

Mr Corbell: Could you just clarify, please, Julie, whether there is a difference between performance measures and KPIs, which are performance indicators?

Ms Field: Apologies, minister; I was not clear. The number of actual performance measures has gone down. Some of the things that were previously performance measures were not things that were solely the responsibility of ACT Policing, but they reflect how the community views Policing. We have put them in as indicators of effectiveness.

THE CHAIR: So the reason they were moved was that they were not specifically in the control of Policing but it is something that the department, through the agreement, wishes to address?

Mr Corbell: They are still indicators of effectiveness that we believe are relevant to the overall performance of ACT Policing. We have accepted the advice we have received from ACT Policing that it is not reasonable to have them as a specific performance measure because they relate to issues around perception, which are not entirely within the control of Policing in terms of their ability to effect achievement of that measure.

MR HANSON: Can I follow up with a supplementary?

Mr Corbell: To answer your question about who requested it, my understanding is that it was a result of discussions between Justice and Community Safety and ACT Policing.

MR HANSON: You said that they have moved from performance measures to performance indicators because the police did not have—

Mr Corbell: No; they are not KPIs.

MR HANSON: Indicators of effectiveness, sorry.

Mr Corbell: Indicators of effectiveness, so they have been—

MR HANSON: They have gone from performance measures to indicators of effectiveness because the police did not have control over them. But let me go to page 13, G, "Percentage of persons satisfied with most recent contact with police services". Who else is responsible for people's satisfaction with contact with police

services if it is not the police?

Mr Lammers: I might be able to assist there. For the record, I am Rudi William Lammers, Chief Police Officer for the ACT.

THE CHAIR: And congratulations, Rudi William; you are the first one to comply with my request for a full name.

Mr Lammers: I hope you take that into account when I answer this question! For quite some time, we have been struggling under performance measures or indicators over which we had no control. National surveys dictated our percentage of compliance with certain measures. Things like whether or not the community felt safe at night and whether or not road users felt safe were national measures. In discussion with JACS, we thought a better way of approaching this was to have some indicators of performance that still held us accountable for the measures but did it in a much more constructive way.

MR HANSON: I have a follow-up on that one specifically. When you are gauging things like the percentage of persons satisfied with their most recent contact with police services, that is done by a survey across the community rather than a specific review that someone would fill in after that contact? Is that what you are saying?

Mr Corbell: Yes, that is correct.

Mr Lammers: It is done by a national survey.

THE CHAIR: Ms Porter, any questions?

MS PORTER: Minister, I imagine that ACT Policing deals with quite a number of calls from the community in relation to neighbourhood conflicts. What do the police receive in terms of specific training to deal with these sometimes vexatious matters? That is my first question. And I have a second question. This one somewhat relates in that I want to ask about community policing generally and whether police are assigned to specific neighbourhoods in terms of building up those relationships with those neighbourhoods and how the volunteers in policing program is going?

Mr Lammers: There are probably three questions in that, Ms Porter. I will try and answer them in order. We use an intelligence-based system for establishing which part of the community gets more attention than other parts of the community, and I direct my resources depending on those intelligence assessments. We have a very close engagement with all of the community, irrespective of where the community might be. We do that in a number of ways. We do that through direct contact with the community when we are called. We also do it through proactive exercises where we actually work very closely with the community. A good example of that would be Operation Safe Plate, which we had recently, where we encouraged the community to bring their vehicles in and get anti-theft screws attached to their number plates. We do that not just for road safety or for thefts of number plates; we do that so we can communicate and converse with the community.

In terms of volunteers in policing—I will go to the last one—we have had a

volunteers in policing program for many years now. We use the services of the volunteers throughout a lot of functions in ACT Policing where sworn or other officers would otherwise be used. We use a variety of ex-police officers and members of the public who feel they want to make a contribution to policing through volunteers in policing. We have recently had an anniversary of more than 20 years of volunteers in policing, and we are very proud of the work our volunteers do.

We also have a number of other engagements, around mental health, for instance. We engage very closely with the community through mental health clinicians which we have as part of our operations area. When we target parts of the community, as I said, we do it on an intelligence-based system, and our contact reflects that.

MS PORTER: In relation to going to call-outs or responding to phone calls about vexatious neighbourhood dispute matters?

Mr Lammers: We respond to every call from the community depending on the priority that is afforded to it. For example, where a person calls us and says there are offenders on the premises, we class that as a very high priority; that gets immediate response. Where a shop, for instance, has been broken into the night before and it is only discovered in the morning, the chances are that we might delay response to that a little if we have other priority calls that we need to attend to. So we have a sliding scale of priority, but every call to ACT Policing gets responded to in some manner.

MS PORTER: I am specifically asking about when you have neighbourhood conflicts—whether the police get special or specific training in dealing with these often vexatious matters?

Mr Lammers: All ACT Policing gets training in de-escalation of conflict. People in every one of our recruit courses are trained in that, and we have refresher courses for our police officers throughout the life cycle of their careers. They are specifically trained in how to de-escalate things like neighbourhood complaints. That could range over anything from a fence being in the wrong place to a dispute involving alcohol. As I said, all of our officers are trained to a high standard to deal with those.

MS PORTER: Thank you, and congratulations on the anniversary of the volunteers in policing.

Mr Lammers: Thank you.

THE CHAIR: Ms Berry, a new question.

MS BERRY: Yes, thank you. I had a question regarding the programs that you run in schools. I want to know which schools across the ACT have them, or is it all of them? I particularly mention a new program at Macgregor Primary School with Kenny Koala around walking or riding safely to school, which includes yellow vests, maps and information for parents and children about routes to take to walk safely to school. I know it has only been around for little while, but have you had feedback on the success of that program, and is it being run in other schools?

Mr Lammers: I launched that about a month ago at one of the schools. We piloted it

over four schools. I was there when the children received their vests. We also had Kenny Koala, as you say, speak to the children for quite some time. I myself spent more than an hour and a half engaging with the children, asking and answering questions around road safety, ensuring that not only they but their parents were educated about road safety. It was such a success that we are hoping to roll it out to other schools within the ACT. The clear message that the kids took home was to be much more careful on the roads and to wear something of very high visibility, knowing that motorists do not often watch out for them and kids do not often watch out for motorists. It has been an outstanding success, and we will expand it.

MS BERRY: They are very bright vests; I have two of them at my home.

MR HANSON: Could the minister put one on for us?

MS BERRY: I do not think they are adult size.

Mr Corbell: I will give you one for boot camp.

MS BERRY: I did have a comment from one person, not at the school but outside of the school, that was not a positive comment—about forcing children to wear hi-vis vests to walk to school. What would you say to that?

Mr Lammers: We do not force any of the children to wear the hi-vis vests.

MS BERRY: Actually, my children want to wear them all the time.

Mr Lammers: Most children want to wear them all the time. In fact, the feedback I got was that quite a few kids from Macgregor and other schools wanted to wear them to bed. They just like the idea of having them. We have only received positive feedback. Certainly we encourage the children to wear them, and we encourage parents of the children to make them wear them if they possibly can, for road safety, but we certainly do not force anybody to wear them.

MS BERRY: And on the issue of Kenny Koala the person, last year I asked about a female version—

MR HANSON: What do you mean “person”?

MS BERRY: My seven-year-old daughter has figured it out. I asked about a female version of Kenny—

Mr Lammers: Thank you. I anticipated the question.

MRS JONES: It is show and tell. I don't know if you are allowed to have props in the Assembly.

Mr Lammers: Can I introduce Cassie Koala.

MS BERRY: Beautiful name.

Mr Lammers: At the time you asked about Kelly Koala I was very non-committal as to what we were calling it, but Cassie Koala had been in the pipeline for quite some time. So here she is.

MS BERRY: That is a perfect name. Thank you for sharing that with us.

MRS JONES: And my four-year-old daughter finds the whole thing very scary. She does not want to go to school when Kenny Koala is coming.

MR HANSON: As a supplementary, have you got anything else to show us?

MS BERRY: No; thank you for that. I think it is really important. Thank you for that. I have been campaigning for this for over 12 months now. I did tweet you on it. I am very happy to see Cassie here. Ms Porter raised issues around community policing and people reporting issues that are happening in their suburbs. Around west Belconnen there is a lot of new development happening. People are able to access areas that they would not normally be able to access. Is the best way for them to get in touch with you so you can build a strategy through Crime Stoppers, just ring the events through or—

Mr Lammers: Are you referring to traffic control through those areas?

MS BERRY: Not traffic control; just people driving their cars or riding motorbikes on fire access roads and places like that.

Mr Lammers: The best thing we advise members of the public to do is either ring us directly or contact us through our AFP website. If there are people riding in places where they ought not to be riding, it is certainly something that I would like to know about.

THE CHAIR: Ms Porter has a supplementary.

MS PORTER: In 2014-15 ACT Policing was provided with a large amount of money for expansion of the road safety operations team. I wish my staff would write things in actual words instead of numbers. Are you able to provide the committee with an update on how the expansion is proceeding with the road safety operations team? Can you perhaps give us some more information about that? Apologies to my staff for casting aspersions on them.

Mr Lammers: Ms Porter, the figures that you are searching for are \$5.2 million over four years. \$1.2 million was given to us earlier this year for expansion of our road safety operations team. As you might know, that included the provision of eight extra police officers specifically dedicated to road safety, three vehicles equipped with number plate recognition technology and one large roadside van that was equipped to do mobile breath tests and mobile drug tests. We are using that increased resource, based, again, on intelligence-led information, putting those resources in the places where we can get the most benefit out of them.

Mr Corbell: This expansion is consistent, Ms Porter, with last year's and this year's ministerial direction from me to the Chief Police Officer in terms of areas of emphasis

for delivery of policing services. Tackling antisocial and dangerous driving behaviour remains a priority for me in my directions to the Chief Police Officer in that directions document. The infrastructure, the spending that we put in place for extra vehicles and extra police for road safety operations I am advised doubles the overall capacity of the road safety operations team. It is simply more police on the roads enforcing the road rules and, in particular, targeting those drivers who are driving irresponsibly, dangerously, recklessly and putting themselves and others at risk.

MS BERRY: Is it my question now?

THE CHAIR: Have you got more?

MS BERRY: Yes; I can ask another question.

THE CHAIR: Knock yourself out.

MS BERRY: No; actually, I will not.

THE CHAIR: All right, don't. Mrs Jones, a new question.

MRS JONES: I wanted to go to the efficiency dividend. Last year the government reduced the budget for ACT Policing and implemented an efficiency dividend which decreased funding by \$6.2 million by 2016-17 for the ACT police budget. How is this reduced budget and dividend savings impacting on this year's ACT police capability and performance?

Mr Corbell: I will ask the Chief Police Officer to give you some more detail about the specifics, Mrs Jones. But before I do, I have some general observations to make. In last year's budget the government did put in place a one per cent efficiency savings measure. That steps up one per cent each year over a three-year period. So it is a further one per cent this year or \$1.542 million. That is a two per cent saving in total for the coming financial year.

It should be noted, however, that government funding for policing services has increased overall next financial year. The 2014-15 budget provides \$152.330 million for ACT Policing. That is an additional \$2.364 million compared to the 2013-14 budget allocation.

MRS JONES: Is that a CPI increase or is that an increase in—

Mr Corbell: It is a CPI increase. There are no new or additional savings being applied to ACT Policing in this year's budget. The savings measures that were announced last year are the only measures that ACT Policing has to address.

MR HANSON: And that is the \$15 million, is it not, that you announced last year?

Mr Corbell: That is correct. In managing these savings measures, the advice I have from ACT Policing is that it has firstly placed emphasis on identifying savings from within support areas, as it did last year. That is going to be their continuing approach in terms of maintaining existing on-the-ground capacity for policing services. I will

ask the Chief Police Officer to talk a bit more about that.

Mr Lammers: Yes, thanks, minister, and thank you Mrs Jones. The one per cent savings measure last year had little or no impact on us because we were able to absorb those measures. This year, once again, with the CPI increase, it will have very little effect on front-line policing. In fact, I can say that it will have no effect on front-line policing. But what it will do—I have been in the AFP a long time and we are not unaccustomed to reductions in funding from year to year—is focus us much more strongly on looking at the support areas within ACT Policing and finding savings in those support areas.

MRS JONES: What are the support areas?

Mr Lammers: Support areas might be commercial operations, financial services that support front-line policing, HR resources that support front-line policing and other non-specific operational areas that, although they assist front-line policing, would not directly effect a reduction in front-line policing if we were to reduce those resources.

MRS JONES: You have stated that over this period of time you are able to reduce the back-of-house essentially. But there must be a point at which that makes an impact eventually. Obviously you are making a statement that this has not affected you greatly. But is it not concerning over time if we only keep up with CPI?

Mr Lammers: There is no doubt that a continued one per cent will have some impact against some resourcing that I will need to look very closely at. But we have not done that analysis for the outyears, only for this next financial year. I am confident in the analysis that we have done that front-line policing and that investigative policing will not be affected.

MRS JONES: It does not seem to have stopped efforts in Narrabundah.

Mr Corbell: I should state further, Mr Chairman, that the notional full-time equivalent in the purchase agreement signed this week is at 932 FTE, which is the same number as in last year's purchase agreement.

THE CHAIR: As a point of clarification, what is the CPI this year, minister?

Mr Corbell: I will have to take advice on that. Yes, we are happy to provide the figure to you.

Mr Lammers: It is 4.1, I am told.

Mr Corbell: In dollar terms.

THE CHAIR: Because both the government paper expenses and total costs have only each gone up 1½ per cent. According to the documents, CPI is at least 2¼.

Mr Corbell: I will take the question on notice. Hopefully we will be able to give you an exact figure before the conclusion of the hearing, Mr Smyth.

THE CHAIR: Thank you. Mr Hanson, a new question.

MR HANSON: Minister or CPO, I wonder if you could give me an update on the trends in both roadside drug and roadside alcohol testing, whether you are getting on top of the problem in terms of the numbers of people driving affected by drugs or alcohol, particularly with recidivist offenders.

Mr Lammers: Our recent analysis tells me that about one per cent of those people breath tested—so for alcohol—return a positive result, which is quite low. Conversely, for the time that we have been doing roadside drug testing, that is about five per cent. We are seeing what is a higher percentage return for drug tests than we are for random breath testing. But I am not concerned about those figures. The data on roadside drug testing is far too scant just now to look at whether or not there are any future trends in drug use while driving motor vehicles.

MR HANSON: How many breath tests did you conduct in the last financial year? Do you do it by financial year or by calendar year?

Mr Corbell: That is reported on a financial year basis and would be included in ACT Policing's annual report. In terms of—

MR HANSON: With the budget you have got, I am wondering what you did last year and then what you are anticipating you will do this year for both alcohol and drug testing.

Mr Lammers: I am sorry, I cannot tell you the exact figures.

MR HANSON: Because the numbers seem to fluctuate when I look at this. You do report this sometimes. You look at the annual numbers and you seem to have a surge some years. I am just wondering what we did last year and whether that is going to be maintained, whether you are anticipating doing more or less or about the same?

Mr Corbell: We do have those figures, Mr Hanson, but I do not have them immediately to hand; so I will take that on notice and provide those. But it is worth also highlighting that Policing's efforts on alcohol and drug-related matters is complemented by a range of other policy measures. Most significantly in terms of recent developments is the introduction earlier this month of the mandated alcohol interlock program for people convicted of repeat or high range drink driving offences.

We now require a mandated alcohol interlock to be fitted to the convicted person's vehicle as a condition of their recommencing driving at the end of a suspension or cancellation period. What that is designed to do is to make sure that when they do eventually return to having a licence, they have that with an interlock fitted and they have to maintain a zero blood alcohol level whenever they are behind the wheel.

These devices are quite sophisticated and difficult to trick. Whilst I know some people have speculated that there might be easy ways to get around using the interlock, it is certainly not the case. As a result, we are looking forward to seeing the outcomes of that measure on tackling the recidivist behaviour because it is actually the recidivist behaviour that is most problematic—

MR HANSON: Yes. Are there any trends on that?

Mr Corbell: I think that up to a third of all people who are charged with drink driving are repeat offenders. It is quite significant.

MR HANSON: Thanks.

THE CHAIR: Minister and CPO, there have been a number of discussions over the last couple of days about speed cameras and their use. One of the objectives on page 2 of the portfolio statement says “developing a road safety camera strategy to reduce speed-related road trauma”. What input does the AFP have to that strategy and how do you use speed cameras to assist in making our roads safer?

Mr Lammers: There are, I guess, two categories there, Mr Smyth. There are the mobile cameras that we deploy and there are also the fixed ones. In relation to the fixed ones, we work very closely with ORS to make sure that the locations of the cameras are strategically placed. We look at what we call the hotspots, the areas which have very high traffic and noncompliance, and we provide that information so that the cameras can be set up strategically.

THE CHAIR: What implications are there for the AFP from the strategy? Does that mean that you can leave certain areas just to the cameras and you concentrate on other areas? How does it affect your operations?

Mr Lammers: It allows us to have a much wider coverage if we do that—if some of the areas are left to the fixed cameras. Then we have our mobile cameras that our traffic patrols deploy, once again based on intelligence of the hotspots throughout Canberra. That changes every day.

THE CHAIR: In the strategy itself, what role will you perform? Are AFP on the steering committee to develop the strategy?

Mr Lammers: We are and we have been for some time. Where they are deployed and how they are deployed we have a direct input into.

MS PORTER: Minister, on page 195 of budget paper 3, it says ACT Policing is receiving funding for facility and security upgrades as part of the 2014-15 budget capital upgrades program. Could you provide some more information on what the facility and security upgrades are and what areas the police service is seeking to cover with this?

Mr Corbell: Approximately \$240,000 is provided in this budget and allocated to the Justice and Community Safety territorial capital upgrade program. The elements of this include upgrades to the uninterruptible power supply at city police station, replacement of windows at Woden police station that have deteriorated over time, upgrades to the variable speed drives within the building air-conditioning plant at city station, installation of upgraded CCTV system and cabling for the traffic operations centre at the Winchester station, a new vehicle carport at, I assume, Winchester, Tuggeranong station driveway replacement, Winchester centre refurbishment of the

intelligence area, and a variety of matters in relation to fit-outs in the city station. I am sorry; that was last year.

THE CHAIR: Have they all been completed and how many rollovers occurred?

Mr Corbell: Of those, seven of the eight are complete.

MRS JONES: And which one is not?

Mr Corbell: The fit-out at city station. In relation to the coming financial year, there will be further upgrades to air conditioning at Winchester, office upgrades in all stations, installation of roof safety points on city station, improved footpath lighting in city station, and a small contingency for those projects.

MR HANSON: I have a supplementary. Is the infrastructure at Gungahlin station adequate?

Mr Corbell: The government's view is that it is at capacity and we need to make some decisions about improving arrangements for the Gungahlin station. In this year's budget we have made provision for \$380,000 to allow us to undertake a feasibility study in relation to ACT Policing accommodation pressures in the Gungahlin station. We have spent funds in previous budgets on short and medium-term solutions to accommodate growth, but the station has now reached a point where we need to make some decisions about a long-term solution given the significant growth in policing capability in Gungahlin, and this feasibility study will allow us to make those assessments.

THE CHAIR: Ms Berry, a new question.

MS BERRY: Yes, I do have a question. I note that Kenny Koala has a Twitter handle, that ACT Policing are also quite active on Twitter and that you hold "tweet-ups"—I call them a "tweet-up". How many of those have you held so far?

Mr Lammers: We have held two. The first one was an open forum where we invited members of the public to tweet anything they liked, anything from—

MR HANSON: That is very bold!

Mr Lammers: Yes, perhaps even courageous. Members of the public spent an entire hour, and it was very hard for us to keep up with all the tweets. A lot of them were around traffic and traffic control, around getting into the organisation—what was required to get into ACT Policing. That was an open one. The second one we held more recently was specifically directed at road safety given that that was the bulk of the questions during the first one. During the second one I had members of my traffic team available to answer all the questions. My recollection is that we took nothing on notice during that period. So we answered everything.

MS BERRY: How many tweets did you get?

Mr Lammers: In excess of 100 in each one of the hours were tweeted and answered.

On both occasions we were trending in terms of our usage of Twitter.

MS BERRY: I think it is fantastic, because people have questions, and if they can just tweet you the question and you can answer it straightaway, that saves people a lot of worrying about issues.

MR HANSON: We could dispense with estimates, maybe.

THE CHAIR: Now you're talking!

Mr Corbell: Do you want to make a recommendation?

MR HANSON: It might be in the report, minister!

MS BERRY: Did you get any other information from the tweets? Do people get in touch about other things that they have concerns about—issues outside just general traffic issues?

Mr Lammers: No, not really. We got quite a lot of advice around changing the road speed signs in different areas.

MS BERRY: I am sure you got lots of advice, yes.

Mr Lammers: And about how we should actually target some of the areas. So some of the information was very useful. People complained about burnouts in various areas, which allowed me then to redirect my traffic patrols to those areas. So we took everything into account and even after the Twitter forum stopped, for the next hour we continued to answer questions outside that forum. So we left nothing hanging.

Mr Corbell: Mr Chairman, you had a question earlier about CPI indexation in relation to ACT Policing. We do have a more definitive answer for you now, so I will ask Ms Crowhurst to provide that.

Ms Crowhurst: The CPI rate that was used in the budget for the 2014-15 budget was 2.5 per cent. However, for ACT Policing, the indexation increase is based on two measures. One is on the additional funding for the ACT collective agreement step-up in the pay rises and some indexation on the recent year prior initiatives. Over the four-year period there would have been a step-up that would have flowed through from the prior year into this year. That has been partially offset, as the minister said, by the one per cent savings measure this year and also the cessation of the one-off expenses included in the budget for the Eastman inquiry.

THE CHAIR: What is the total increase as a percentage?

Ms Crowhurst: The total increase is \$2.364 million, and it is about 1.57 or 1.6 per cent.

THE CHAIR: Could we have that provided as a written reconciliation?

Mr Corbell: Yes.

Ms Crowhurst: Yes, that is possible.

THE CHAIR: Mrs Jones, a new question.

MRS JONES: I want to ask a question about organised crime, but just before I do I want to put on the record my thanks for efforts that have been undertaken in Narrabundah recently. I know we are not at the end, I am sure, of that process, but I want that recognition to go back to the officers who were involved. Thank you very much.

Mr Lammers: Thank you.

MRS JONES: Could you please update the committee, minister, on any issues concerning organised crime in the ACT, and are there any trends apparent in the number of recent shootings in Canberra? I understand there are some moves on the ground, changes that are going on. Would you like to update the committee on work in that area?

Mr Corbell: Yes, thank you, Mrs Jones. I am kept advised by the Chief Police Officer and his officers about any significant developments in relation to the organised crime picture in the ACT. They have certainly been keeping me advised of some of their more recent intelligence assessments in relation to these matters. I am confident that ACT Policing have a strong understanding of the picture of organised crime in the territory and what developments may require their further attention.

MRS JONES: There is obviously community concern around shootings and tattoo parlours. I am sure you cannot talk about things that are under consideration, but can you give assurances to the community about work being done in this area?

Mr Corbell: In relation to the shooting you refer to in Gungahlin, that is a very serious matter. It is a matter which police continue to investigate very actively.

MR HANSON: There is no further elaboration?

Mr Corbell: It is an ongoing police investigation, and it would not be appropriate for me to disclose details.

MR HANSON: Sure, but in terms of organised crime, are you seeing an increasing trend or a decreasing trend in activity? Is there a particular concern with particular groups, be it outlaw motorcycle groups or ethnic gangs trying to gain a foothold in the ACT? Can you give us more of a picture of what is going on?

Mr Lammers: Yes, Mr Hanson. Mrs Jones, firstly, on the shootings that you referred to in Gungahlin and the immediate areas around Gungahlin, there was no organised crime involved in that, even though there were three shootings in very close proximity. Investigations told us that they were not connected and they certainly did not have organised crime links.

MRS JONES: That is very good to know.

Mr Lammers: Mr Hanson, in terms of your question around organised crime networks, ACT Policing works very closely with, of course, the AFP and every jurisdiction in Australia and New Zealand, and in fact around the world, to look at the organised crime picture, both domestically and nationally. So we know when there is an increase in organised crime across the border.

ACT Policing enjoys a very low level of organised crime, and that is largely attributed to the fact that we have a very robust intelligence-gathering network in ACT Policing, complemented by what AFP does more broadly, linked to organised crime investigative teams in every state and territory in Australia. So from day to day we have a very clear understanding of the organised crime level in ACT, and if there is a need to respond, we have both the capacity and the capability to respond.

MR HANSON: I appreciate all of that. You have not seen then any recent trends of increasing or decreasing activity? It is pretty much status quo?

Mr Lammers: We have not seen an overt increase in organised crime in the ACT recently.

MR HANSON: Can I ask a new question? I thought that was a supp on organised crime. I would like to claim that as a supp.

THE CHAIR: A new question, Mr Hanson.

MR HANSON: Can you advise, CPO, of any recent assaults on police? I know that has been a problem from time to time. Is that continuing to be a problem, what numbers have there been and what has been the nature of those assaults?

Mr Lammers: Because of the way in which assaults and assaults against police are recorded on our database and on our indices, unless we do a manual search of results directly on police, I do not have those figures at my fingertips. But the trend in terms of assaults on police is not increasing to a degree that it is a concern. But an assault, whether it is an assault on police on duty or off duty, is treated very seriously by us. We have not seen a marked increase in assaults against police. I think that is largely because of the formation of our regional targeting team recently. It is an amalgamation of our crime targeting team and our beats. This means we take a much more proactive approach to dealing with antisocial behaviour around town. All of our officers are better trained now than they ever were in de-escalation tactics. So we are able to, in many cases, talk our way out of a crisis before action is needed.

MR HANSON: With the changes you made to the city beat, does that mean that officers, rather than going in pairs, are going in groups, so that there is greater protection for them? Has it changed the way that you conduct the patrols or is there just an increased number of patrols?

Mr Lammers: With the formation of the regional targeting team, an important component of that was an intelligence officer that directly looked at trends, and particularly alcohol-related violence in and around the CBD and the hospitality districts. Where needed, we have police officers walking in groups so that we are not

unnecessarily exposed when we go into places like high-volume nightclubs. Certainly, we work that through on a needs basis. We are very cognisant of the need to protect ourselves when we go out into the thick of it during the early hours of the morning.

MR HANSON: As you are aware, a Comcare report was put in by one of the sergeants on the city beat a couple of years ago, or about a year ago. Have you monitored the situation with regard to those members of the city beat? Are they comfortable that they have adequate resources?

Mr Lammers: Yes, we have. In fact, that Comcare referral that you speak of was a WorkSafe complaint, not a Comcare complaint. That led us to look at a number of different things, including how we could better utilise existing teams. That is one of the areas that led us to the formation of a regional targeting team. Recent feedback we have had from the officer who brought the issue to our attention is that they are quite satisfied with the way in which the new regional targeting team is operating.

THE CHAIR: If we can just go back to the number of officers, it is the same number in the coming year as it is in the current year. The population is expected to grow by about 1½ per cent, which is 5,700 to 6,000 new people, minister. To keep up with the same rate of officers per population, it would require an extra 14 officers this year. Is it appropriate not to increase the number of officers year by year to keep abreast of the population growth?

Mr Corbell: In terms of the formal nominal amount of FTE in the purchase agreement, we obviously keep that matter under close review. In particular, I rely on the advice of the CPO in relation to whether there are demands on the ground.

Since the government was first elected, the size of ACT Policing's budget has grown by 137 per cent from \$64 million in 2001 to \$152 million in 2014-15. The government has made a very significant commitment over its respective terms in office in relation to the budget.

I think it is also worth making the point that we have funded an additional 136 police since 2005, from 796 FTE in 2005-06 to 932 FTE in 2014-15. In my period as police minister, we have seen an extra 136 police put on the beat. And it is something that I am very proud of.

In relation to the overall capacity of the police, of course the FTE figure in the purchase agreement is a nominal figure. In actual terms the number of police engaged in ACT Policing duties is higher than that. The CPO or his officials may be able to clarify that further.

Mr Lammers: Just in terms of the 932 that the minister mentioned—that is the FTE capacity for last year and it will be again the capacity for this year—that translates into about 955 people. If I could just talk in terms of people for a moment, today there were two attestation courses out at our college. Twenty-six people graduated this morning and 27 graduated this afternoon. Tomorrow there are a further two graduation ceremonies, during which 28 will graduate in the morning and 28 in the afternoon. As of tomorrow afternoon, we will have 1,031 people in ACT Policing. That is above the 967 that we had yesterday. So we have a significant capacity within

ACT Policing.

That number is probably more than we can afford, and we know that. But attrition during the year, movements in and out of ACT Policing as people move into national operations and a number of other factors will reduce that to our 932 affordability level. But right now, in terms of servicing people in the ACT, we are in a very strong position.

THE CHAIR: Minister, you quoted a growth rate in policing. What was that number?

Mr Corbell: That was an increase in the size of the budget since the Labor government was elected for its first term in 2001. I gave the piece of paper back. Sorry. I do not have it. It was a 137 per cent increase in the ACT Policing budget since 2000-01.

THE CHAIR: In 2000-01 the budget then was approximately \$2 billion. This year it is \$4.8 billion of expenses. It has more than doubled. Yet the growth in funding for ACT Policing has not more than doubled by your own numbers, it is only 137 per cent.

Mr Corbell: I am very happy to stand by my record of a 137 per cent increase in the police budget.

THE CHAIR: Keep it there. Mr Lammers, you are on record as saying, I think on 24 June, that the police had adequate resources. In what areas are we short and do not have the resources to do more than an adequate job?

Mr Lammers: I guess “adequate” means that we are working within our capacity and our capability. I have sufficient numbers and sufficient experience base of front-line policing and investigators and sufficient support staff to do the job that the Canberra public expects of its police service.

THE CHAIR: And you have sufficient resources to meet all the KPI measures in the agreement for the coming year?

Mr Lammers: Yes, we do. In fact, even when we have spikes in operations, like the two murders, the homicides we had earlier in the year, where we directed a lot of resources against, nothing else slipped because of that.

THE CHAIR: A supplementary question, Mrs Jones.

MRS JONES: Can you please update the committee on how those numbers of police are deployed? Do you have a breakdown of how many are working in traffic, how many are working in other areas? I do not pretend to be an expert.

Mr Lammers: I do not have that with me but I can certainly provide that.

THE CHAIR: A new question from Ms Porter.

MS PORTER: While we are on the subject of mascots, which we were before, when you opened the new police station in Belconnen, minister, there was an open area out

the back where I believe some blue-tongue lizards were transferred from the old police station to the new police station and they were given this new home, a very nice new home. How are they doing?

Mr Lammers: Exceptionally well, thank you for asking. We have created a nice space for them, but not at the expense of space that would be attributed to officers, I hasten to say. They do very well. We have a nice area for them to thrive in. And we are expecting the numbers to actually grow.

MS PORTER: I noticed that it was a very suitable area, but it is also a suitable area for police officers to go and relax and have some downtime. I particularly was impressed by the design of that police station, given the amount of light that is in there. It makes it feel very airy and light. With all the difficult matters that you and your police officers deal with, I would imagine that that environment is quite a satisfactory one for them to work in.

Mr Lammers: Yes. Thanks for making that observation, because that is exactly what we use it for. During the summer months it is actually a sun trap in there. Officers, during a very busy shift, can come and spend time, not necessarily with the blue-tongue lizards but certainly in that environment. It is a very quiet place for people to go. Likewise, during the winter time when the sun is out, it is also quite a nice place to go.

MS PORTER: Do the police still work with horses and other animals, like dogs? Do you still have those in the police service in the ACT?

Mr Lammers: No, ACT Policing no longer has horses. But certainly, when you mention dogs, we do have canine capabilities that we use for all sorts of things like search warrants and tracking people.

THE CHAIR: Ms Berry.

MS BERRY: I do have a new question. The canine unit, I understand, do training at the old Higgins primary school. I have seen them there.

Mr Lammers: Most of our dogs that are used throughout the Australian Federal Police and ACT Policing are trained at Majura. It may well be that some of the aviation dogs are trained out there. It is a different function and a different capacity.

MS BERRY: They had a police dog look about them.

Mr Lammers: They all look remarkably similar but some, as you would appreciate, are trained for specific reasons. We need to keep, for instance, drug dogs away from bomb search dogs, away from other types of dogs.

THE CHAIR: We have five minutes left, members.

THE CHAIR: A new question, Mrs Jones.

MRS JONES: I will pass my question to Mr Hanson.

MR HANSON: I think everyone has heard enough about dogs, lizards and koalas. So I am happy to forgo further questions. I will put them on notice.

THE CHAIR: That sounds like it is the end of the lesson. Thank you, Chief Police Officer, and your officers and staff for attending today. As I said, questions taken on notice, you have five working days in which to respond. Members, any additional questions, you have three days from the arrival of the transcript in which to place questions. We will return tomorrow for the final day of estimates, with the minister for business. There endeth the lesson.

The committee adjourned at 5.25 pm.