



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**SELECT COMMITTEE ON ESTIMATES 2015-2016**

(Reference: [Appropriation Bill 2015-2016 and Appropriation  
\(Office of the Legislative Assembly\) Bill 2015-2016](#))

**Members:**

**MR B SMYTH (Chair)**  
**MS M FITZHARRIS (Deputy Chair)**  
**DR C BOURKE**  
**MS N LAWDER**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**THURSDAY, 25 JUNE 2015**

**Secretary to the committee:**  
**Mrs N Kosseck (Ph 620 50435)**

**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

<b>ACT Policing .....</b>	<b>1036</b>
<b>Justice and Community Safety Directorate.....</b>	<b>997, 1036, 1084</b>

## **Privilege statement**

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the Committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

*Amended 20 May 2013*

**The committee met at 9.32 am.**

Appearances:

Corbell, Mr Simon, Deputy Chief Minister, Attorney-General, Minister for Health,  
Minister for the Environment and Minister for Capital Metro

Justice and Community Safety Directorate

Playford, Ms Alison, Director-General

Crowhurst, Ms Moira, Chief Finance Officer

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

Lutz, Ms Amanda, Manager, Restorative Justice Unit

Kellow, Mr Philip, Principal Registrar, ACT Law Courts and Tribunal  
Administration

Watchirs, Dr Helen, Human Rights and Discrimination Commissioner and  
Public Advocate for the ACT

Taylor, Mr Andrew, Public Trustee for the ACT

Boersig, Dr John, Chief Executive Officer, Legal Aid Commission (ACT)

**THE CHAIR:** Good morning, ladies and gentlemen, and welcome to the 10th day of the public hearings of the Select Committee on Estimates 2015-2016. Today we will look at the Justice and Community Safety portfolio, and police and emergency services this afternoon, as well as corrections.

Please be aware that the proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed. If questions are taken on notice, we would ask that the answers are provided within five working days from receipt of the transcript.

Minister and staff, the privilege statement is on the table in front of you. Could you please confirm that you have read the privilege card and understand the implications of privilege?

**Mr Corbell:** Yes, thank you, Mr Chairman.

**THE CHAIR:** Minister, would you like make an opening statement before we proceed to questions?

**Mr Corbell:** Yes, thank you, Mr Chairman, and thank you to the committee for the opportunity to appear before you again this morning. Briefly, I would like to outline some of the key budget outcomes for improving the operation of Canberra's justice system, and talk about further action and initiatives the government is undertaking in relation to justice policy and programs.

In total this budget provides \$154.9 million in annual funding for the justice system. The budget recognises the importance of access to justice and provides funding to vulnerable Canberrans and victims of crime, investing more than \$3.1 million in additional new funding. This funding includes \$1.6 million over four years to move to an administratively based victims of crime financial assistance scheme. The new

improved scheme moves away from the adversarial court-based approach to financial assistance to victims of crime to a more supportive arrangement that is available in relation to a much wider range of victims. Of note, for the first time it opens the scheme to victims of domestic violence on a much broader basis.

Also included in the funding for vulnerable Canberrans is \$366,000 over two years to continue the high density safety and security program. This program aims to prevent or reduce crime and facilitate access to justice, health, education and employment for people living in the Ainslie Avenue public housing precincts. It is an important justice initiative that supports people in contact with the justice system, or at risk of being in contact with that system, to help them break the cycle of offending.

\$358,000 over two years is provided to the street law early intervention outreach service to further support vulnerable Canberrans by ensuring they have access to legal assistance when they are homeless or at risk of homelessness. It has been demonstrated that the most vulnerable in our community tend to have more legal problems than others. Street law provides a means to assist the homeless, or those at risk of homelessness, to address their legal problems and reduce the risk of these issues escalating, having a disproportionate impact on them and on the broader justice system.

There is \$867,000 in funding for the Legal Aid Commission over a two-year term to provide essential legal services to the community. Funding to Legal Aid has reduced in real terms due to reductions in funding by the commonwealth government, and this new funding will enhance the Legal Aid Commission's ability to provide legal assistance services to vulnerable people who cannot afford the cost of private legal representation.

Particularly important is the budget's investment of \$2.1 million over four years to allow adults to participate in the restorative justice process, both as an alternative to and in conjunction with imprisonment. This will expand restorative justice to capture serious offences for young people who have previously only been able to undertake restorative justice for minor offences.

The expansion of the offences and offenders that fall within restorative justice in the ACT's victim-centric system means that more victims will have the opportunity to receive the proven benefits provided to them by the restorative justice process. The extension of the restorative justice scheme follows the 10-year anniversary of the scheme in its first phase, which was marked earlier this year.

The government has also made a significant investment of over \$20 million to the ACT courts. Funding of \$14.2 million is provided over three years to progress the redevelopment of the ACT Supreme and Magistrates courts, which will provide early works at the facilities to enable the courts to continue to operate during the construction phase of this project, reducing the impact of the new construction on the community and on access to court hearings.

The government has also provided \$3.1 million over three years to appoint a fifth resident judge from 1 July 2016, to address the increase in matters before the ACT Supreme Court. The workload need has now been justified by modelling undertaken

by the government and the courts which demonstrates that a new judge will be needed from the beginning of the 2016-17 financial year.

I am very grateful for and appreciative of the work done by the Supreme Court with the additional funding provided by the government to reduce waiting times and to improve access to justice. I am equally pleased to see that we are now in a position to provide a fifth resident judge, based on genuine demand.

In keeping with the government's consistent approach to continuing to support the court to reduce its waiting lists, the budget contains \$241,000 in the forthcoming financial year for temporary judicial resourcing, to reduce the backlog and allow time for the proper processes to be undertaken to appoint a new resident judge.

The government has also recognised that the role of the ACT Government Solicitor's Office has changed and continues to grow. The budget provides \$3.2 million in recurrent funding over four years for four additional staff to meet increasing demands on the Government Solicitor's Office.

This is a budget that makes investments for the longer term to further enhance delivery of justice services in the ACT.

Finally, I will briefly highlight a number of key initiatives that will be progressed in the forthcoming budget period. The government is undertaking a justice reform strategy and a justice reinvestment strategy. Justice reform is close to finalising phase 1, which is the development of a new sentencing option to replace periodic detention.

It is my intention to introduce a bill into the Assembly later this year that captures the intensive work that has been undertaken by the working group supporting the justice reform strategy to create an appropriate sentencing option. The level of work that has gone into this project has been considerable, and I would like to thank both stakeholders from the community who have so freely given of their time and experience and the officers of my directorate who have worked very diligently to facilitate good policy options for the government.

The next step for the justice reform strategy is to work to develop a response to the sentencing inquiry undertaken by the committee of this place, once again in close consultation with stakeholders. The justice reinvestment strategy is also working closely with the community to develop a shared understanding of justice reinvestment and a way forward to realise what is a longer term ambition of a justice reinvestment approach for our justice system.

In line with the government's strong and ongoing commitment to ending and tackling the problem of domestic and family violence, including sexual assault in our community, we are working to build stronger foundations to strengthen our response to this problem. So far this year across Australia 45 women have been killed in the context of domestic violence. It is a crime and a breach of basic human rights.

A key element of the government's focus for the coming year is on progressing the second implementation plan for the ACT prevention of violence against women and children strategy. This will build on the work undertaken and informed by the

extraordinary meeting of the Domestic Violence Prevention Council, which a range of members here attended earlier this year, in April.

The funding and initiatives announced as part of the budget represent key elements of the government's response to domestic and family violence. On 30 May this year I announced with my colleague Minister Berry the appointment of Ms Parker, Deputy Director-General of Justice and Community Safety, as the coordinator-general for domestic and family violence responses. The coordinator-general is responsible for overseeing and supporting all domestic and family violence prevention and response-related work across the ACT administration.

On another front you will be aware that the ACT will shortly be entering into the national partnership agreement on legal assistance services with the commonwealth. While there are some concerning features of this new agreement, particularly the fact that ongoing funding of legal assistance services does not reflect the increase in demand for legal assistance services which was noted and recommended by the Productivity Commission, there are also benefits from the agreement. The ability for the ACT to determine funding allocations in two years time will provide the territory with an opportunity to make an assessment of where to best place resources in our small legal assistance sector.

With that, Mr Chairman, I am very happy to try and answer your questions.

**THE CHAIR:** Thank you, minister, I was about to redefine the notion of what a "brief" opening statement was.

**Mr Corbell:** There is just so much going on, Mr Chairman.

**THE CHAIR:** Perhaps we can go straight to page 1 of portfolio statement D and the first dot point in "Priorities". How will JACS coordinate the policy response to supporting vulnerable Canberrans to address family violence?

**Mr Corbell:** First and foremost through the work of Ms Parker, as the coordinator-general. One of the issues arising from the extraordinary meeting of the Domestic Violence Prevention Council in April was the identification of the need to provide more effective coordination across government. Domestic violence and family violence responses are not solely a justice sector response; they are also a community sector response, in terms of the Community Services Directorate; they are a health sector response, in terms of the Health Directorate; and in a range of other sectors—multicultural affairs as well, for example.

The need to pull together and make sure that we do not have any gaps in the way the government is supporting the community sector, and the justice system more broadly, to respond to family and domestic violence was recognised through that meeting, and the government's response to that is the appointment of the coordinator-general.

There will also continue to be the responsibilities of the Justice and Community Safety Directorate to advise the government on our response to the ACT implementation plan in relation to tackling domestic and family violence, and also our contribution to the national plan and the work around that. That is all work that

fundamentally is driven from within my directorate, but with collaboration across other directorates such as, for example, Community Services, and the women's portfolio as well under Minister Berry.

**THE CHAIR:** But in a functional sense how does it work through the coordinator-general? What role does Policing have, Housing, Community Services and JACS? How do you bring that together?

**Mr Corbell:** The relative responsibilities of different parts of government are set out in the ACT plan. The ACT plan sets out which parts of government have responsibility for which functions. It is important, though, that we make sure everyone is pulling together and that they are coordinating their efforts, not just doing their bit but recognising the broader picture. That is fundamentally what the coordinator-general's position is there to achieve.

**THE CHAIR:** What steps will be taken to nip family violence in the bud and educate coming generations, particularly of men but of some women as well, that violence against others in the family is unacceptable?

**Mr Corbell:** I think Rosie Batty got this right in her comments that she made in a speech here in Canberra when she said that the most immediate response must be about saving lives, and the long-term agenda is to change attitudes and perceptions of the relationships between men and women, and build more respectful understandings of those relationships and the importance of them.

In this budget there is funding of approximately \$600,000, if I recall correctly, for the Education and Training Directorate. That funding is to support the development of a respectful relationships framework that can be delivered in schools in an enduring and ongoing way. Obviously kids move through the school system pretty rapidly. You can have a one-off program that might reach a particular cohort for a particular period of time, but we are keen to see it built into the ongoing curriculum of what is provided in schools by teachers, as part of the broader school community, and that is what that funding is there to achieve.

**THE CHAIR:** The role of alcohol in domestic violence and some calls recently for changes to our alcohol laws; what is the government's response?

**Mr Corbell:** Alcohol is a contributor to domestic violence. The government has already significantly reformed liquor licensing. We did so back in 2010-11. I have made a number of announcements around some further reforms to alcohol licensing in the last couple of weeks. But there is a broader reform package being considered by government now, as part of the review of liquor licensing that occurred about 18 months ago. A more substantive package will be going to government later this year for consideration by the Assembly, I would anticipate, sometime next year.

**THE CHAIR:** A supplementary, Mr Hanson; a new question, Ms Fitzharris.

**MR HANSON:** Following the extraordinary meeting that was held, there was a letter that was sent to you, I believe, on the outcomes of that.



**Mr Corbell:** Yes.

**MR HANSON:** Have you responded to that letter to identify what action specifically in relation to the issues raised at that meeting you will be taking? Have you provided a response?

**Mr Corbell:** Out of that meeting there was a summary document that made a series of recommendations. I am about to take the government's proposed response to that to cabinet. I expect to table that in the next sitting.

**MS FITZHARRIS:** I will have a new question, but if we could continue on the theme of domestic violence—in terms of prevention, you mentioned early prevention with education around respectful relationships. What other more medium-term prevention measures are on the table?

**Mr Corbell:** I think fundamentally in the area of prevention it is about respectful relationships and about engaging with stakeholders to build the culture that we need, particularly amongst young people as they grow up and move into relationships and into adult life more generally. But in terms of more immediate prevention to respond to any risk of escalation of harm where domestic violence is already occurring, there are a range of responses that are under consideration.

The government has, for example, already announced measures that provide for changes to the domestic violence protection order regime that ensure that where a victim of domestic violence has sought a protection order and the matters for which they have sought that order are also currently being pursued in terms of criminal charges before the courts, there is no need for that victim to go back and seek renewal of that order. So they get a standing order. Reform on that proposal is well underway, because that removes a further traumatising of that victim, who potentially has to face their perpetrator simply for the purposes of getting ongoing protection from them whilst they wait for the criminal matter to be dealt with.

There are a number of other responses that are under consideration. For example, issues around whether or not police should have the capacity to issue protection orders in their own right, similar to the Tasmanian model, have been flagged by a number of stakeholders. The government is looking closely at that, but there are a range of complexities around that that warrant close consideration, and we have not reached a concluded view on those matters.

We have also provided additional funding to a range of domestic and sexual violence crisis services. There is a further \$250,000 to go towards work undertaken by DVCS, the Canberra Rape Crisis Centre and the Canberra Men's Centre to help manage increases in demand. That is very important as well. The government are also changing, in terms of legislative reform, the definition of family violence in our legislation to recognise that children are primary victims of family violence as well, even if they are only witnessing it. If they witness it in their home, they are being victimised as well, and that needs to be recognised as well. So there are a broad range of reforms.

Finally, there are the reforms around offence types. The government have announced

that we are looking at the implementation of a new strangulation offence. Regrettably, strangulation is an act which is common in the domestic violence arena. At the moment, the construction of the offence requires the prosecution to prove that the strangulation was undertaken with the purpose of rendering the person unconscious. So unless you can prove that that was the offender's intent, the fact that they were just strangling someone is not sufficient to demonstrate that; the prosecution has to demonstrate that the person intended to render their victim unconscious. We are proposing to introduce a new lesser offence that simply provides for strangulation itself without the extra element of rendering unconscious. That, we believe, will assist the DPP in more effectively prosecuting family violence matters.

**MS FITZHARRIS:** Thank you. When you refer to a domestic violence protection order, is that the same as an AVO in terms of reading newspaper reports that victims have had AVOs?

**Mr Corbell:** Yes. They go by different names in different jurisdictions, but they are court-issued protection orders which provide for the victim to have some level of surety that the person threatening them or doing harm to them will not approach them or will not come into contact with them in the circumstances that the court deems should be ordered.

**MS FITZHARRIS:** In circumstances of domestic violence, what requirements are placed on the alleged perpetrator around getting support after they have had a protection order taken out against them? I gather that if you are convicted of a drink-driving offence, you are probably mandated to seek alcohol counselling. Are there similar things?

**Mr Corbell:** Yes. It will depend on the nature of the offences they have been convicted of and what the court believes should be the orders made against the person that has been convicted. Frequently family violence first and foremost does result in terms of imprisonment. Where someone is convicted of that type of violence offence, it will frequently be the case that they get a term of imprisonment, and associated with their term of imprisonment is the opportunity to access a range of programs that can assist them with the underlying causes of their behaviour, whether that is alcohol or drug related or whether that is anger management related. There are a range of cognitive-based programs that are available to prisoners in that context.

**MS FITZHARRIS:** What about preceding that in terms of orders? My next question is around data—what we know and the domestic violence data framework that is going to be established. Do we know much about the likelihood, if someone has an AVO taken out against them, that there are strong links between them later being charged and found guilty and ending up in prison?

**Mr Corbell:** Yes. This is an issue that we need to do more work on which is really a risk assessment framework when a matter first appears before a court. It would usually appear in the context of an application for a protection order of some sort—well, not usually, but often that would be the case. I think it is an area that requires further work by us—understanding what is an appropriate risk assessment framework that can be utilised by a judicial officer to determine exactly what the response should be and what the intervention should be at an earlier stage before matters deteriorate

further and actual physical harm is done to somebody and the matter spirals out of control.

That is something that is occurring in a number of other jurisdictions in a formative phase. There are risk assessment frameworks being used by courts, for example, in Victoria, although not uniformly or consistently. Certainly risk assessment is a matter that I consider needs to be looked at further in the ACT context.

That is what drives some of the calls, I think, from some stakeholders for a dedicated domestic violence court. My response to that at this point would be to say that we do have the family violence intervention program; it is meant to be a wraparound program from the magistrates down, across the prosecutors, police, legal aid and the community service providers. I think we need to make sure that the FVIP is operating as strongly and as effectively as it can, given that it is a very innovative program, before we think further on other responses. I do not rule them out, but I think FVIP has to be strengthened in the first instance.

So there are a range of responses. As you mentioned, Ms Fitzharris, there is funding available in the budget for the development of a domestic and family violence data framework. That funding has come from the confiscated assets trust fund, the criminal assets trust fund, and will help the strengthening of data collection in this space, which can help inform policy.

**MS FITZHARRIS:** Do you have much of a sense yet around the data, of where incidents of domestic violence are spread across the city? Is it in particular age groups? What do you know?

**Mr Corbell:** I would say that my understanding of it is that it is widespread across the city; it is not confined to any particular geographic location or even a particular socioeconomic group. It is unfortunately something that affects all parts of our community.

**MS FITZHARRIS:** Thank you.

**THE CHAIR:** Ms Lawder, a new question.

**MS LAWDER:** Thank you. Minister, in your 2015-16 priorities on page 1, the third dot point is about restructuring the protection of rights and statutory office holder arrangements. Can you just outline what are the areas of concern or what you are trying to achieve with this restructuring?

**Mr Corbell:** Thank you, Ms Lawder. The government signalled last year, I think probably in the budget process last year, that we were looking at restructuring of our rights protection framework to make sure that more resources were able to be devoted to front-line human rights protection and promotion. The ACT is a small jurisdiction but it has a very large number of statutory office-holders in the human rights protection area. Indeed, we probably have more statutory office-holders than any other jurisdiction when it comes to rights protection. That does lead to a significant level of overhead costs. My concern, particularly in the context of budget restraint, is the need to make sure that front-line human rights protection services are being

maximised and that overhead costs are being managed appropriately.

So the government has set out a reform proposal to stakeholders for discussion. I did that earlier this year. We are currently considering submissions from that proposal document. We have received 41 submissions from a broad range of stakeholders, including the statutory office-holders themselves in the Human Rights Commission and elsewhere, as well as community sector groups and private individuals. I am expecting to receive advice shortly from my directorate on the outcomes of that public comment process and options for the government to pursue as the next step.

**MS LAWDER:** Thanks. Are the submissions available online?

**Mr Corbell:** Not at this point, but I do propose to make them public.

**MS LAWDER:** From the government's perspective, but also perhaps from some of the submissions that you may have seen, have there been concerns raised, because there are quite a number of statutory office-holders in the area, about confusion or uncertainty from consumers about the best place to go and being referred from one office-holder to another?

**Mr Corbell:** I think this is clearly an issue that we will need to work through, but the government's objective is very clear. First of all, we believe there should be one statutory appointment that has authority for the administration of the Human Rights Commission. At the moment it is a shared governance model where responsibility is collective across the three commissioners. I do not think that is a desirable governance model; I think there needs to be someone who is ultimately in charge and accountable for the operation of the commission.

The government proposes that there should be a president who is responsible for the administration and operation of the commission, and then a number of other commissioners who serve a number of important advocacy and complaints-handling roles in a structure which is fit for purpose in terms of our size and making sure that different stakeholders know where they can go to make complaints about service delivery and have them investigated, make complaints about breaches of rights and have them investigated, or raise issues around broader systemic advocacy and reform. That is the intention of the model.

We are proposing that the office of Public Advocate no longer exist in its current form and that that function be performed by the Public Trustee—sorry; the guardianship functions of the Public Advocate are proposed to go to the Public Trustee, because the Public Trustee already performs the financial guardianship function at the moment, and we see a lot of synergy in having the financial guardianship aligned with the broader wellbeing guardianship of those individuals who are very vulnerable and having them administered by the same office. So it is proposed that those functions go there. The broader advocacy functions would be considered by a reformed human rights commission body. So there are some real opportunities there. Indeed, that model—the importance of shifting functions—was recommended by our outgoing Public Advocate, who said she saw no need to continue the office in its current form and that it would be better to align them in a slightly different way. The government has built on that advice.

**MS LAWDER:** Feel free to correct me if I am wrong, but I think, for example, in the guardianship area there are some members of the public who act on a panel to advise on guardianship matters. Is that correct?

**Mr Corbell:** Could someone answer that?

**MS LAWDER:** I am just wondering whether there will be flow-on effects to those kinds of panels, some form of consolidation. That is the thrust of my question.

**Mr Corbell:** I would just say, before Ms Field gets to the detail of your question, that the government has not settled all of these matters at this time. We are still at the discussion paper stage in terms of looking at what the optimal structure should be, and we are yet to take a decision based on the public comment to date. Ms Field may be able to give you some indication of what the considerations have been to date around those particular arrangements.

**Ms Field:** You may be thinking of the Law Reform Advisory Council; it is currently considering guardianships. It has worked with stakeholders and is now going out for public consultation on that. That might be what you are thinking of. Our review is slightly different, but obviously it will be informed by anything that comes from LRAC.

**MS LAWDER:** Finally, before we move on, what is the proposed time line for the review process and implementation?

**Mr Corbell:** I would like to see it completed in this term of government.

**MS LAWDER:** Thank you.

**THE CHAIR:** Ms Fitzharris, then Mr Hanson.

**MS FITZHARRIS:** Thank you. Minister, I was wondering if you could us talk through the funding and the announcement of a fifth judge—what benefit that will have and how it will flow right through the justice system.

**Mr Corbell:** Thank you. Obviously, calls for a fifth resident judge have been a fairly constant element of debate about judicial resourcing in the territory for quite a number of years. The government's position has been quite clear, which is that first and foremost we have to make sure that our existing judicial officers' time is being well used and that the processes of the court are efficient in terms of listing practice and in terms of the administration of hearings, so that the resources of the court are properly and efficiently utilised. For that reason we focused first and foremost on reforms to listing practice in our courts. We focused on a range of measures to change the way hearings are conducted to provide for more timely determination and conclusion of matters.

I am grateful for the considerable work that has been undertaken by our new Chief Justice and the other judges of the court who have made a very significant effort to reform and improve their performance in terms of access to hearings in a timely

manner. And we have seen some very good results from that. For example, the number of civil matters pending for more than 24 months has been reduced from 381 civil matters awaiting conclusion in 2010-11 to just 83 in 2013-14. That is a really significant improvement in relation to civil matters. And we have seen similar outcomes in relation to criminal matters. The court has significantly improved its processes and its practices.

On top of that, the Chief Justice and I agreed that we would develop a joint judicial resourcing model to predict the judicial officer resources required for the court and to make sure that data was informing our decisions around resourcing. That resourcing model has been developed and has been provided to both the court and the government by the independent consultant who is expert in this work. What that model shows is that at the moment, based on our lodgements, the requirements for the court are sitting at approximately just over 4½ full-time judicial officers but certainly by the time we reach the beginning of the 2016-17 financial year it will be very close to five full-time judicial officers. I think that confirms that the government was right in the first instance to say we can work the court more efficiently in terms of its practice, listing practice and hearing practice, and the court has acknowledged that and responded to that with the support of the government in terms of some additional temporary resourcing.

But the modelling now indicates that based on the lodgement rates we will see the full-time equivalent requirement for judicial officers sitting at approximately five—it is actually just under five—by the time we reach the 2016-17 financial year. That is the reason for the government's decision in this year's budget.

**MS FITZHARRIS:** Is the number of matters coming before the courts increasing fairly consistently?

**Mr Corbell:** The number of matters is growing based on population. It is largely driven by population growth but it is not beyond that which you would expect for a city of our size in terms of our population, if I remember correctly.

**THE CHAIR:** A supplementary on that issue, Mr Hanson.

**MR HANSON:** The actual date of the appointment of the permanent Supreme Court judge—what date are you expecting?

**Mr Corbell:** 1 July next year.

**MR HANSON:** You said that the court is running at about five judge FTEs, with a bunch of temporary appointments and so on. If the intention is to have a fifth Supreme Court judge and if the courts need five judge FTEs broadly, why the delay? This has been going on for some time. The Law Society, the Bar Association and others have said that it would be better to have a permanent fifth judge rather than the ad hoc arrangement of a number of temporary appointments. Why the delay?

**Mr Corbell:** There is no delay, and the decision around appointment of an additional full-time resident judge is based on the data. Let me point you to that. The judicial resourcing model that has been agreed between the court and the government has been

undertaken by Mr Tony Lansdell, who has developed similar models for other jurisdictions. That model indicates that, based on the July to December 2014 information about filings, disposition and judicial days in court, 4.7 resident judges will be required by 2016. That is what the independent modelling shows. It is not five but 4.7. It also indicates that by 2020 4.9 resident judges will be required.

What you can see is that we are heading towards the need for five based on that model but it is not yet at that point. But we are actually bringing forward additional full-time resident judge resources earlier than the model indicates. The reason for that is that we are aware that a number of our resident judges will be taking periods of leave over the next 18 months to two years, long service leave, which will see them out of court and we will need to make sure that there is no deterioration in the court's performance during that time. When you look at those factors and when you look at what the modelling tells us, it is the right time and really is the sweet spot in terms of appointing an active resident judge at the beginning of the next financial year. It is based on the data, it is based on the assessment of workload on an agreed model developed between the courts and the government.

**MR HANSON:** Do you know what the view of the Bar Association and the Law Society is with regard to the appointment of a fifth judge?

**Mr Corbell:** I am certainly aware that they have both welcomed this appointment.

**MR HANSON:** They have been calling for this for some time.

**Mr Corbell:** They have made their position well known. You know what their position is, I know what their position is, but the government's position has always been that the resources of the court must be utilised efficiently and effectively. We have found, I think, a very sensible way through this complex issue and that has been down to the goodwill and the constructive approach adopted by the Chief Justice, and the modelling framework that we have agreed gives us an independent assessment of demand. That allows us to make objective and evidence-based decisions around what the resources of the court should look like.

**THE CHAIR:** Just before we go back to members, you quoted some figures on the reduction in the number of long-wait civil cases and said there were similar numbers in criminal cases. What are the criminal numbers for that period?

**Mr Kellow:** As of 31 May the number of criminal cases pending which are more than 24 months old is nine and the number of criminal cases pending that are older than 12 months is 45.

**THE CHAIR:** The minister quoted a period. Can we go back a couple of years and find out how many?

**Mr Kellow:** I have got the figures.

**Mr Corbell:** We will have to take it on notice.

**THE CHAIR:** Take it on notice. Mr Hanson, a new question.

**MR HANSON:** One of your priorities for 2015-16 is identified as implementing new laws to combat organised criminal groups, including outlaw motorcycle clubs. Can you give me an update and a more detailed explanation of that priority, please?

**Mr Corbell:** Yes. It is important that the ACT remains proactive in understanding the impact of organised crime in our community and making sure that it is kept in check and making sure that the police have the necessary and appropriately framed powers to deal with those matters. I am very pleased to say that the police have significantly resourced their response in the area of organised crime, particularly motorcycle gang-based crime. Task force Nemesis is an ongoing ACT policing operation, a dedicated task force to disrupt and dismantle criminal motorcycle gang activity here in the ACT.

The government continues to look at a number of legislative responses in the area of dealing with these organised crime groups and in particular is looking at issues around association and is looking at issues around managing large group events which we sometimes see these criminal motorcycle gangs involved in.

**MR HANSON:** Have you been in discussions with New South Wales to make sure there is some harmony between our laws and theirs given our proximity to Queanbeyan and so on?

**Mr Corbell:** It is not for the purposes of harmony, but certainly officials of my directorate have met with their counterparts in New South Wales to understand the detail of the operation of some of their laws and what the lessons learnt are, particularly in relation to association and consorting, to make sure that we understand what the practicalities of that have been on the ground and how that can inform our own policy development.

**MR HANSON:** What has prompted the change in heart? When this matter was raised about five or six years ago and we talked about looking at New South Wales laws with regard to association and consorting, you described it as tub-thumping. Is it still tub-thumping or has something changed?

**Mr Corbell:** It is certainly tub-thumping when it comes to the prescribing of criminal groups based on their identity rather than any criminality per se. The government does not support laws such as we have seen in a number of other jurisdictions which seek to criminalise people purely based on their identity rather than on any criminal activity.

**MR HANSON:** Is that the case in New South Wales?

**Mr Corbell:** Yes it is. Yes. Certain groups are declared criminal entities without—

**MR HANSON:** Has there been an increase in activity? What has prompted this?

**Mr Corbell:** I will come to the other part of your question. The government does not support the approach adopted in other jurisdictions but we still remain committed to a proactive and strong response to dealing with organised criminal groups in a proportionate manner. The response that we are looking at is one that is based on the



evidence. I am sorry, what was the other part of your question?

**MR HANSON:** Is there an increase in activity or—

**Mr Corbell:** Yes, the change in circumstances. The fact is that there has been a change in circumstances in the criminal scene in the ACT and the police have been very clear about that. Four or five years ago there was only one established motorcycle gang in the ACT. Their presence was relatively low profile and relatively benign compared with the activities of that group in other jurisdictions. That has now changed. What we have seen is the arrival of a second motorcycle group based here in the ACT. We have seen an increase in rivalry between those two groups, patching over of members from one group to another, and criminality associated with that. That is what has changed. As circumstances change, the government's response changes accordingly to meet those new circumstances.

**MR HANSON:** Is that not a reactive approach? Again, five or six years ago, that was identified as a threat by the AFPA, the Australian Crime Commission and others that there may be increased activity, particularly with the response that we had seen in New South Wales. Why did you not take a proactive approach to this? Why are you reacting once that new threat has arrived rather than anticipating that it would, based on the advice that was being provided?

**Mr Corbell:** The arrival of this new group is not due to any deficiency in the legal framework. The arrival of this new group has been driven by the very aggressive expansion of that group to achieve greater profit and greater influence and control across the nation. The business model of that new outlaw motorcycle gang is a very aggressive one. It is basically a franchise-based model. That is how the police and criminal intelligence bodies describe it. It is a franchise-based model where basically you buy into a chapter of that motorcycle gang and you get all of the paraphernalia, alleged authority, status and iconography that go with that. It is a change in the behaviour of that criminal gang. It is a change that has occurred not just here but across the nation. We need to respond to that and we are.

**MR HANSON:** But does not the fact that they have targeted the ACT and you are having to respond with new laws suggest that, as was advised, they would see the weak laws in the ACT, as described, as an opportunity to set up here? Do you not regret having introduced laws that might have prevented this rather than some years on now having to react to increased motorcycle gang activity?

**Mr Corbell:** I would say that your assertion is based on a flawed premise; that is, if we go by your logic the gang activity will increase in the ACT but decrease in other jurisdictions. In fact, gang activity has increased everywhere across the nation.

**MR HANSON:** When are we going to see these new laws introduced?

**Mr Corbell:** The government is yet to reach a conclusion in relation to its policy development but I would expect that there will be policy positions determined by the government in the coming 12 months.

**MR HANSON:** Was it the police that called for these new laws or what has been the

process there in developing these laws?

**Mr Corbell:** As is the case in relation to development of all new criminal law, it is based on feedback and input from a broad range of criminal justice stakeholders, including the police.

**MR HANSON:** And has that advice significantly changed from a few years ago when, I am aware, there were a number of groups calling for strengthening of the laws?

**Mr Corbell:** As I have said in answer to your previous question, the criminal environment has changed in relation to these groups in recent years and the government is responding to that.

**MR HANSON:** It has changed as it was anticipated that it would, that there would be increased gang activities because we have weak laws?

**Mr Corbell:** No. Your premise is incorrect. Your premise seems to be that because the ACT legal framework was different we would see growth in criminal gang activity and that would not occur in other places. In fact, what has happened across the nation is that criminal gang activity has increased, even in those jurisdictions that have a different criminal law framework to the ACT. So I do not think you can make the assertion. You can, when you look at the fact that even in jurisdictions that have a much more regressive, in many respects, legal framework, criminal gang activity has still increased.

**MR HANSON:** If this all increases regardless of the law why are you bothering to change the law?

**Mr Corbell:** Because police still need the capacity to respond to the more aggressive approaches being adopted by these groups. And if you are saying that I should not be doing that, then I would be open to hearing your arguments.

**MR HANSON:** That was your argument, was it not, that this would have happened regardless of what the laws were?

**Mr Corbell:** I am not going to get into some circular point-scoring exercise.

**MR HANSON:** But you are changing the laws.

**Mr Corbell:** I am simply making the observation that in other jurisdictions—

**MR HANSON:** You cannot run two parallel arguments, can you, minister? You cannot say the laws do not matter and then you are going to change the laws because you need to respond?

**THE CHAIR:** Let him answer.

**Mr Corbell:** I think we are having a debate. Let us focus on questions, shall we?

**THE CHAIR:** There is a supplementary from Ms Fitzharris; then if Mr Hanson wants

to finish off a new question.

**MS FITZHARRIS:** With the second group that you say has come into Canberra, are they new residents to Canberra or did they already live here and effectively took up this franchise? Or is it a bit of a mix?

**Mr Corbell:** My understanding is that they are largely people who are already residents of Canberra, a number of whom were members of the already established outlaw motorcycle gang in town who have chosen to join the new gang. That is a process known as patching over. That has led to an increase in tension and violence between the two groups.

**MR HANSON:** The interesting nature of this increased activity—what is that activity? Is it drug-related, is it standover? What is the specific nature? I know that there have been a number of shootings. Is that related to this or what is the nature of the criminal activity?

**Mr Corbell:** I think those are questions probably best addressed to the police when you see them this afternoon but in general, yes, there is an increase in violence between the two groups. On at least one occasion that has involved the use of firearms.

**THE CHAIR:** Members, we have to get through outputs 1.1, 1.2, 1.3, 1.4, 1.5 and the Public Trustee by 11 am. We will have to push on.

Minister, the budget for this area has dropped considerably. It has gone down some \$20 million in terms of total cost and it has gone down \$24 million in government payments for outputs. I understand that transport regulation has moved. Can we have a reconciliation of those movements?

**Mr Corbell:** I am advised that these are largely movements based on the change in administrative arrangements that relate to Access Canberra. Ms Crowhurst can give you some more detail around that.

**Ms Crowhurst:** If you are looking on page 9 of the budget statements, the total cost has decreased by \$20.2 million, of which the impact of the transfer of the Office Regularity Services to Access Canberra is \$21.9 million. Then there are a few other changes that impact in the 2015-16 financial year budget.

In relation to GPO there is a decrease of \$14.9 million, of which the full year impact of Office of Regularity Services transferring to Access Canberra is about \$19.5 million. That is partially offset by new initiatives, \$2.2 million; commonwealth grants for legal assistance services, \$1.1 million; and establishment of the ACT road safety fund, \$700,000.

**THE CHAIR:** If you go to page 2 and you look at the staffing, there are about 300 jobs lost, which I assume have moved to Access Canberra?

**Ms Playford:** That is right. Just over 300 staff moved to Access Canberra.

**THE CHAIR:** Then there is an increase this year of about 50 jobs. What is driving

that?

**Ms Playford:** It is primarily new initiatives. Some of them are related to, particularly in Corrective Services, the expansion of those facilities. That is probably the biggest one-off. Moira, I do not know if there are any significant ones. There are some additional FTEs for related matters, but they are primarily from the new initiatives.

**Ms Crowhurst:** Yes, I confirm that. The increase arises from 2015-16 new budget initiatives and also there is the impact of the step up in the AMC additional facilities resourcing that was provided in the 2014-15 budget. But it now steps up in 2015-16. They are the two main movements there.

**THE CHAIR:** Can we have a written reconciliation of both the numbers and the staff movements?

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

**THE CHAIR:** What is your share of the savings initiatives this year that the government has forecast?

**Ms Playford:** I guess that there are two parts to the savings initiatives. There is a contribution of the directorate to urban renewal and Access Canberra. Over four years that is \$0.554 million. The second component is allocation of savings that were in the 2014-15 budget that have now been specifically allocated out to directorates. They are general savings which cover a range of things, including the digital dividend, hybrid cloud, ICT sustainability, procurement and streamlining of administration. They total for the directorate \$2.985 million over four years.

**THE CHAIR:** The half-million dollars that is going to urban renewal—why does the department have to contribute to urban renewal?

**Ms Playford:** All directorates made a contribution to that priority of the government.

**THE CHAIR:** Made a contribution?

**Ms Playford:** Well, that is what—

**MR HANSON:** Does urban renewal mean a tram?

**Mr Corbell:** No, the government's urban renewal agenda is focused on creating more liveable, sustainable communities. That includes redevelopment of existing precincts across the city and improvements to urban amenity in our suburbs and in our town centres. The government have sought savings across government to ensure that we are able to deliver those priorities for Canberrans in the same way we seek savings within government for all sorts of other initiatives.

**THE CHAIR:** Do you fund projects with that money or does that money just go to urban renewal?

**Mr Corbell:** No, that money is returned to the centre and then allocated by the

government for its priorities.

**THE CHAIR:** So there has been an urban renewal tax on justice and community safety?

**Mr Corbell:** No, there has not been a tax on anybody.

**MR HANSON:** It is a levy, is it?

**Mr Corbell:** It is not a tax. It is not a levy. It is a savings measure. All directorates contribute savings for government priorities so that the government can reduce its overall new spend and reallocate expenditure to its priorities.

**MR HANSON:** So urban renewals of greater priority than JACS?

**Mr Corbell:** There is growth in the JACS budget.

**MR HANSON:** Why are you having a levy put on you in JACS to put the money into urban renewal? Is that not core business anyway?

**Mr Corbell:** There is no levy.

**MR HANSON:** But you said you have had about \$2 million reduced so that that can then fund urban renewal. If you take the money from one area to put into another area—

**Mr Corbell:** No, it is half a million over four years and that includes our contribution to Access Canberra and our contribution to the government's urban renewal priorities.

**MR HANSON:** So you accept the principle; we are just squabbling about the amount?

**Mr Corbell:** I believe it is important that wherever possible government funds its priorities from within its existing resources.

**MR HANSON:** Why have they not taken it out of urban renewal to give it to JACS? I thought things like domestic violence and responding to ice were a high priority. I am not sure why you have taken money out of the JACS portfolio as a whole to put into urban renewal. Wasn't there money for urban renewal?

**Mr Corbell:** The government is investing an additional \$3.1 million into the JACS budget this financial year, this forthcoming financial year. That is compared with a savings measure of \$147,000 when it comes to the urban renewal agenda of the government. The \$3.1 million in new funding only relates to those areas that are within my portfolio responsibility. It does not—

**MR HANSON:** What was taken out in previous budgets that is still flowing through?

**Mr Corbell:** There have been savings measures in previous budgets and those have been outlined in the estimates process we have been through in previous years.

**MR HANSON:** It must be like taking \$15 million out of police and then putting \$3 million back in as a funding increase.

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

**THE CHAIR:** It is a fact. Perhaps a new question from Ms Fitzharris?

**Mr Corbell:** No, these are matters that Mr Hanson can litigate with the police minister if he has a view on them but I am here answering justice portfolio questions this morning.

**THE CHAIR:** We will have a new question from Ms Fitzharris.

**MS FITZHARRIS:** Minister, the restorative justice scheme funding in the budget of \$2 million is for phase 2. How does it build on phase 1, and is it an indicator of the success of phase 1 that there is continued funding?

**Mr Corbell:** This is a really significant funding commitment. Recurrent, the expenditure is \$2.058 million over four years for the expansion of restorative justice. Restorative justice was introduced by Labor in government back in 2004-05, and restorative justice was extended to minors, young people—not adult offenders—and only for relatively minor crimes. Its focus was on restoration for victims, so that victims could achieve closure, and offenders could understand the impact of their wrongdoing on their victims and make restorations for that wrongdoing.

It has been a highly effective program. The independent reviews of the program have highlighted that victims feel that there is a greater sense of closure, conclusion and finality around the offending and significant reconciliation between the offenders and their victims though the restorative justice process compared to the outcomes that are otherwise achieved through a traditional criminal trial and sentencing process.

This initiative will extend restorative justice to allow adult offenders to participate in restorative justice as an alternative to and in some cases in conjunction with more traditional sentencing through the courts, and it will also include for the first time referrals for more serious crime, including crimes of violence both amongst juvenile offenders and adults.

This really is a nation-leading program. Restorative justice has been demonstrated to be a more cost-effective and more engaging way to resolve the wrongs done by offenders than can often be done through the traditional court process. It is particularly beneficial for victims because it allows victims of crime to move on with the rest of their lives and gives some greater sense that the matter has been dealt with and that they can leave that behind them and lead more productive lives. We know that the ongoing legacy of being a victim of crime can be debilitating for a large part of the victim's life beyond the period of offending unless there is restoration and closure, and that is what this scheme delivers.

The intention is to extend the program. That can be done without legislative reform because the act already provides for a phase 2 for adult offenders. We will be looking

at how this is rolled out in a staged matter. I am looking forward to discussions with my directorate about the detail of that in the coming months as we finalise these arrangements, but it will see people accused and/or convicted of serious crimes, including violent crimes, being captured in this program and their victims and the offenders going through the very intensive restorative justice process.

**MS FITZHARRIS:** This funding captures both the ongoing program in addition to providing this service to adults as well?

**Mr Corbell:** Yes, there is a base level of funding within the directorate—

**MS FITZHARRIS:** Already.

**Mr Corbell:** that funds RJ for juveniles and less serious crimes, and that continues; that has not changed. We are growing that so there will be further resources. There will be a number of FTEs—three for a period of three months in 2015-16, four for a period of nine months, and then four ongoing from 2016-17 onwards, including an additional senior convenor, two more junior convenors and a court liaison and business support officer.

**MS FITZHARRIS:** I know you have mentioned that there has been a significant inquiry in the Assembly. I think it was before my time. Are you able to explain how the program works? Are people mandated to partake in it or is it optional?

**Mr Corbell:** Yes.

**MS FITZHARRIS:** Does it involve a number of sessions and what do they look like?

**Mr Corbell:** RJ requires the consent of both the offender and their victim or victims to work. One of the options that is being explored is how that sits alongside a more traditional sentencing process within the court and whether the court says to an offender who has been found guilty, “We believe there is significant merit in your engaging in RJ as part of this process around sentencing.” It would still require their consent. However, I think there are ways where the court can add its persuasive power to the importance of participating. That is something that the guidelines around referral will deal with.

There are issues in relation to which types of offences and which types of offending should be captured. In particular, there are very sensitive and significant issues that have to be managed around domestic violence, crimes related to domestic violence and the inherent power relationships that exist in those types of crimes. The directorate has developed guidelines for the management of domestic violence offences in the RJ context and that will be a particularly groundbreaking piece of work because that has not been done in Australia before.

There are challenges associated with that, but there are also potentially real benefits for victims and for offenders in terms of victims and in terms of restoration but, in terms of offenders, helping them acquire better insights into the nature of their offending behaviour, what it did to their victim and how they can potentially reform their behaviour as a consequence of those insights. I might ask Ms Lutz if she would

like to talk a little bit more about that.

**Ms Lutz:** Phase 2 will be rolled out in two stages. There will be an amendment that allows us to do that. That means that from March 2016 we will be able to roll out phase 2 for adults and young people for serious as well as less serious offences, allowing for diversions and referral at all points along the criminal justice system.

We are hoping to recruit and train and raise the capacity of all conveners to manage the complex matters of domestic violence and sexual offending about 18 months to 24 months after that enactment. I think that will allow us to ensure that we are managing those very complex matters in ways that are safe and in ways that engage other agencies that are working in that area and to bring everybody up to speed at that time.

**MS FITZHARRIS:** How many cases do you expect to see in any given year?

**Ms Lutz:** We expect adult domestic violence matters not to be—they are serious matters—diverted. They will be referred after a plea of guilty has been entered or found. We estimate that there is a rising amount of adolescent domestic violence and that restorative justice might play quite a prominent role in managing those matters in meeting the needs of families who are victims in those circumstances.

**MS FITZHARRIS:** So in domestic violence cases it could involve the parents as well as the children?

**Ms Lutz:** We are looking at young adolescents as offenders in that domestic violence context—so early intervention, looking for opportunities to bring support into families and to manage those matters in ways that lead to safer outcomes and, hopefully, prevent those young people from offending—

**MS FITZHARRIS:** Yes, offending later in life.

**Ms Lutz:** once they are adults and in other relationships and having their own families.

**MS FITZHARRIS:** In terms of the effectiveness of restorative justice in reducing the likelihood of reoffending, does it have a role, as well as for the victim obviously, in reducing—

**Ms Lutz:** With domestic violence it is about the coordinated community response—

**MS FITZHARRIS:** Just in general terms, not specifically domestic violence.

**Ms Lutz:** In general terms, restorative justice has a focus on meeting the unmet needs of victims of crime, but it also has, happily, a lot of evidence to show that it has a more profound effect on offenders. We see it as possibly a critical link between an offender understanding and taking stronger responsibility and then linking into other offender rehabilitation dedicated programs and completing those.

**MS FITZHARRIS:** The types of restoration that might take place are around taking



more responsibility and understanding the impact of their actions. Are there any other sorts of restoration that come through the program?

**Ms Lutz:** We are a point of referral. If there are any other risks or needs around the young person and the family, we are able to refer them out to relevant agencies. For instance, Relationships Australia runs something called the non-violent resistance program. That is for parents of young people who are exhibiting very challenging, aggressive behaviours. That helps them to regain their parental presence and authority in the home and find ways and strategies to deescalate and to manage situations in the home.

We work with lots of other community agencies and areas to hopefully provide those added benefits. As a one-off, one restorative justice event alone, we would not expect that to have a big impact on recidivism, but connected to other dedicated offender rehabilitation-oriented programs and community agencies, we think that it will have an added effect.

**MS FITZHARRIS:** Thank you. Minister, you see this as a permanent feature of the ACT justice system now?

**Mr Corbell:** Yes, indeed. I think this is the launching board for potentially an even broader restorative-based approach. The evidence on restorative justice, I think, is compelling. Recent research undertaken by, in part, the Australian National University but involving a collaboration of multiple universities from around the world who have looked at restorative justice responses globally concludes that victims feel they get a fairer deal and a better outcome, and offenders are more likely to understand the wrong that they have done and work to reform themselves than in the traditional criminal justice process.

When you think about the costs of our traditional criminal justice process and the impact of reoffending behaviour, where people are repeatedly before the courts, repeatedly in prison and still offend, options like RJ should be strengthened and developed further. This is the next stage of that—to see adult offenders, adult victims, engaged in the process, and more serious crimes, including violent crime, included in the process.

I think there is much greater scope to build on this further. We are certainly doing that in terms of the justice reform and justice reinvestment strategy work, where there is potential to build further on RJ in future years. But right now, because of this expansion, it puts the ACT very much in the forefront nationally in the restorative justice space.

**THE CHAIR:** Ms Lawder has a supplementary on this and then a new question.

**MS LAWDER:** With restorative justice, what is the take-up rate where both victim and perpetrator agree to participate in restorative justice?

**Ms Lutz:** Amongst young offenders over the last 10 years, about 60 to 70 per cent of young people are taking up the opportunity. For victims it is around 50 per cent.

**MS LAWDER:** Is there a difference in victims, between men and women?

**Ms Lutz:** There is in that women are much more likely to be interested in dialogue-related intervention. Sometimes male victims of crime are a little less ready to explore the impacts on them and to articulate those in an emotional context. For personal crime we find that women may be a bit more likely to participate in and benefit from those processes. However, we have found that men who do participate as victims in the process find really positive benefits and outcomes too.

**MS LAWDER:** My substantive question is about the Public Advocate. On page 15 of budget statement D it talks about client survey respondents. In the notes it says that during 2014-15 there was a new way of evaluating its services through an anonymous electronic survey, with 39 respondents out of 150 stakeholders, and there was a 55 per cent satisfaction rating. In acknowledgement of some of the issues, you have dropped your target for the coming year. Can you talk about what are some of the reasons for the low satisfaction rating and what you are going to do to try and improve that?

**Mr Corbell:** Dr Watchirs is currently performing the duties of the Public Advocate, so I will refer the question to her.

**Dr Watchirs:** Within the reporting period the assessment of community—not clients, because our clients are people without capacity—stakeholders is reviewed. In the past it was done by telephone during a two-week period. Instead we have done a SurveyMonkey. We have done two surveys, one last year in December and one this month. Last year we got 39 respondents; this year we got 64 respondents. In the past there were between nine and 11 respondents and a satisfaction rate that was astronomically high and that was not realistic. In the first survey there was a lower response of 55 per cent. We are expecting a better one for the one that was conducted last week.

It is a very broad range of stakeholders that we engage. A lot of them are service providers. Some of the services we do are not voluntary, so we are not expecting everybody to like what we do. Of course we are accountable, open and transparent. It would be good if those indicators did improve but I am not worried that we have changed the method of assessment because it is much more valid.

**MS LAWDER:** Thank you for that. What I asked was what some of the reasons were.

**Dr Watchirs:** The reason is the change of method.

**MS LAWDER:** So more respondents gave you a lower satisfaction rating. Perhaps I could rephrase my question slightly. What areas were people dissatisfied with?

**Dr Watchirs:** They were asked whether they found our services helpful and whether they were professional. They were the two dimensions of the question. So it was the level of satisfaction. There was “satisfied” and “very satisfied”, so we took the higher score rather than the median score.

**MS LAWDER:** Why wouldn't they have been satisfied?

**Dr Watchirs:** Because some service providers do not agree with the Public Advocate's best interest approach; they prefer an expressed wishes approach.

**MS LAWDER:** You had a target of 500 clients receiving individual advocacy, which is not expected to be met this year due to extended and unexpected staff leave in the advocacy area, particularly in the children and young people area.

**Dr Watchirs:** There is only one staff member performing that role and that person is retiring next month. I did backfill the position half-time, to make up for the problem, and we have caught up with our performance measures.

**MS LAWDER:** What contingency plans do you have if it is a small staff number?

**Dr Watchirs:** We have advertised for a new person to take the position of the staff member who is retiring due to ill health.

**Mr Corbell:** Ms Lawder, I think this highlights one of the challenges of a very small office with a small number of people in it. Movements in staff numbers can have quite an immediate and significant impact on those statistics, like the ones we are talking about now. This is, from my perspective, one of the reasons why there is benefit in consolidating the functions of the Public Advocate into a larger office, and that is why—

**MS LAWDER:** It goes back to the discussion we had earlier?

**Mr Corbell:** Yes; moving the Office of the Public Advocate and the functions of the Public Advocate around guardianship to the Public Trustee. The financial guardianship functions that that office already performs means there is a larger office, and there is greater capability to manage these movements and still sustain service levels. I think that is something that we have to have a strong focus on.

**MS LAWDER:** In the interim, because when we spoke about this earlier, minister, you did not have a set time frame, except I think you said hopefully in this term of government—

**Mr Corbell:** Yes.

**MS LAWDER:** In the interim what contingency plans do you have, Dr Watchirs, to make sure that the most vulnerable members of our society, such as children and young people, are able to get efficient and effective service from the Public Advocate?

**Dr Watchirs:** As I said, for the full-year results we have met our targets of key performance indicators, but it was required that I had someone to half backfill the vacant position. I have resigned as from 30 June and the Public Trustee, Mr Andrew Taylor, will be taking my position. I will return to my substantive full-time position as Human Rights and Discrimination Commissioner.

**THE CHAIR:** Mr Hanson, a new question.

**MR HANSON:** With regard to the Public Trustee, I want to get a bit of a heads-up on any of their activity. I know they had a couple of issues a year or two ago with some fraud. I imagine that has all been dealt with now. Could you highlight what activity you have been conducting and any specific changes compared to what you have been doing in previous years?

**Mr Taylor:** As at today the total amount of the misappropriations was \$1.65 million. That will be the total, we understand, which will be completed in terms of investigation at the end of this financial year. In total 87 accounts had been found to be compromised. ACT Policing have narrowed their list to 42 clients to be referred for prosecution purposes.

Restraining orders under the Confiscation of Criminal Assets Act have been placed on two properties and several motor vehicles identified as property associated with the two dismissed officers, as well as several external persons. Given that 87 accounts had been compromised, the total 87 accounts have now been fully reimbursed. In terms of capital, it is \$1.468 million. The Public Trustee agreed additionally, on arrangement with the ACT Insurance Authority, to pay interest to those clients. A total amount of \$137,000 was paid in interest.

Again, we looked at those clients whose financial assets may have been ordinarily invested in a different risk profile but were denied that risk profile because of the misappropriation. We have calculated an amount of \$135,000 to be reimbursed to those people. That reimbursement of \$135,000 will take place within the next week, to finalise the amount within this financial year. So the total of all those amounts, including the investment compensation which was an additional amount, was \$1.74 million. All insurance claims that have been lodged to date with ACTIA have been paid, with the exception of the investment compensation amount, which we understand through discussion with them will be fully compensated.

**MR HANSON:** On that specific issue, houses and cars have been identified. At the end of this process how much is the ACT going to be out of pocket?

**Mr Taylor:** We do not know.

**MR HANSON:** You do not know as yet?

**Mr Taylor:** No. That will depend very largely on the processes associated with the police and the courts, which is out of our jurisdiction, so to speak. That, we understand, will commence within the next 12 months. Insurance has covered it—

**Mr Corbell:** The point to be made is that the territory's insurance policies have covered all of the fraud to date and the costs of that fraud. In addition there is the seizure of the assets.

**MR HANSON:** Where does the money from that seizure go?

**Mr Corbell:** They have been seized but they are held until the conclusion of the prosecution. If they are convicted and orders are made then they would go into the confiscated assets fund. So the properties will be sold, the assets will be realised for

cash and placed in that trust fund.

**MR HANSON:** Please continue, Mr Taylor.

**Mr Taylor:** I mentioned last time I was before the committee that we had engaged KPMG Forensic to undertake a number of reviews. One in particular was a controls review of that particular part of the office in which the financial misappropriations had been identified. Over the last 12 months we have made a number of changes specifically aimed at the recommendations made by KPMG. We have a business system that we share with three other public trustees in Australia. We have acquired the latest version of that business system. There was a cost of around \$120,000 to do so. That will give us access to a whole range of facilities that we do not presently have. It is essentially a web browser based tool. It allows a lot more transactions to be undertaken electronically, with a lot more checks and balances involved.

We have a register of service providers that provide services to the Public Trustee and to clients of the Public Trustee. That register has been pulled to pieces and rebuilt. It is now built around a significantly higher degree of rigour, in the sense that when we take on a service provider we are very concerned about their history, their registration, their licensing, their references, including bank references, checking of ACN-ABN numbers, and bankruptcy. We are also concerned about any relationships that might exist with staff of the Public Trustee. That has now been fully implemented and all persons who were on the former register that wanted to be transferred across have been transferred across. We have also taken on some new service providers by way of opening up the number of providers that provide those services.

In terms of policies and practices, we established a SharePoint tool within the office, an intranet-based tool called Knowledge Base. All of the practices, procedures, policies, opinions and advices that we have that staff need to do what they do—it is an essential training and reference tool—is now provided at desktop through a thing called Knowledge Base on a section-by-section basis and has proven to be quite successful.

We have reviewed the gifts and inducements register that we have, under which a policy is established, outlining that staff do not accept gifts and inducements from anybody, particularly when we are in a procurement phase with those people. It also sets out degrees of what is acceptable and what is not acceptable. It was also recommended that we introduce a separate register of cards that we operate for our clients. For example, when we take over a client's financial management we will receive their credit cards, debit cards and so on. We also receive in deceased estates things like passports and account cards. We have now set up a process under which those cards go to a dedicated area, are retained under lock and key, and in some cases, say passports, they are returned to Foreign Affairs and Trade. We have separated the duties around that process quite significantly to the point that trust officers do not get access to those cards at all.

We recruited a new property officer from the private sector, somebody who has significant industry experience. Given that some of the misappropriations have involved the area of property, we see that moving that into a centralised position with one person controlling all aspects of issues reduces our risk and also produces a better

outcome for clients.

We have our own dedicated code of conduct for all staff. It is quite rigorous and involved. We have a similar code of conduct for service providers. All of our staff sign that code of conduct every year. So the document is a bit of a moving feast. It changes every year and incorporates new things and it gets re-signed by all staff every year.

**MR HANSON:** I have the sense that you could go on for hours.

**Mr Taylor:** I would be happy to, but—

**MR HANSON:** I am sure. You may be the only one in this room, though!

**THE CHAIR:** If there is more detail you would like to—

**Mr Taylor:** I am happy that you are happy!

**MR HANSON:** I am not sure I am happy but I am satisfied.

**THE CHAIR:** A quick supplementary from Ms Fitzharris. But if there is more detail you would like to put on the record, the committee would be happy for you to take that on notice and provide such detail.

**MS FITZHARRIS:** Minister, how much is in the confiscated assets fund?

**Mr Corbell:** I am advised it is approximately \$1.8 million at this time.

**THE CHAIR:** We will pause for morning tea.

**Sitting suspended from 11.05 to 11.21 am.**

**THE CHAIR:** Members, we will resume this morning's hearing and we will now move into output class 3, courts and tribunals and the Legal Aid Commission. I will defer my first question to Mr Hanson on courts and tribunals.

**MR HANSON:** I have had a number of concerns raised with me and frustrations with delays in the Magistrates Court, particularly in civil matters. People are saying to me that they are experiencing not just delay but they will turn up for hearings and it will either get bumped or moved to later in the day. People who are trying to run businesses or trying to do other things spend all day sitting around waiting for a hearing that has been rescheduled or bumped to later in the day. Are you aware of some of these concerns and complaints?

**Mr Corbell:** I am aware that there are some issues of concern that have been raised by a number of stakeholders in relation to the business of the Magistrates Court. The first important point to make, of course, is that the way the court manages its business is a matter for the court and the Chief Magistrate. The Chief Magistrate has implemented a new listing system and I understand that that has led to some concerns from other stakeholders. But these are decisions of the Chief Magistrate. The court is

independent in these matters. We will continue to monitor these issues closely and they will be matters that if necessary I will discuss with the Chief Magistrate in due course.

**MR HANSON:** Have you had conversations with the Chief Magistrate about these matters?

**Mr Corbell:** I have had an initial conversation with the Chief Magistrate. My conclusion at this point is that it is still early days in terms of the new listing initiative, and certainly that is the advice I have from the Chief Magistrate. It is appropriate to determine after a period how effectively the new court listing process is operating.

**MR HANSON:** What is that period?

**Mr Corbell:** I think certainly over the period of this year it is sensible. It has only been in place for a relatively short period. Mr Kellow might be able to give you a bit more information on that.

**Mr Kellow:** Yes. I think there are a few elements. One is that I am personally not aware of those particular details, but if there are practitioners who would like to raise them directly with the administration we can explore them a bit further as to those individual instances. In broad terms the Chief Magistrate did introduce new listing arrangements predominantly for the criminal jurisdiction from the beginning of the year and her intention is to review those over the next few months. She has just gone on leave for a few weeks. We will look at that.

There are obviously some tensions in terms of capacity within some of the practitioners and agencies such as DPP and Legal Aid in terms of finding the right balance between the Supreme Court listings and the Magistrates Court listings, both having gone to a more block-listing approach.

In relation to civil matters, the Chief Magistrate has asked Magistrate Morrison to do a review of all old matters. We are working through those matters and he is having regular call-overs to case-manage them. A number have been resolved. We are also looking at whether we can provide a more robust alternative dispute resolution facility within the Magistrates Court for those civil matters, along the lines of those that have been managed in the Supreme Court jurisdiction.

**MR HANSON:** Minister, in the conversation that you have had with the Chief Magistrate has there been discussion about the need for additional resources?

**Mr Corbell:** The Chief Magistrate has not raised any specific proposals with me, no.

**MR HANSON:** How many FTEs do we have in terms of magistrates at the moment?

**Mr Kellow:** Seven full-time magistrates and there are four special magistrates at the moment who are called on as needed.

**MR HANSON:** Are the four held in reserve to cover leave or long service or—

**Mr Kellow:** To cover leave and to do additional sittings where there is the need for them and the capacity.

**MR HANSON:** The Industrial Court that was set up, how is that working? Is that part of the seven or is that additional to the seven?

**Mr Kellow:** The Chief Magistrate primarily sits as the Industrial Court. I think she has been managing that. I will be corrected if I am incorrect. My understanding is that she generally has a three or four-week block listing to deal with those matters. I think some of the hearings in those matters have been quite lengthy. They do take a certain amount of time, as in a four or five-day hearing.

**MR HANSON:** So essentially the Industrial Court magistrate is the Chief Magistrate?

**Mr Kellow:** Yes. She has been managing the work of the court.

**MR HANSON:** And has she got additional resources to support that or was that taken from within the existing resources?

**Mr Corbell:** It is an appointment held by an existing resident magistrate. In this case the Chief Magistrate has elected to hold that function herself. It is the same arrangement that exists in relation to the Children's Court. We do not have a dedicated Children's Court magistrate per se. That duty is allocated to one of the existing resident magistrates. It is the same approach we adopt and have traditionally adopted in relation to coroners, where we have a Coroner's Court but the functions are performed by either one of the existing resident magistrates or, as is usually the case, on a rotational basis amongst all of the resident magistrates.

**MR HANSON:** Are there additional staff allocated to those courts or are they again the normal staff assisting those magistrates who then just divert their attention to the Industrial Court as that arises or do we have industrial experts or children's experts working to assist the magistrate, so to speak?

**Mr Corbell:** It is important to stress that the jurisdiction of the court in many respects is unchanged from before and after the establishment of, for example, the Industrial Court. There were a broad range of these matters that would have been dealt with in any event by the Magistrates Court just exercising its jurisdiction as the Magistrates Court.

What the government has said is important. The reason for the change is to allow one magistrate to develop expertise in the specifics of matters that would come, for example, to the Industrial Court. That was the purpose of the creation of the Industrial Court legislation, to allow there to be a specific office and the opportunity for the court to appoint a magistrate from amongst its number to develop a more specific expertise.

It is not as though there are a whole range of new functions being added. Yes, there has been some increase in the jurisdiction of the Magistrates Court with the creation of the Industrial Court, but many of the matters that the Industrial Court is hearing are matters that would have been heard in the Magistrates Court in any event.



**MR HANSON:** Did the government provide additional resources for the Industrial Court or was that taken from within—

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

**MR HANSON:** Thanks.

**THE CHAIR:** Ms Fitzharris, a new question.

**MS FITZHARRIS:** Thank you. Minister, I wanted to ask about the ACT court facilities—progress on the project as a whole and whether the funding in this year's budget is to allow for flexibility around a temporary court building if that should be needed. Could you explain that for us?

**Mr Corbell:** Yes. In general terms, Ms Fitzharris, while Ms Playford gets me the detail of that, the project is up to the final stages of bidding between the two shortlisted consortia. We have two consortia engaged in that bidding process. The two consortia are Juris, which is composed of Laing O'Rourke construction along with Programmed Facility Management and Macquarie Capital group, and Capital Courts, which is composed of Amber Infrastructure, with Richard Crookes Constructions and Brookfield Johnson Controls.

These two consortia are bidding for the right to win the project to redevelop and expand our existing courts precinct to provide for an integrated courts complex that will link the Magistrates Court with the Supreme Court. It will provide for a significant increase in the number of courtrooms available for jury trials, as well as other hearings; provide modern spaces for the courts to operate in, in terms of chambers for judicial officers, the judges of the Supreme Court; provide better separation between victims, witnesses, and offenders and their families, safer spaces for all of those parties that have to attend court; and provide modern and contemporary facilities that will meet the needs of the territory well into the future.

I anticipate receiving an advice from the courts PPP team, in due course, certainly over the coming period of the next couple of months, on where we are at with the final stages of bidding, their assessment of that and the recommended PPP partner to develop the project.

**MS FITZHARRIS:** So that would likely be September-October?

**Mr Corbell:** The exact time frame is yet to be exactly locked in, but they are certainly working very hard to get a recommendation to government as soon as possible.

**MS FITZHARRIS:** Have the proposals been received? The two proposals have been received?

**Mr Corbell:** Yes. We are in the evaluation process of those two bids at the moment.

**MS FITZHARRIS:** In terms of the overall project, what is the consultation with the stakeholders, with the people that will be using the building? What has gone on in the

past, and what is planned for the future of that?

**Mr Corbell:** The government did go through quite an extensive evaluation process, first and foremost to determine its preferred option for expansion of the court facilities, whether it should be a completely new build on an undeveloped site or whether it should be a redevelopment of the existing buildings and, if so, how that was to be done. We have undertaken that work already, obviously. It has led us to the preferred approach that we are now engaged in a procurement stage on.

Also, there has been detailed engagement with a range of stakeholders, through reference groups established under the PPP framework, to inform the design. First of all, the reference design for the building in terms of the number of courtrooms, location of circulation spaces and improvements to access and egress options around the types of facilities that are needed within the building has been the subject of consultation with legal stakeholders.

Obviously groups like the Bar Association and Law Society have been engaged. Key users of the courts on a regular basis—the profession itself, along with the DPP, Legal Aid, Corrective Services and the judicial officers themselves—have all been closely engaged. The Chief Justice sits on the steering committee for the project; she or one of the other judges of the court have been involved in all of those meetings. I am very pleased that the court has taken a very close interest in the development of this project. Certainly the feedback I have from the Chief Justice is that of the two options before us now, both are of a very high quality and both meet, overall, the expectations the government and the court have for the future of the building.

**MS FITZHARRIS:** So the steering committee is able to see the proposals that are being put forward but not when you come to yourself as a minister or a cabinet?

**Mr Corbell:** The steering committee will make a recommendation to government on the preferred bidder. They have not yet done that.

**MS FITZHARRIS:** And the potential temporary building—at what point will you know whether you need that?

**Mr Corbell:** The funding in this budget is to provide for delivery of early works and allow the court to continue to operate during the construction period. Funding of \$4.2 million has been made available for this purpose. This is largely the expected capital cost of building works for a temporary building to house the functions of the court while the new facility is being constructed. It is not yet clear whether or not this facility will be required, but provision has been made in the budget.

It may be the case, and certainly the information before government at the moment is, that it is an option open to the bidders that they may choose to stage the redevelopment of the courts complex in such a way as to allow it to continue to operate in its existing facilities whilst other works occur and then for transfers to occur within the redeveloped building. But that is yet to be determined. For the purposes of provision, that is available should it be required. This funding is proposed to be appropriated; what that would allow for and pay for is the construction of a temporary court building, probably to be based on a shipping container based model

to be developed.

**THE CHAIR:** A pop-up court?

**Mr Corbell:** A pop-up court, yes, on the space on the site adjacent to the Magistrates Court and the entry of Northbourne Avenue onto Vernon Circle.

**THE CHAIR:** Sorry, but isn't that site slated as a construction compound for light rail?

**Mr Corbell:** No. This is not part of the car park; it is vacant land. It is pretty much behind the underground entry into the Magistrates Court. There is quite a large area of open land there that is potentially available. This temporary facility is a facility that has been deployed before. The same approach was used in Christchurch following the earthquake; they developed a very effective temporary shipping container based response for a court facility for court services in Christchurch following the earthquake. This is something we have drawn upon for the purposes of this provision.

**MS FITZHARRIS:** So the objective is to not have any impact on the functioning of the courts throughout the development of the new facility?

**Mr Corbell:** The objective is to make sure the courts are able to continue to operate. Clearly there cannot be any hiatus in the operation of the courts during this project, and this makes provision for that. Whether or not the temporary facility is needed will be determined once the preferred bidder is selected and their proposal is fully evaluated.

**MS FITZHARRIS:** We have heard from a couple of other ministers how a fit-for-purpose building can add to the delivery of outcomes. How will the new facilities improve the justice system? You mentioned separation—so not just the fact of being in a newer facility—but what are the improvements that you expect to get out of this facility?

**Mr Corbell:** There are certainly significant opportunities for efficiency and process within the administration of the courts day to day. First and foremost, it is probably worth highlighting issues around the operation of the court registry. With a redeveloped and combined Magistrates Court and Supreme Court complex, there is the capacity for the single registry to operate very efficiently. At the moment, we do have a single registry, and it is based out of the registry offices of the Magistrates Court, but there is a physical separation between the two court buildings, so arrangements need to be in place to transfer relevant files and other documents between the two courts as required, from the registry office in the Magistrates Court across to the Supreme Court and back again. Obviously having a combined building improves the efficiency of that process.

Also, single screening for security entry and exit means that the security of the complex can be managed more effectively and coherently. There are opportunities in terms of the building performance itself and the technology within the building. We will be upgrading IT, audiovisual and other technology within both buildings as a result of the upgrade; that will lead to greater efficiencies in the way the court delivers

its work. There will be upgrades in building performance. At the moment, each of these buildings has relatively old heating, cooling and ventilation systems; they are quite costly to operate. There is an opportunity to have much more energy efficient and more economically efficient technologies in terms of the environmental performance of the building, and that has been a strong requirement from me as the responsible minister. There is a range of improvements like that.

There will also be improvements in terms of the way courts can be utilised. Having a combined courts facility will potentially allow courtrooms to be utilised between the two courts as required. For example, the Magistrates Court may be able to use some of the smaller courtrooms for its matters if there is extra demand. Equally there will be more trial courts, so the Supreme Court will be able to conduct more criminal trials where juries are needed compared to what they do at the moment. Many more jury courts will be made available so that simultaneous jury trials will be able to be held on a much more common base.

Then there are improvements such as rooms for mediation, so more mediation will be able to occur on site, and more engagement between lawyers and their clients, because of the provision of dedicated meeting spaces for lawyers to meet and confer with their clients in private on site. At the moment, there are even limitations on how that can occur in the existing Supreme Court.

As you can see, there is a whole range of improvements in process and efficiency that come from this project.

**THE CHAIR:** A supplementary from Ms Lawder; then we will close.

**MS LAWDER:** Minister, can you just confirm for me the completion time line of the courts project?

**Mr Corbell:** We anticipate, at this point, indicatively, new facilities complete and operational by quarter 1 of 2018. However, that will be dependent upon the final agreed construction time frame and milestones that are set out between the preferred bidder and the territory. Obviously we do not have a preferred bidder at this time.

**THE CHAIR:** Just as a supplementary to that, have there any been any concerns raised about the heritage values of the existing building and what the effect of the construction will do to those heritage values?

**Mr Corbell:** The Supreme Court building is not heritage listed; however, it has been the subject of a very detailed heritage assessment. There is a heritage plan in place which has been endorsed by the Heritage Council. The government has made clear that the heritage aspects of the building need to be retained and enhanced through this redevelopment process.

The principal issues at play in terms of the heritage values of the building include, first of all, its physical presentation. It sits on a podium; it is clearly differentiated from surrounding buildings in the way it sits on the podium and addresses University Avenue. That siting needs to be respected in terms of the design and not overwhelmed by redevelopment and extensions that occur.

Further, the marble facade of the building needs to be retained. The coat of arms on the building needs to be retained. To the extent possible, the oval void in the centre of the building needs to be either retained or respected and referenced in a new design in some way. And finally, the timbers within the various Supreme Court courtrooms themselves, which were gifts of timber from different states at the time the building was constructed, need to be repurposed in some way to retain a link to that particular part of the building's story.

All of those issues have been comprehensively addressed in the heritage management plan and have been made requirements for the bidders to address in their preferred design. The advice to me to date is that there has been a very positive response on the heritage issue that need to be addressed by the short-listed bidders, and there is ongoing consultation with the Heritage Council and the National Capital Authority, who ultimately have works approval for this project.

**THE CHAIR:** A final from Ms Fitzharris and a new question from Ms Lawder.

**MS FITZHARRIS:** With regard to the judicial resourcing model that you mentioned earlier, did that model take into account the likely benefits to the system as a whole once the new facilities are up and running?

**Mr Corbell:** No, not explicitly because the model is driven by lodgements finalisation of matters, what the rates are sitting behind that and then how that is driven by population. The court may deliver efficiencies. Indeed, I am confident that it can but whether or not that actually has a material impact on the number of judicial officers—

**MS FITZHARRIS:** Are the two things together?

**Mr Corbell:** Numbers of courtrooms on their own do not improve the volume of hearings. That is down to the work of judicial officers themselves. So the model is about how many judicial officers we need.

**THE CHAIR:** Ms Lawder, a new question.

**MS LAWDER:** Minister, I have seen some reports about the upcoming closure of the car park at London Circuit north-west, adjacent to the courts, during the construction period for capital metro. Given that it looks like from what you have just said the completion time line for the court precinct may overlap some of that potentially, what discussions have you had and arrangements are you putting in place for people who use the courts precinct, whether it is litigants, clients, witnesses, jurors, staff et cetera?

**Mr Corbell:** The advice to the government is that there is no conflict with the capacity of the courts project to be completed in the manner—that is in the time frame—that is proposed. The issues you raise, Ms Lawder, are about replacement car parking and the loss of that car parking is down to the capital metro project, not to the courts project.

The government as a whole has set in train a body of work to ensure that there is sufficient alternative car parking available to ensure that the needs of retailers on that

side of Northbourne Avenue, and other operations like the courts, are able to be supported with adequate car parking during the period of the capital metro project.

**MS LAWDER:** Because won't possibly some of the car park further down on the police compound side be used for a construction compound for the court project?

**Mr Corbell:** The advice I have is that the construction compound for the courts project is likely to be on unused land, not on car park sites, for that project. There are a number of vacant land sites surrounding the courts complex at the moment that could be utilised for that purpose. That is my understanding of what has been identified for construction compounds for the court.

**MS LAWDER:** Do you think that remaining car park, which I think is a Wilson car park, will have sufficient capacity to cope with the demand during that period?

**Mr Corbell:** Yes. Look, we are straying into areas more to do with capital metro, but I accept this is about access to the courts, so I am answering it in that context. The government is in discussions with the owners of that site, which is currently managed by Wilson car parking on behalf of the owners, to make sure that we are coordinated in terms of the delivery of car parking spaces that are available on that site and in the context of other work such as the Northbourne Avenue-London Circuit car park site near the Magistrates Court.

**MS LAWDER:** There are some people who go to the Magistrates Court for protection orders, for example. Some of them may be fearful for their personal safety, even at that time. Is there sufficient lighting from that Wilson car park up to the Magistrates Court or will that pathway still be available during construction to access the Magistrates Court?

**Mr Corbell:** These are matters of detail that are not the responsibility of the Justice and Community Safety Directorate. The management of these car parking issues more broadly is being undertaken by the Chief Minister, Treasury and Economic Development Directorate, in conjunction with TAMS. I would encourage you to ask those questions of them as they are across that level of detail around these matters.

**MR HANSON:** The safety of the people accessing the court buildings is of some interest to JACS.

**Mr Corbell:** It is and JACS is involved in those discussions, but the level of detail that Ms Lawder is asking about relates to infrastructure that is not directly managed by JACS. It is the responsibility of the parking coordinator-general and is led by other directorates within the government.

**THE CHAIR:** Mr Hanson?

**MR HANSON:** Has the Legal Aid Commission had any efficiency dividends imposed on it over the last few years? There is the JACS tax that has been transferred across to urban renewal and there are other cost-efficiency measures.

**Mr Corbell:** The government has an across-government general savings requirement

of all government agencies of one per cent of GPO. What that means for the Legal Aid Commission is a return to the budget of \$8,000.

**MR HANSON:** In terms of the Legal Aid Commission, how many clients have they been able to help in this financial year? Your funding is part of that. You have an amount of funding and you have a healthy number of clients. Has your funding gone up? Has it stayed static? What does that mean in terms of funding and in terms of capacity? Are there people you cannot help? If so, what is the quantum of that?

**Mr Corbell:** I will refer you to Dr Boersig.

**Dr Boersig:** The investment of government, wherever it comes from, is always very welcome. We, of course, look to optimise the use of any moneys that we receive. The recent moneys that we received this year will be put towards additional grants. Over the last five years or so there has been a decline in the number of grants that we have been able to do. That is because of the costs associated with external referral of those grants.

We put a range of strategies in place, both in terms of internal efficiencies—doing more with less is the usual phrase—but also in the way we actually deliver work, doing more work in house. We have utilised some additional funds that have come our way from the commonwealth, also to link with territory activities, particularly around domestic violence. We have been trying to invest further in that particular area. There have been some other changes associated with that that have allowed us to start to change our profile. These are linked to the EBA. We are now able to create some more positions. That has allowed us to do more work, basically, with people.

**MR HANSON:** So in terms of the number of clients—I appreciate that the work you would do would vary. So it might be difficult to express whether or not it is an increase, but in terms of the number of clients that you have supported as a raw number do you have a raw number of how many you have supported over the last few years?

**Dr Boersig:** We do and we can certainly take that on notice in terms of the last few years. But over the last year, for example, we provided 72,000 information referrals. That was against a target of 60,000. That is a lot of activity. In respect of the number of legal information and advice services, our target was 9,000. We provided 14,000 over the past year. We are hoping to do that by recalibrating with our staff to invest in that kind of approach.

As I indicated, there has been a decline in the number of grants. We have been able to stem that decline. It looks like we will be able to hit the targets, about 2,100 grants, this current financial year, which is really great because it is providing that assistance in court that we also need to do. As I say, it is the first time in seven or eight years that—

**MR HANSON:** Those targets that you exceeded—72,000 and 14,000—has that been consistent at that sort of level or is that higher than usual in terms of what you have been able to achieve?

**Mr Boersig:** Those helpline and advice services have been gradually increasing. We are trying to get out there with community legal education, get out and do outreach. We are trying to let the community know that there is a service available. I think the best figure that represents that is the change in assistance provided to domestic violence. That is a 29 per cent increase over the last three years.

The only good thing about that figure is that we are helping more people. I reckon we are helping more people because there is more publicity around the issue. I do not think that reflects that there has been an increase in the incidents as much as the fact that people are now aware that they can come to the Legal Aid Commission and receive that assistance. We are seeing that on our help lines. We are seeing that on walk-in advices and we are seeing it across the road in our domestic violence unit which we are now resourcing much more strongly. It is a really strong service now.

**MR HANSON:** Are you going to review your targets, because if you have been exceeding them for, I do not know how long—

**Mr Boersig:** We have.

**MR HANSON:** But are you going to do a review of those targets to make sure that they realistically reflect the demand?

**Mr Boersig:** We have done that for our outyears. Those are reflected in the outyears in the budget papers.

**MR HANSON:** Thanks.

**THE CHAIR:** Ms Fitzharris.

**MR FITZHARRIS:** Thank you. Minister, I wanted to ask about the victims of crime financial assistance. I think you mentioned earlier that it was moving to an administratively based system.

**Mr Corbell:** Yes.

**MS FITZHARRIS:** Could you explain for me what that means in practice?

**Mr Corbell:** Yes. Thank you, Ms Fitzharris. At the moment to receive an award for recompense for the harm you have suffered, beyond a relatively modest immediate grant for emergency assistance such as clean-up following a crime and so on—if, for example, you have sustained injuries as a result of a crime being committed against you and you need ongoing medical care, as long as you fall into the categories of eligibility you can get an award of a grant, an award of assistance, but it has to go to court and it has to be adjudicated upon by a magistrate and the amount determined.

This is a very lengthy, complicated, costly business for everybody and unfair to the victim. The victim should not have to go to court to get assistance in this way, given that they are already, perhaps, going to court to give evidence against the offender and all the other trauma associated with that. So the government announced about 18 months ago, two years ago now, that we would reform the system. We have since



that time worked through what the legislative change needs to be to reform the victims of crime assistance scheme.

There has been very detailed consultation over the last 12 months in particular with all of the interested stakeholders. I feel very confident that we have reached a pretty good consensus position on what the new system should look like. I expect to introduce legislation in the spring session that provides for the new scheme's operation. An administratively based scheme would mean that no longer do you go to the Magistrates Court as a matter of course to get an award amount determined. Instead, that will be done administratively by an official based on an agreed process and administered by the Victims of Crime Commissioner. His office will be responsible for the administration of the scheme.

It is a fairer approach. It is a fairer approach in that more victims of crime become more eligible but in many respects the amounts that are available will be more modest. At the moment we have got a scheme that only provides support to a very small number of victims for only the most serious of crimes and the awards are quite high. That means all the other victims of crime miss out. That includes victims of violence. That includes victims of domestic violence. They miss out on getting assistance under the scheme in many instances.

The intention is to spread the awards scheme across a greater number of victims, a greater category of crimes, and to do so where it is determined administratively rather than through a judicial process. The new scheme will increase support to victims of domestic violence, people who witness a homicide, victims whose injuries are extremely serious but not permanent. At the moment all of those victims do not get any ongoing awards for the harm they have suffered other than perhaps a very small grant for emergency assistance.

**MS FITZHARRIS:** So it will also improve the timeliness of getting those funds?

**Mr Corbell:** Yes, it will improve the timeliness of decision-making. It will reduce costs to the government as whole. It will mean that no longer does the Government Solicitor have to appear in court every time there is one of these grants being determined to present the territory's position. It means that the victim will not have to potentially go and get their own legal representation for that. So it reduces costs for the victim as well.

For the first time we are making witnesses eligible under the new scheme. Witnesses, whilst not direct victims, often suffer trauma and need support as a result of a person's offending. They will become eligible for urgent needs assistance, for counselling and other expenses in exceptional circumstances. We are proposing to remove the provisions relating to special assistance based on the occupation of the victim. Instead, all victims who suffer an injury as a result of violent crime will have the same access to the new scheme, including eligibility for a recognition payment regardless of what their occupation is.

**MS FITZHARRIS:** Is it fully funded out of the victim services levy?

**Mr Corbell:** Yes. So there is an increase in the victim services levy to reflect the

increased costs associated with this new scheme. The victim services levy will increase from \$30 to \$40 to offset the cost of the administration of the scheme. A transfer of costs associated with the work of the Government Solicitor's office and ACT court resources which are currently used to support the operation of the existing scheme will also help offset costs of the new arrangement.

**MS FITZHARRIS:** Thank you.

**THE CHAIR:** Minister, our allotted time is over. I think that your appearances before the committee now finish for this year. We would like to thank you for your appearances. The transcripts will be provided when they are available. In respect of any questions that have been taken on notice in this period, if they could be responded to as quickly as possible—within five working days—that would be appreciated by the committee.

Members, we will now suspend and resume at 1.30 for the Minister for Police and Emergency Services. We start with Emergency Services, then Policing, then corrections.

**Sitting suspended from 12.03 until 1.30 pm.**

Appearances:

Burch, Ms Joy, Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts

Justice and Community Safety Directorate  
Playford, Ms Alison, Director General  
Crowhurst, Ms Moira, Chief Finance Officer  
Lane, Mr Dominic, Commissioner, ACT Emergency Services Agency  
Foot, Mr David, Chief Officer, ACT Ambulance Service  
Barr, Mr Conrad, Acting Chief Officer, ACT Fire & Rescue

ACT Policing  
Bourke, Commander John, Acting Chief Police Officer  
Hayward, Mr Chris, Director, Corporate Services

**THE CHAIR:** Good afternoon all, and welcome to the afternoon session of the 10th day of public hearings of the Select Committee on Estimates 2015-2016. This afternoon we will look at Emergency Services, Policing and corrections.

Please be aware that the proceedings are being recorded and transcribed by Hansard and then will be published. The proceedings are also being broadcast and webstreamed. If questions are taken on notice, the answers should appear within five working days of the transcript being provided.

For those at the table, the pink privilege statement is in front of you. Could you please confirm for the record that you have read the privilege card and that you understand the implications of privilege?

**Ms Burch:** Yes.

**THE CHAIR:** So confirmed. Before we proceed to questions, minister, would you like to make a brief opening statement?

**Ms Burch:** Thank you, chair. This year, 2014-15, has been a very busy year for the ESA. It has seen a number of accomplishments in terms of service delivery and enhancements to the capability of its operational services. These include the best ambulance code 1 response times in the country despite a growing demand for the services from our community.

There has been a continued progression of the station upgrade and relocation program with the opening of the south Tuggeranong Fire & Rescue station in March this year, as well as the commencement of works for the relocated ambulance and Fire & Rescue station in Aranda.

There have been successful interstate deployments from ACT SES and MAPS and the Rural Fire Service volunteers to assist in storm, flood and bushfire incidents in New South Wales and WA. We had a successful Canberra bushfire-ready doorknock

campaign launched in November last year to encourage residents to reduce their bushfire risks and to plan for the bushfire season. We have also seen successful emergency services support for the Asian cup 2015 and the Cricket World Cup events here in January and March this year.

As a new minister my focus has been on the future and to continue the support to enhance the ESA. As part of this future focus the ESA is now moving towards implementing the strategic reform agenda which was announced by the commissioner earlier this year. The strategic reform agenda provides the opportunity to strengthen the capabilities and effectiveness of our emergency services through operational, fiscal and cultural reform, and builds upon the outcomes of a number of reviews that have been undertaken.

The strategic reform agenda is about providing cohesive operations, a collaborative management team and a unified executive within the ESA. Following the launch of the ACTAS blueprint for change in March this year I am pleased to see that ACTAS is positively progressing, with a series of measures to enhance the service. I recently received the first quarterly report for the ESA for the blueprint for change which shows ACTAS staff are positively engaged in this organisation. I am absolutely committed to seeing this initiative being successfully implemented. I am proposing to make a ministerial statement to the chamber in September this year.

I am very pleased to be the first female minister in the ACT for emergency services and police. I will have a focus on promoting women across our services. In the coming weeks I will be launching the pathway to a diverse and inclusive workforce—step one, women in emergency services strategy. This pathway is a key document and outlines a series of targeted actions that will take the ESA on a journey to improve the attraction, development and retention of women across our services.

We have seen policy reforms in emergency services and we have also achieved a number of amendments, particularly to the Emergencies Act in October last year. We have tabled the revised five-year strategic bushfire management plan. Ongoing work through the SBMP is critical to protecting life and property in the environment, in and across the ACT.

This budget provides very strong investment in our emergency services and will ensure that this government continues to provide the community with the emergency services it needs to meet the expectations of the community.

A number of new initiatives in the 2015-16 budget provide additional funding of \$37.9 million for the ESA. Some of these services include a boost in front-line service support of over \$32 million, which sees \$15-plus million over four years to maintain quality and effective front-line services; over \$14 million for the territory radio network upgrades; over a million dollars to provide a new ambulance station, a refit down at Greenway; and close on a million dollars to replace ESA's direct turnout system.

We will undertake feasibility studies within this budget into potential new sites to replace the existing backup comm cen at Curtin and we have a commitment, absolutely, as I said, to support women in emergency services. That will be through

design work around facilities upgrades, and also with the upcoming ACT Fire & Rescue recruit college I want to see a focus on female participation through that. This budget formally recognises the strategic reform agenda of the ESA, and also notes that this is a priority for this government.

Before we go to questions I would like to thank the commissioner and his officers for their great work across the ESA. I would also like to acknowledge Tony Graham. We will be gentle on you for what is your last estimates, as I understand it—or perhaps not! He is retiring. He has been the head of SES for 11 years. I want to acknowledge and thank him for that. More broadly across ESA, I acknowledge officers and volunteers alike. They step out each and every day without hesitation to do the right thing by our community, and I thank them for it.

**THE CHAIR:** The committee also acknowledges Mr Graham's presence here for his very last estimates. What a way to finish the job—not in overalls but in uniform in front of estimates!

Minister, the contract for the Snowy SouthCare helicopter, I understand, is up for re-tender. Has that been finalised?

**Mr Lane:** Yes it has, chair. I will ask the secretary of the operating company, Mr David Foot, to come forward to answer more clearly the questions around that. In essence we have worked very closely with our colleagues in New South Wales in relation to the development of a new contract for the Snowy Hydro SouthCare to continue the operation of a modern and efficient helicopter service. I will hand over to David to take you through some of those details.

**Mr Foot:** Yes, we signed contracts with Toll helicopter group in December last year. Under the agreed contract implementation Toll are due to commence here in the ACT in April 2017. As part of that contract Toll will also be providing airframes to greater Sydney region. There will be two aircraft stationed in Sydney, Wollongong, Canberra, Orange and Lismore. The second part of the contract, which is a state-wide contract for New South Wales, was awarded to Hunter region, who will also be using the same airframe, which will be the Agusta 139 aircraft.

**THE CHAIR:** What was the purpose of the change? Is it a better machine? Was it a cheaper provision of service?

**Mr Foot:** New South Wales undertook a fairly comprehensive review of state-wide retrieval services some years ago. It was identified that as all contracts were drawing to a close there was a need to return to the market. A lot of the machines that are currently in use across the retrieval system do not meet category A performance. In other words the machine is category A, has better torque, better pulling power approaching a pad; if it loses an engine it is able to land quite safely.

Some of the aircraft we have online right now do not meet that category A performance. We anticipate that there is a likelihood that the Civil Aviation Safety Authority may in the near future issue a proposed ruling that any aircraft used on emergency service contracts should meet the category A ruling.

The Agusta 139 machine that will be coming online is brand new; it is coming out of the factory. That was part of the contractual requirements. The machine gives us far greater range. It meets the category A performance. It will give us night-vision capability that we do not currently have on the machine here in Canberra, and it is essentially a newer, much more powerful machine.

**THE CHAIR:** That starts in April 2017, two years away?

**Mr Foot:** On 1 April 2017 Toll are due to commence operations.

**THE CHAIR:** For the helicopter there will be the same arrangements—the hangar at the airbase in Hume?

**Mr Foot:** Correct.

**THE CHAIR:** I understand that a 139 is somewhat bigger than the current helicopter?

**Mr Foot:** Correct.

**THE CHAIR:** Does the 139 fit into the existing hangar?

**Mr Foot:** I can assure you, Mr Smyth, that it does right now, but unfortunately the tail rotor clearance on the 139 leaves us with about 25 millimetres to spare going into the hangar. We have already commenced discussions with Toll about undertaking modifications to the gantry of the hangar. Once we are inside it is not a problem at all; we have plenty of clearance. It is about the initial entry point for the tail rotor on the 139. Over the next couple of years we will be undertaking works at the hangar doors to fix that.

**THE CHAIR:** How much will those works cost?

**Mr Foot:** I could not answer that at this point.

**THE CHAIR:** So height is a problem; what about width?

**Mr Foot:** Height.

**THE CHAIR:** Just height?

**Mr Foot:** Yes.

**THE CHAIR:** And there is only 25 centimetres clearance?

**Mr Foot:** I believe it is about 25 millimetres clearance.

**THE CHAIR:** 25 millimetres?

**Mr Foot:** If you get a heavy pilot in the front and the tail rotor dips upwards, because it does come in on the undercarriage, we would prefer not to have the occasion of the tail rotor striking the top of the hangar.

**THE CHAIR:** Is this like fire sheds where we could not open the doors and we are repeating some of the mistakes of the past by not having appropriate facilities?

**Ms Burch:** No, I do not think so, Mr Smyth. We have two years to prepare. This has gone through a very rigorous process. It is deemed to be the best utility for the job and we will make sure it is accommodated appropriately.

**THE CHAIR:** What will happen? Will the front entrance have to be modified somehow, or are you saying you are going to modify the actual helicopter?

**Mr Foot:** No, there will be no modification to the airframe itself. Part of the contract is that everyone will be using the 139s. There will be consistency across the whole state. That way, if we are offline, we can pull another aircraft in and the configuration will be identical. We will be required to undertake some capital works to the hangar doors themselves and the entry point on the hangar. That was identified quite early in the process because of the dimensions of the 139.

**THE CHAIR:** When will you know—

**Ms Burch:** Regardless of that, it was still deemed the best utility for the job.

**Mr Foot:** Correct.

**THE CHAIR:** When will you know the cost?

**Mr Foot:** When it is quoted. We will be working on that over the next couple of years.

**THE CHAIR:** With regard to Mr Graham's departure, what is the process for his replacement to be selected?

**Mr Lane:** We are currently in the process of the appointment of a replacement chief officer for ACT SES. There is a recommendation going up through the process which eventually goes to the Head of Service in relation to that replacement.

**THE CHAIR:** I am sorry, I missed the first bit. You are still looking for a replacement?

**Mr Lane:** I have made a recommendation to the directorate in relation to a replacement for Mr Graham. That is going up through the appropriate process to the Head of Service.

**THE CHAIR:** Was that position advertised?

**Mr Lane:** No, it was not.

**THE CHAIR:** Why was it not advertised?

**Mr Lane:** We decided to go through a process to appoint internally through lateral transfer, and we think we have got the best candidate for the job to do that.

**THE CHAIR:** But if you have not advertised and you do not know what the field is, with all due respect to the proposed candidate, how would you know he or she is the best candidate?

**Mr Lane:** Because we have been through a recent a selection process. That candidate was part of that and was certainly identified as someone capable of taking on that role, or a similar role, within the ACT senior executive service.

**THE CHAIR:** He may be a person from the senior executive service, but does that person have large experience in the professional technical expertise of the SES?

**Mr Lane:** Without a doubt I believe the person that we are going to appoint to that role has very good experience across all of those areas. Not only have they been involved in emergency management for a very long time but also they have a strong background in relation to the management of volunteers. They are strongly engaged within the organisation and I think will be an active and very good proponent for the SES into the future.

**THE CHAIR:** I have had a number of emails from SES officers who are aware of the person who is taking over and they feel like they are the poor brother that nobody has bothered with. With all due respect to the potential replacement, “Once again, we’re being screwed by bureaucrats who have no idea about the SES.” What is it that did not require a full and open employment process to fill this job?

**Mr Lane:** It is part of a full and open employment process. Ultimately, the person that appoints SES contracted officers is the Head of Service. Quite rightly, as the employer, we have a number of different options—as we would have not only for this job or other senior executive service jobs but also jobs within other parts of the ACT government—that allow us to laterally transfer positions and put people with the appropriate qualification into those roles. That is exactly what we have identified in this particular case.

**THE CHAIR:** How many other senior positions in the ESA have been filled in this way in the past?

**Mr Lane:** I am not sure within my tenure because there has not been much opportunity for vacancies during my time. Whether or not it has happened in the past I would have to take on notice.

**THE CHAIR:** All right. A new question, Ms Fitzharris.

**MS FITZHARRIS:** Minister, I wanted to ask about the strategic reform agenda—where that is at, how this budget contributes to it and what we can expect over the next 12 months.

**Ms Burch:** It is a way of moving the ESA towards a very strong, unified and collaborative approach. It has been some work that the commissioner has been focused on for some time. This budget recognises that by the over \$3 million in base funding, additional, that has come in previous budgets as one or two years funding.



Through the various reviews that have gone through ESA, it has been recognised that it is now built in. I will go to the commissioner to talk in more detail about it.

**Mr Lane:** The strategic reform agenda is about setting the scene for the Emergency Services Agency for the next five years. For me, it is a very important agenda that we are setting for ourselves in relation to a whole host of things which I will go into more detail about in a minute. Just by way of background, I think there are two key elements that I take as important in relation to the future of emergency services and how we best serve our community and ensure our firefighters, paramedics and volunteers are able to serve the people on the ground.

One is at the broader national level in relation to the position that ACT government has agreed to in relation to the national strategy for disaster resilience, which recognises the importance of investment in planning and community resilience through education and promotion of the hazards that jurisdictions like the ACT face. We are a willing participant to that and we have undertaken a territory-wide risk assessment to better understand our risks and ensure that in a planning and preventative sense we invest strongly in that area.

The strategic reform agenda will focus a lot on that. That is backed up very much by the recent Productivity Commission findings in relation to disaster resilience undertaken at the national level, which clearly demonstrates that investment in prevention and protection is much better than trying to spend that money later on in response to recovery. For me, within ESA, we are going to take a significant focus on that over the next five years. Of course, we always focus on response and recovery because they are very important elements of what our firefighters, paramedics and volunteers do. But we also want to provide advice to government about how we could do that even better and make this an even safer community.

We have already got really good indicators in an operational sense in relation to our response times, our patient satisfaction surveys, the ability of our communications centre to do its job and the way our firefighters go about their business. But what if we can do other things that keep this community safer? When we are looking at an ageing population, a growing population, the pressures of climate change and those sorts of things, we want to make sure we are on the front foot. The reform agenda is very much about focusing on that.

Within the ACT itself, as the committee is aware, we have recently undertaken the expenditure review. You might recall in 2013 the ACT Treasurer announced an expenditure review into the ESA, which is all about putting ESA onto a sustainable budget footing. This recent budget has allowed that to occur with the \$3.9 million per annum that is now allocated within our base funding, which is, of course, what we have been supplemented for for the last three years. Through that process, of course, ESA has been able to come in on the black every year through that period.

We want to make sure that over the next five years we recognise those challenges that I spoke about. We have got our base funding set. We have got an agenda set across a whole host of things, which I will talk a little bit more about in a minute. We want to make sure that this is the way forward for ESA—setting not only the vision within ESA itself but, again, providing advice to government, now that we have this

sustainable budget footing, what our strategic directions are.

The strategic reform agenda itself is broken into five separate parts—structure, strategy, people, performance and accountability. In terms of structure, we are going through some significant reforms and we are working very closely with our ESA executive about that. Some of that relates to one of the previous questions. We are creating new executive positions within the ESA to allow us to meet those future challenges. Whilst we continue to have our full operational services and the chief officers of those, we are creating two other executive positions. One is in relation to our logistics and support area, which is a continuation of the previous director's support services role, which is about ensuring we have cohesive operations of our logistics, finance and administration.

We are creating a new people and culture position, which is all about ensuring that we recognise how valuable our people are to us not only in terms of our day-to-day operations but also our continued workforce planning. Again, it is not only for our staff; it is to ensure that we continue to have a sustainable volunteer workforce into the future as well. We are also creating a risk and planning area, which is about those things that I have identified that are very much on the national agenda. The data clearly shows how much better we could invest in prevention and planning into the future to make sure that we meet those future challenges.

We are developing a new strategic plan to make sure we pick up on government commitments on infrastructure upgrades in terms of the station upgrades and relocation program and the important rollout of the \$15 million program to upgrade the territory radio network, as well as the other communication systems that we continue to provide. We have got, obviously, the DTS to deliver and we continue with our fleet and rollover of our fleet program. All of those things are key to our strategy, as well as other key important programs such as our women in emergency services program, which the minister has already talked about, which is phase 1 of our pathway to a diverse and inclusive workforce.

We are already focusing, through the ACTAS blueprint for change, on significant leadership programs that consist of communications to our staff to ensure that we have good feedback and consultative mechanisms, particularly in relation to the recent re-establishment of things like workplace consultative and local consultative committees with staff. Of course, there is our ongoing commitment to volunteer consultation, which is recognised in the volunteer charter which the ACT government signed off on with our own volunteers. We will continue to work very closely on the people aspect of the agenda.

Performance is one of the key areas that we are looking at in relation to what are the standards we need to set for ourselves as an ESA to make sure that into the future we stay on top. We are already on top in terms of some of our national benchmarks, but in terms of community outcomes we also want to make sure that our volunteers, our paramedics and our firefighters have the best resources available to them that allow them to perform to their best possible standards. So we are going to focus a lot on that over the next five years.

The last one, of course, is our accountability to the people of this community to make

sure that we continue to provide the best services to the best standards we possibly can and obviously also within the financial constraints that the organisation is expected by government to do—

**Ms Burch:** I don't know why you are looking at me!

**Mr Lane:** It is very important to us as well, and we have recognised through the learnings over the last couple of years that we need to do things better. There is a lot in the strategic reform agenda. As I said earlier, it is a five-year program, so we are not rolling it out all at once. It is about setting the path forward for the ESA.

**Ms Burch:** Yes, commissioner, it comes from government, the executive and leadership. They are working this through a series of workshops. Front-line volunteers of the workforce actually have an absolutely active part to play in how this is realised over the five years.

**MS FITZHARRIS:** Thank you; that is very comprehensive. Every question I have could be a supplementary to your answer, but I did want to ask in particular about the women in emergency services initiative.

**THE CHAIR:** Before you go there, I have a supplementary. At the end of the reform process, will there still be four unique services—fire and rescue, ambulance, RFS and SES?

**Mr Lane:** It is certainly my strong belief, chair, that that is what should be the case in five years time. I am a strong believer that we have four operational services. What we say, as the minister has pointed out, within the strategic reform agenda—we talk about a cohesive ESA, collaborative management and a unified executive.

When we talk about a cohesive ESA, we recognise the individual structures of the four operational services, their unique and discrete areas of responsibility within this community, and the advantages that provides in relation to whether it is a paid workforce role or a volunteer workforce role. I strongly support the current structure within that.

But of course it is my expectation—as it would, I am sure, be the community's—that all emergency services operate closely together, train together, work together in administration. We talk about a cohesive ESA backed up by a collaborative management team within our Fairbairn headquarters and supported by a unified executive. By having a unified executive, as we have, we deliver cohesive and collaborative management on the ground and cohesive operations on the ground. It is my recommendation to government that that would continue to be the case.

**MS FITZHARRIS:** Is that a sort of a “sum of the whole is even greater than the parts” approach?

**Mr Lane:** Absolutely; that is exactly how we would like to describe it in many ways. There are the advantages that come through ensuring that we have the whole-of-community effort that comes through something like our community fire units—we have got more than 1,000 volunteers involved in that process that very much do their

part with their neighbours in the event of an emergency—through to our full-time professional firefighters and paramedics who deliver. But of course in the worst of the worst cases, as we have seen with the example of something like the 2003 fires, it is how we all work together in those dire times of emergency which will be the product of our success.

**MS FITZHARRIS:** Thank you. The women—

**Ms Burch:** This is a very important strategy. There will be announcements and the release of that work very shortly. In this budget, there are two key elements that will help us progress this. One is the \$74,000 to do some design work across the stations. As I have moved around, the recline areas accommodate a male-dominated workforce but are not overly sympathetic to a diverse workforce, particularly where I would like to see more women across emergency services. We can go in and look at that work. We have referred to it as around dignity and privacy in the workforce setting.

There is also an allocation of funds for a recruit college. I have been very clear with the commissioner about having a focus and getting really strong encouragement for women within that recruitment and a diverse recruitment college. This is not a question about—we will have to maintain; absolutely we will maintain—the robust standards and the merit process through that recruitment college, but I think we can be smarter and more inclusive about how we get a more diverse group coming though, to try and get women and a diverse community across our emergency services.

So women in emergency services is almost step one. I am very clear about a pathway to a diverse and inclusive workforce. We live in a fabulous multicultural community; I would like to see that represented—male and female across whatever the different age pockets are that we need—in retention, recruitment and succession planning across the workforce and volunteers across our services. Absolutely. Did you want to add anything?

**Mr Lane:** I would, thanks, minister. The key for us with the ESA is why we view this as such a significant priority. Our statistics have not moved much in terms of gender in the last decade. We have had some positives, but we have also had some negatives in relation to attracting more women into emergency services. We are traditionally a male-dominated environment. When I go to national-level meetings, for the first time ever, we will finally have a female commissioner within our ranks, which is a big step forward for us. For as long as I have been involved, it has been very much a male-dominated environment at the top levels of our organisation.

Of course, the only way we start to get women interested in realising that a career in emergency services is more valuable is to actually get out there and promote it and make sure that women understand that they are very welcome in our organisation. As I talk to everyone at ESA, when I say, “We need more women, don’t we?” everyone agrees that is the case. We do know that in male-dominated organisations we have to work harder than in traditional female areas—with the non-traditional role we are for women, to break down that particular barrier. That is why we appreciate the support of the government in relation to recognising the importance of this through promotion. It is through things like being able to run a recruitment college and making sure that we recognise that if we are going to be a diverse and inclusive workforce, our

facilities need to match that as well.

This will not happen overnight, of course; this has to be very much part of a long-term plan. But as we went back last year, and reflected on our numbers, we realised that we have not made a big difference in the last decade. Sure, we have got more female paramedics than ever before, and we have had increases in the Rural Fire Service volunteer women numbers as well, but in the other areas we have been static or not seen much. Of course, that makes it much harder to get more people up into senior ranks of the organisation as well.

**Ms Burch:** In the way I am looking at it, we get the policy setting right but then there is the call to action and how you do that. In other portfolios and CIT, I have been very strong on promoting trades day for women in non-traditional trades, so you will see a crossover of that earlier work come into emergency services.

I met with a group of women in emergency services and we worked through what this could look like and how we can utilise the numbers of women in our services currently and really get them out there, promoting it. This is a great job. Men and women alike aspire to serve community. It is just that we have to identify what are the barriers, maintaining an absolute level of entry but asking how we work around and make it more inclusive.

**MS FITZHARRIS:** There is often a focus on what is preventing that happening, but what do you know about the women that currently are serving? What do you know about what they love about their job? I am presuming it is exactly the same as what the men like.

**Ms Burch:** They love the job; that is it. But historically, if you look at the non-traditional trades, you still do not find a lot of women in plumbing or electrics. But that changes over time if you go into the colleges, if you go into the career structures, if you show young women that this is absolutely within their scope to do: “If you want to do it, don’t think you can’t do it; just think why wouldn’t you do it.”

**Mr Lane:** If I may, minister, as part of the development of women in emergency services strategy, in May of last year we ran a very significant workshop where we brought women in specifically for the whole day for me to get to understand their experiences, having been in the Emergency Services Agency. We had volunteer firefighters, we had volunteers from the SES, we had paramedics and we had professionally paid firefighters as part of that.

I was a bit taken aback, I must admit, by the fact that many of them spoke to the fact that they had had to fit into the organisation and they did find that, whilst they were in a male-dominated organisation and they really loved the work, they did see barriers to their own progression and how they could express themselves within that particular environment. It said to me very clearly that we as men—because most of us are men in emergency services—need to work harder to understand what those barriers are. If we do not, women will not see us as a viable option.

We know about things like the 2006 Productivity Commission report which made it very clear at that time that unless you have a balanced gender workforce, balanced

women and men across our whole workforce, including emergency services, as I see it, we are not going to be as efficient, as effective and as capable as we possibly can.

Our own research within the Bushfire Research Cooperative Research Centre recognised that when you bring together incident management teams to work out how you protect communities during times of bushfire, floods and storms—of the importance of having a diverse incident management team. So you need women on there. At the moment, most of our people qualified for those roles are men. So we have got a lot of work to do in a lot of those areas to bring that forward.

**Ms Burch:** As I understand, just as I look here, over 120 women have registered an interest in the upcoming recruit college. That is a strong interest. Now it is about getting the women we have already got across our services to talk with them on their experience, to say, “This is what is fabulous about the jobs. Think about this.” It is around expectation management as well.

**MS FITZHARRIS:** Can I just clarify: the recruit college is for all services or just for Fire & Rescue?

**Mr Lane:** Fire & Rescue.

**MS FITZHARRIS:** Do you have a sense of how we compare across other jurisdictions in terms of the numbers of women in each of the services?

**Mr Lane:** We are on par nationally. If you look at the Rural Fire Service, for example, our numbers, our gender profile, at about the 30 to 33 per cent mark, are in comparison to what you would see in New South Wales, Victoria or Queensland. The two per cent we have within Fire & Rescue is a bit lower than the national average, but we have all agreed at the national level that it is something we have all got to work to. I think Tasmania leads the charge at the moment, with about eight per cent of women within their ranks, and that has been through its positive work.

**Ms Burch:** Yes. It is across the states and across the services, but it will not stop us from trying to be ahead of the pack.

**THE CHAIR:** Dr Bourke has a supplementary and then a new question.

**DR BOURKE:** Commissioner, how does that understanding of capability percolate down into your organisation? Are you actively promoting that through some means?

**Mr Lane:** I think the key is when the minister releases step 1 of the pathway to a diverse and inclusive workforce it very much will send a much stronger message than we have in the past. Like in a lot of male-dominated organisations—this is my personal view—we think we are doing all right in this space until we actually step back and say, “How do we really compare?” When I started to compare our numbers with traditional male-dominated roles such as banking, investment companies, engineering, manufacturing, the defence forces and mining we are not keeping up. Therefore, we are seeing significant increases in women within those areas but not within our traditional emergency services roles.

We have probably got to do a little more work to raise the awareness of why it is important, and it is a bit hard for people to understand that at first. But when I go back and look at the data, when I look at the research and when I look at the capability we see in the women we have already got in our organisation, it just says to me, “We are never going to get to a fifty-fifty balance or anything like that.” Hopefully we will make sure that we have an opportunity for as many women that want to be a part of the organisation, particularly volunteers—we are not just talking about paid here, of course—to see it as not only a career but obviously a very important way that they can support the community.

**THE CHAIR:** A new question.

**DR BOURKE:** Earlier this year, minister, the *Canberra Times* reported ACT Ambulance response times were the best in Australia. What proportion of the funding that you have got allocated in this year’s budget is going to further advance that standard?

**Ms Burch:** It has an increased base across the emergency services. ACT Ambulance is, if not the best, one of the best performing ambulance services in this country. As our city has continued to grow we have maintained that very strong response rate. Chief Officer David Foot can talk in detail.

**Mr Foot:** Our performance in the last year is among the best in Australia. That is probably a direct result over the last two years of having had the sustainable front-line resourcing strategy where we added, I think, in excess of 56 positions overall to the service over a two-year period. That resulted in significant increases to baseline crewing.

In that period we also added demand rostering as well where, instead of just going with traditional forms of rostering, the 10/14, we introduced rosters that were aligned with community demand as well. We have officers that work 12-hour shifts inside the 10/14. The funding increases that we received over the last few years have allowed us also to put the clinicians into the communications centres. We are also able to look at strategies around alternative referral with 000 calls to our communication centre as well. That is about ensuring that the patient receives the right care at the right time and the appropriate level of clinical care as well.

**Ms Burch:** And in this budget, of course, being a proud southerner, it is good to see the refurb of Greenway so that we will see the relocation, now we have got the new fire and rescue down at south Tuggeranong that has created a vacant space at Greenway, of the ambulance from Kambah to Greenway. I think the design is getting finished fairly soon. We will get in there and hopefully have ambulances, as I understand it, by middle of next year. Is that pretty much right, David? Yes.

**DR BOURKE:** What difficulties do you anticipate in the future in maintaining this position of leadership?

**Ms Burch:** What difficulty? I reckon we are well positioned to maintain it. We have got the strategic reform agenda. We have got the blueprint for change particularly for ACTAS that will have a focus on really enhancing the professionalism across that.

Just yesterday I think, we walked out the recruits in their new uniforms. This is about recognising each of the individual services within ESA but ESA more broadly, as Ms Fitzharris says, where the sum of the parts is greater than the individual parts. I think we are well positioned. The commissioner or Mr Foot may like to talk from their point of view.

**Mr Lane:** We will continue to see increased demand on our ambulance service and that is roughly running somewhere between four and six per cent year on year. It means in order to continue to deliver the services we will have to make sure that we do what we can.

Where we start to see shortfalls in relation to service delivery we will obviously provide advice to government in relation to how we can better enhance our service delivery but we are also very mindful of some of the reforms that our Chief Officer has already outlined. Who knows what else we could possibly do to increase our levels of service and ensure that our patients get the best care and the best treatment available to them. We will continue to do that. Who knows what is around the corner in terms of technology. We will take opportunities in relation to reviewing, through our station upgrade and location program, where our stations are best located in the future to help meet that need as well. I am confident that with the lessons we have learnt and the improvements we have made we will continue to grow as that demand continues to grow as well.

**Ms Burch:** In your neck of the woods, Aranda will be a new service opening next year. Is that a new station facility that is in response to the intelligence or the demographic analysis about how we keep ahead of the game in that provision of good response times and good emergency response?

**DR BOURKE:** There was some initial apprehension from possibly a couple of people who lived in Aranda—I would not probably put it any more than that—given that I doorknocked most of them and most of them had nothing to say about it but welcomed the idea. Are those issues satisfied or does this continue to be an issue?

**Mr Lane:** Though our project team we continue to work with all stakeholders in relation to these key infrastructure projects. My understanding is that in recent times, particularly with the variation to the territory plan and the development application that was submitted in relation to that particular site, there were nil objections on both counts. I think the success of that is demonstrated by the early engagement with the community in relation to the issues that were raised at the time and we were able to work closely with those members of the communities, which is now some years ago of course, in relation to those concerns. If any issues are raised, then we are very keen to work with community members in relation to those concerns but there has certainly been nothing in recent times.

**DR BOURKE:** Could you tell me how you actually measure response times?

**Mr Lane:** That might be a good question for our Chief Officer to answer from an ambulance perspective.

**Mr Foot:** Dr Bourke, in ambulance we measure at the 50th and 90th percentile, so we



will look at 90 per cent of our cases and measure against 15 minutes or less and for 50 per cent of our cases we look at eight minutes or less. I think in our last reporting period we achieved a response time of 8.2 minutes in the 50th percentile and 12.9 minutes at the 90th percentile. As has just been talked about, a lot of those results are based around the additional resource but also the dynamic modelling that we now do with ORH. This came up a number of years ago; we needed to do more work around how we strategically site our facilities from an ESA perspective. A lot of the work now that has come around from the establishment of the west Belconnen facility at Charnwood, the new facility at Aranda and some of the further work that we are looking at in facilities right now is informed by that dynamic modelling that we have been doing with the ORH company.

**Mr Lane:** And if I may, chair, we do not only measure response times, though, particularly with the Ambulance Service. We also do an annual patient satisfaction survey—I think the results of that once again were 98 per cent satisfaction—as well as measuring our outcomes in relation to our comm cen.

**DR BOURKE:** So the clock starts ticking when the phone call comes in or whatever—I presume a phone call?

**Mr Foot:** Our measurement parameters, from the moment we answer the 000 call. The moment the operator in the comm cen or the call taker hits the button to receive the call, that is when the clock starts for us.

**DR BOURKE:** And when does it stop?

**Mr Foot:** From the moment the vehicle pulls up out the front of the premises that has called; the officers get a status button to register on the GPS that they have arrived at the scene.

**DR BOURKE:** Is that the same way it is measured in other states and territories?

**Mr Foot:** It varies through various jurisdictions. Some of the services measure from the time the crew leaves the station; some measure from the time the case is downloaded onto the MDT. That is why the ROGS data has a number of footnotes with it. The CAA, Council of Ambulance Authorities, at the national level, is quite aware of the variances in reporting and the need to try and standardise that across the board. Obviously the ACT took the decision some years ago that in fairness to the community, when we are talking about response times, it is from the moment we answer your 000 call to the moment we turn up out the front.

**DR BOURKE:** I suppose if you are in the country when the ambulance arrives at the front gate it may not necessarily be the time it gets to the house.

**Mr Foot:** Depending on the length of the driveway.

**DR BOURKE:** Thank you.

**THE CHAIR:** Just a supplementary on the savings on the two stations at Charnwood and Tuggeranong—are they returned to Treasury or are they held in the pipe for

future works?

**Mr Lane:** In essence, it depends. We have done two different things. We made some savings a number of years ago. The government agreed that we were able to continue with continued phase 2 due diligence work. So some of that money was reinvested back into the station upgrade relocation program and some of the other savings were returned to government.

**THE CHAIR:** Ms Lawder, a new question.

**MS LAWDER:** Thanks. Has there been any consideration of the ACT Ambulance Service moving to a single response capability from the double-crewed ambulance?

**Mr Foot:** The ACT Ambulance Service actually does run single response units. We do not roster them permanently, but if we have additional staff available to the roster we will run a single response unit on a day shift or a night shift. We did run a number of single response units some years ago but we took a decision, based on analysis of the type of workload, to collapse that resource into a stretcher-based resource which can affect the transfer of a patient from the scene to the hospital. Right now we have not abandoned that strategy; we still use SRUs in operations but they are roster dependent.

**MS LAWDER:** Did you say there was a review or some sort of evaluation?

**Mr Foot:** We did an evaluation some years ago. At the time, we were under pressure from a response time point of view, and our utilisation of our staff was quite high when it was measured. We took a decision at the time that it would be of more value to stop running the SRU on a full-time basis and instead collapse that resource into a stretcher ambulance. That is what we did at the time. As I said, we still use SRUs as part of our response capability, but we only roster them when and if we have additional resources on the roster on shift.

**MS LAWDER:** Have there been in the financial year that we are just finishing up or are there planned for the coming financial year of this budget any other outside reviews, evaluations or studies—anything planned or has anything occurred in the past year?

**Ms Burch:** On single response?

**MS LAWDER:** No, on anything.

**Ms Burch:** Any reviews across ESA?

**MS LAWDER:** From outside emergency services—that you have asked someone else to come in and perform.

**Mr Lane:** From time to time, reviews are conducted but most principal reviews have not been the ones conducted by ESA in recent times; they have been the ones conducted by the Chief Minister, Treasury and Economic Development Directorate as part of the expenditure review of ESA. We will, from time to time, utilise external

resources to assist in providing us with advice. That just helps us get a better understanding of how we can do things better.

**MS LAWDER:** And you have got nothing particular scheduled for the coming year of this budget?

**Mr Lane:** There is nothing specific of any great significance that comes to mind. I would have to take on notice if there is anything. Under the strategic reform agenda, we have engaged additional consultants and support, for example in running the staff-facilitated workshops that the minister mentioned before. When we launched the strategic reform agenda, we were very keen to make sure we had independent facilitators available to assist with that. So on three levels we have engaged three different consultants to assist us with that. At the top level, that is working with the ESA executive in terms of the new strategy and the way forward. We have used a consultant in relation to the broader engagement with staff in relation to the SRA and what that means for staff in the new way forward. And through the ACTAS blueprint for change, we have also run, I think it is now, four workshops. David? We have run four significant workshops; the last one only finished last week. We have also engaged people to support us with that and provide advice back to me in order to help with decision making and planning.

**Ms Burch:** I think ESA and various elements within ESA have had a significant level of review over the last two years or so, and they have all been concluded. They have informed the strategic reform agenda and other pieces of work such as the women in emergency services, the blueprint for change. Now any future work is around consolidating those learnings and the identified strategic forward planks of work and just moving forward.

**MS LAWDER:** Do you use any external resources for things like the strategic bushfire management plan, either in the development of it or in the evaluation of it?

**Mr Lane:** Internally we developed the strategic bushfire management plan using in-house resources. There is one component of the strategic bushfire management plan in terms of our response capability and some discussion we have had before in relation to how we make better decisions about informing how we better respond, and we have engaged an external company to assist us with that work. We were able to do that by accessing some funds under the national strategy for disaster resilience program, so basically commonwealth money to help us with that.

**MS LAWDER:** On a related but separate matter: the introduction of the CFUs must have been 10 years or so ago. Has there been any evaluation of the CFUs, and what does that show?

**Mr Lane:** I am not aware of any specific evaluation as such to judge their work. I highly value the role our community fire units play. There is nothing like engaging volunteers to assist you in doing what paid people would otherwise be required to do, and that is exactly what our community fire units, our State Emergency Service, our Rural Fire Service and our mapping volunteers do for us. I would have to defer to our acting chief officer, Conrad Barr, as to whether there have been any such reviews. I am getting the shake of the head. I would certainly be saying to government—should I

be asked whether they are worth while—that they certainly are.

**MS LAWDER:** Thank you.

**Ms Burch:** Just on that, chair: I think there are 1,100 volunteers. So the community still recognise their value and have an interest in their participation.

**THE CHAIR:** You mentioned there were a number of reviews that I think started the budget before this one. Are they all completed? Can the committee have copies of all the documents that those reviews produced?

**Ms Burch:** They are completed. They were part of the ERC process, so they are part of cabinet and budget. Some of them are in the public domain. We are happy to provide what is in the public domain but, as you would understand, others are cabinet-in-confidence.

**THE CHAIR:** All right. Can we have a list of those that are not in the public domain, please?

**Ms Burch:** I will provide what we can to you, chair.

**THE CHAIR:** All right. In the peer review of ACT Fire and Rescue services done by Mark Jones, it says on page 25, point 3, that the senior staffing arrangements within ESA seem top-heavy. Are there any mooted changes to the senior staffing arrangements within ESA?

**Ms Burch:** I am sorry; you will need to start again. We do not have the document in front of us, Mr Smyth.

**THE CHAIR:** I am sure the commissioner is aware of the document.

**Ms Burch:** There is a question about whether or not that is actually in the public domain, Mr Smyth. We do not have the document in front of us.

**THE CHAIR:** I can read it for you: “The senior staffing arrangements within ESA seem to be top-heavy.” Are there plans to change the senior staffing arrangements within ESA?

**Ms Burch:** Mr Smyth, in response more generally, the strategic reform agenda, as the commissioner outlined at the beginning, goes to: how do we have a unified cohesive management and operational structure? That will include some movements of functions and responsibilities, but Mr Lane can talk to that.

**MS FITZHARRIS:** Chair, can I ask a clarifying comment?

**THE CHAIR:** Sure.

**MS FITZHARRIS:** If there are documents that are not in the public domain, is it appropriate for us to be raising them?

**THE CHAIR:** Documents appear in all sorts of places at all sorts of times.

**MS FITZHARRIS:** Are you aware if this is a document that is not in the public domain?

**THE CHAIR:** I have no idea.

**MS FITZHARRIS:** But you have a copy.

**THE CHAIR:** I have copies of many things, and members of the estimates committee ask many questions. It is a general question. There is a comment in one of the reports that says, "Senior staffing arrangements within the ESA seem top-heavy." Are you considering changing the senior arrangements within ESA?

**Ms Burch:** If I may, just as a point of clarification, chair: if there is a document that is held as cabinet-in-confidence and you have access to it, one, are you saying that you have and, two, are you proposing to put that out?

**THE CHAIR:** I am not saying I have anything. I am not aware which ones are cabinet in-confidence because you cannot tell us, or you have not told us to this date.

**Ms Burch:** Can you give us the title of that document you are reading from?

**THE CHAIR:** It is a peer review document of ESA.

**Ms Burch:** And the title?

**THE CHAIR:** That is what it is called.

**Ms Burch:** And the author is Mark Jones?

**THE CHAIR:** Mr Jones, yes.

**Ms Burch:** Okay.

**THE CHAIR:** So it still goes to the question: are you considering changing the senior staffing arrangements within ESA?

**Mr Lane:** I am more than happy to answer that question. The answer is, of course, yes. As I have outlined, through the strategic reform agenda we are creating new functions, which I think is very much a change for ESA. It is something on which we are working closely with not only the executive but also the broader group that I have talked about before in relation to the facilitated workshops that we are running.

It will see significant reforms for ESA, because it is about making sure that we have the best structure in place. Regardless of reports or whatever, we do agree within the organisation that there are opportunities for reform and change. So we talked specifically about a cohesive ESA, as we have already discussed, recognising the four operational services. But we also recognise the importance of being able to support those operational services through a better structure at the executive level. That allows

us to not only do our operational risk but also cover off our accountability, our performance and our people-based issues, which I spoke about before. That is what the new structure is all about.

**THE CHAIR:** All right. On page 44 of budget paper D, employee expenses in the coming year are \$80,251,000, yet they dip \$2.3 million to \$77.9 million for 2016-17—a drop of about \$2.3 million. Are you about to let go of \$2.3 million worth of staff?

**Ms Burch:** I think that is an end of some funding. Do we have someone from finance here? We will just wait for one of the officers to come back and walk you through the finance, unless you can have a good go, commissioner?

**Mr Lane:** No, it is better off coming from our experts in the finance area.

**Ms Burch:** The chair might want to go back to the question?

**THE CHAIR:** In your employee expenses line in the coming year the budget is \$80,250,000, which is some \$800,000 less than the current year, and then it dips by about \$2.3 million to \$77.9 million. Does that entail job losses?

**Ms Crowhurst:** May I ask you just to repeat the last part of that question?

**THE CHAIR:** Sure. Does the reduction in employee expenses entail job losses?

**Ms Crowhurst:** The reduction mainly relates to the 2014-15 estimated outcome and the 2015-16 budget. We had a rollover of back pay and wage increases. That came into the 2014-15 estimated outcome. When we move into 2016-17 we have cessation of one-off budget initiatives. The largest one would be the workers comp premium supplementation for ESA.

**THE CHAIR:** So its workers comp; it is not staff?

**Ms Crowhurst:** Yes.

**THE CHAIR:** In regard to one of the other reviews, the emergency and services activity resourcing review by ORH, one of the points made about the fire and rescue service was that there is potential in the future for a few stations to not be crewed at night. This would ideally be for a low fire demand 12-hour period, eg, 2300 to 1100 hours. This would involve introducing 12-hour day shifts. Is the government considering shutting some fire stations at night?

**Ms Burch:** What I think you are referring to is the series of papers that are actually cabinet-in-confidence. I am seeking some advice about how we deal with the matter were you to have access to cabinet-in-confidence.

**THE CHAIR:** You can seek the advice. The question is: are you considering shutting fire stations at night?

**Ms Burch:** I would just say that I am not considering it. If you are going to run a line

of questions on cabinet-in-confidence papers I am just making you aware that you may want to go to who provided you with those papers because you could be identifying somebody who is actually in breach of cabinet-in-confidence protocols.

**THE CHAIR:** Oppositions get documents from all sorts of places. You would be surprised. The question still remains: are you considering shutting fire stations at night?

**Ms Burch:** I have just answered it. I said that I am not considering closing stations.

**THE CHAIR:** Are you looking at moving to a retained firefighting force for Fire & Rescue?

**Ms Burch:** There are a number of matters that will be considered under the strategic reform agenda. As they are finalised, the community will be notified. Again I have just informed you that it is my view that you are reading out of cabinet-in-confidence papers, and that raises a question about the appropriateness of that.

**THE CHAIR:** So you are considering retained firefighting capabilities in the ACT where part-timers are paid?

**Ms Burch:** I have answered that question.

**THE CHAIR:** In regard to comm cen, the communication centre, the LES report has identified a series of organisational risks currently facing the ESA. In the main these are culturally based and will not be easily fixed by technology policy changes or remaining with the status quo. How are you going to fix the problems that occur in the ESA's comm cen? Are you going to fix the problems or not?

**Ms Burch:** We continually strive to resolve any issues that arise across every element of the workforce and operational capabilities and response. We respond, we fix and we move on.

**THE CHAIR:** You might fix and move on, but how, specifically, are you going to fix the culturally based problems within the ESA's comm cen?

**Ms Burch:** When we resolve all outstanding matters that are identified under strategic reform agenda and those actions are made public, I am sure you will be the first to find out.

**THE CHAIR:** Ms Fitzharris, a new question.

**MS FITZHARRIS:** Thank you. Minister, I want to ask you further about the state and territory work that you and the commissioner both mentioned.

**Ms Burch:** Sorry?

**MS FITZHARRIS:** About the collaborative work with state and territory agencies, and I think you indicated the disaster resilience work with the commonwealth. Could you elaborate a little more on those, in particular those deployments that ACT staff

have been on throughout this year?

**Mr Lane:** I am certainly happy to take that one. To the last question first, once again we were fortunate within the ACT that it rained during a significant part of the last summer. We were very fortunate that we had a relatively quiet bushfire season. Once again other parts of the nation were not so lucky. We had the opportunity to send volunteer and paid crews to Western Australia. Our first and most significant deployment nationally was to WA, given the tyranny of distance. We had people in Western Australia for well over a week supporting that bushfire effort.

More recently we had what the New South Wales SES called the storm of the century, which impacted on the Hunter Valley and the Newcastle and Sydney areas. We had significant crews there. Tony Graham, our SES chief, might be able to give me the exact details. From memory, for nearly a fortnight we had SES crews working very closely with our New South Wales colleagues, and once again a significant volunteer effort rotated over a number of shifts into that area.

We will always continue to partner with the state and territories in relation to helping each other. That is formalised at the national level through the Australia-New Zealand Emergency Management Committee whereby we all agree on how we will support each other and the protocols that are in place to ensure that things like workplace health and safety, financial arrangements or other logistical arrangements are covered off with that.

On the more bipartisan level, at the local level between New South Wales and ACT we have a local emergency disaster working group which runs on two significant levels. One is the main operational group, which I chair and which has colleagues of ours from New South Wales police, fire, rural fire, SES, local government and the premier's department; we meet three times a year. Our ESA, chief minister's and treasury directorate members also sit on that particular committee to make sure we work through any significant cross-border issues in relation to emergency and management.

We not only follow that up with meetings as such but run exercises from time to time and desktop scenarios to make sure that we are all familiar with changes in technology or procedures, but most importantly of course it allows for understanding of changes in personnel and keeping that close personal relationship with our neighbours with whom we work.

That leads to the last part, of course. On a day-to-day basis our ambulances and fire trucks or SES vehicles may serve self-working across border, helping each other depending on the scenario. It is a very good and a very collaborative effort. We know that when we need help, New South Wales and our other national colleagues will be here to assist us as well.

**MS FITZHARRIS:** It definitely works both ways?

**Mr Lane:** It certainly does.

**MS FITZHARRIS:** We have heard from the minister in her capacity as minister for



education and we have heard from the Minister for Health about the cross-border nature of a lot of kids coming to school. In those circumstances there are more ACT services accessed by New South Wales residents, but your work is a little more balanced?

**Mr Lane:** Yes, it probably is. We make sure that we have our personnel qualified. In terms of clinical guidelines for ambulance officers on the helicopter, we have a memorandum of understanding or arrangements in place for that. Our officers from Fire & Rescue are trained to a standard that the New South Wales rescue board accepts. All of those things happen automatically.

I think the easiest way to explain it is: we probably go across the border more frequently, but in the event that we need assistance the other way, the weight of attack and the additional resource that New South Wales is able to provide to us greatly enhances our capability. That is one of the things that we have drawn out through the strategic bushfire management plan, for example, where we have done significant pre-incident planning work to ensure that, should a bushfire break out within the territory, we can rely on the support of our neighbours, which are, of course, willing to assist. It goes both ways.

**MS FITZHARRIS:** With the ambulance, for example, if someone who lives in, say, Sutton, Wamboin or Gundaroo needs an ambulance, would Gungahlin be the closest for them?

**Mr Lane:** We always like to work on a nearest, most appropriate resource available. In the main, most calls across Palerang Shire come out of Queanbeyan ambulance station. Of course, if they do find themselves where there resources are already committed, we stand ready to assist, and we have been called to places like Sutton in the past to assist.

**MS FITZHARRIS:** In terms of how you plan for each, particularly the summer season fires, how far out do you get? Do you nationally have a picture of the weather pattern so that across the country you can anticipate? For example, did you know that it was likely to be a wet summer, and at what point?

**Mr Lane:** Yes, we knew. I cannot remember the exact date, but it was the day we had the national memorial announcement, which I think was about 1 May, here in Canberra, recognising fallen firefighters and emergency services workers. The commissioners and chief officers from around the nation gathered here in Canberra and we received a briefing from the head of the Bureau of Meteorology. We work very closely with the bureau at the national level. We get together again in, I think, about three weeks time to review that situation and get a better understanding.

We are always thinking strategically about the forward weather. It is what we focus on a great deal and we are certainly already working towards our planning arrangements for preparations for cross-border work. I think there is an internet management exercise being conducted in Queanbeyan in early July as well, which is part of that ongoing training that we share together.

**MS FITZHARRIS:** In terms of weather patterns—you mentioned earlier climate

change being recognised nationally as a major challenge for you—what sorts of things—

**Ms Burch:** Except, it would seem, for some Liberals from WA.

**Mr Lane:** It is on two levels for us. The key thing is that whilst climate change will not be immediate we are already seeing the trends. From a fire perspective, we talk about the hockey stick. If you look at the graph in terms of high fire danger days since the beginning of last century through to 2014 you see the number of high fire danger days over the last decade increasing dramatically here in the ACT.

We also know, from the work we are doing with our New South Wales colleagues and through a program which our environment and protection directorate is working very closely on, that within the ACT we will see a gradual shift south of our weather patterns. What north-western New South Wales looks like may be what the weather patterns are that we see here in Canberra in a century's time.

Whilst it is some time off, we already know there are some indicators that demonstrate clearly, if the graphs continue the way they do, that we will continue to see more frequent and intense high fire danger days, we will continue to see more frequent and intense storms and our rainfall will change from a more general pattern which is mainly winter dominated—and there are already some indicators of that trend—to more rainfall through the summer at an increased rate, which, of course, impacts on our state emergency service.

**MS FITZHARRIS:** Thank you.

**MS LAWDER:** A supplementary.

**THE CHAIR:** A supplementary, Ms Lawder, and then a new question from Dr Bourke.

**MS LAWDER:** Hark back a little, a couple of questions back, to when Ms Fitzharris was asking about ambulance services for people in Sutton, for example. I am sure I heard recently about waiving of debt for people who owed for their ambulance trip. Is there any significant portion of them from interstate or is it mostly ACT residents?

**Mr Lane:** I think it is best, minister, if our Chief Officer, Ambulance Service, answers that question.

**Mr Foot:** Thank you. I understand a proportion of that debt was written off. Whether it was by New South Wales or ACT, I could not actually answer. I would have to take that on notice. Shared Services actually prepared the billing arrangements around that and they would probably be able to provide that information.

**Ms Burch:** But there are some built-in exemptions for fee charges on ambulances.

**Mr Foot:** Correct. In the ACT there are a number of exempt billing categories. Aged pensioners, for example, in the ACT are not billed for emergency ambulance services. The holder of a healthcare card that is valid at the time of service delivery is exempted

from ambulance service charges as well. We also have arrangements in place with the Department of Veterans' Affairs at a commonwealth level; a lot of the veterans covered under the DVA arrangements are also exempted from ambulance billing and DVA actually pick up the bill on their behalf.

**MS LAWDER:** And when you mention emergency transport for age pensioners, if someone was in a nursing home and had a fall and was to be transferred to a hospital, for example, for a scan, but it might take half a day or something, does that count as an emergency? Are they billed for that trip?

**Mr Foot:** Once again I would like to take it on notice to check that with Shared Services but my understanding is that if a pensioner resides within an exempt billing category they would not receive an account for the service. However, if they do not reside within, if they are a self-funded retiree, for example, and do not have that sort of coverage, they would be liable for that account.

**MS LAWDER:** I go back to the other question I had earlier about ambulance. Is our rate of unpaid debt, however you categorise it, consistent with the rest of Australia, do you know?

**Mr Foot:** I can only comment on the article that appeared. I think the New South Wales system were quoting somewhere in the vicinity of \$20 million to \$26 million that they were writing off per annum.

**MS LAWDER:** Comparatively by population?

**Mr Foot:** We operate on a population base. I think our write-off for the financial year was about 1.5—1.6 sorry.

**MS LAWDER:** But compared to New South Wales, which has a bigger population, do you have any feel for whether—

**Mr Foot:** No, I do not.

**MS LAWDER:** Would anyone in your organisation know that?

**Ms Burch:** We will take it on notice, but it is nothing that has been raised as our being a standout different from other jurisdictions.

**MS LAWDER:** Thank you.

**THE CHAIR:** Dr Bourke, a new question.

**DR BOURKE:** In this budget, minister, there is \$147,000 allocated for 16 new firefighters through the ACT Fire & Rescue recruit college that you have talked about. Could you tell us a bit more about this college? How long will they be in training, where, and all the other bits and pieces about it, please?

**Ms Burch:** I will ask Chief Officer Barr to talk about the recruit college. It is our recruitment. It is the way we get new Fire & Rescue officers in. Sixteen is the

traditional number for the college. As I said before, there will be a focus on women and diversity. It is all about getting the best people for the jobs but I want to do a lot of work in the lead-up to that so that we really get strong interest from those priority areas.

**Mr Barr:** Our ACT recruit colleges traditionally within our resourcing optimally hold 16 recruits. Those recruits are engaged through a fairly rigorous challenge testing process. We generally advertise nationally. We engage the services of a recruitment provider to assist us with that task. Traditionally, in the last couple of recruit colleges we have had about 300-odd applicants for the number of positions we have had. Historically, at our peak about 20 years ago we had 2,600 applications go out. So it is fairly highly sought after employment.

Our recruitment process is multistage, with a range of challenge tests—fitness, literacy, numeracy and aptitude testing relating to strength, dexterity-type skills to do with the job, challenge interviews, psychometric testing and criminal record checks. So it is a fairly rigorous process. It generally takes us several months to complete the process with applicants. Applicants drop out at each stage along the way. The aim of it is so that at the end we get a college of fit, intelligent, well-rounded adults. In our historic experience that has been the case.

As the minister has already discussed and identified, we would like to increase the proportion of females among the people we employ and hence in our workforce. Once we have employed them they undertake a 16-week training college run here at our facility in Hume. The recruits, at the end of that college, receive a certificate II in firefighting under the public safety training package. They are very close to achieving the award of a certificate III at the same time, but there are some modules they have to do after they have graduated on shift and undertake challenge testing. They are trained in firefighting, rescue—and rescue in relation to road accident rescue, confined space rescue, vertical rescue, urban search and rescue—hazardous materials handling, and all of the standard ACT public sector induction things in relation to equity and diversity, the legislative employment framework in which they work and all those sorts of things.

**DR BOURKE:** Are you the RTO or do you use another one?

**Mr Barr:** The Emergency Services Agency holds the RTO. The Emergency Services Agency RTO has a central administrative and support section that works with the four emergency services who are the principal customers of the issuance of RTO qualifications.

**DR BOURKE:** You said they were almost on their way to a cert III. Are there a cert IV and diploma-level qualifications as well?

**Mr Barr:** Yes, absolutely. Effectively, our recruits are somewhat like an apprentice or a tradesperson. They come in, they do their training and as they progress they get further qualifications. So after four years in the job, with challenge testing et cetera, they qualify for the issue of a certificate IV in firefighting.

**DR BOURKE:** Is that supported from within your existing budget?

**Mr Barr:** Yes. There are some specialist modules where we will bring in an outside trainer to provide the education for them, but the majority of the whole thing is run in house within our existing resources.

**DR BOURKE:** What sorts of specialist modules?

**Mr Barr:** We bring in a person to undertake professional writing training and things like ethical decision making. There are a range of experts in those sorts of things. They are the types of things where we bring people in.

**THE CHAIR:** A supplementary and a new question, Ms Lawder.

**MS LAWDER:** We had a similar conversation as part of the bushfire preparedness inquiry about women undergoing training in the volunteer side of things. You mentioned strength training et cetera. Are you looking at changing in some way the requirements? I think in the past some women may have felt that it was perhaps quite challenging for them to achieve those same standards—notwithstanding that I understand everyone wants to be safe and to know that the person at their back is able to undertake the work. I absolutely understand that.

**Mr Lane:** The answer to that question is no, we will not be changing the standards. The intention at this stage is to use exactly the same criteria we used for the last recruit college that was held, or the last recruitment round, which was held in 2012.

**THE CHAIR:** On page 22 of budget paper D, in the strategic objectives there is very little mention of SES or RFS. For instance, certainly on prevention and preparedness, it looks at bushfire operational plans et cetera. But in the “response and recovery” it is mainly Fire & Rescue and Ambulance Service. What would some of the accountability indicators be that would show the RFS and SES are doing their job, and why aren’t there some in the document?

**Mr Lane:** We already have that in a number of ways. Whilst it focuses on prevention and preparedness, we do have a strategic indicator in relation to minimising the area of bushfire—

**THE CHAIR:** Yes, on page 5.

**Mr Lane:** Yes. That is a key one for us. That is something that we do. What you see through the strategic bushfire management plan is how we aim to achieve that. So whilst that is a simple indicator in its own right, that is a very important one in terms of effort that the RFS in particular has the key lead on. That could be through early detection of fires through things like our fire detection towers, putting aircraft up for observation following lightning strikes or monitoring the lightning strike tracker application that our people do. It is about prevention in relation to ensuring things like fire investigations are undertaken and that we are looking at trends in relation to fire setting in any parts of the city. That allows us to make sure we can not only prevent those fires but pre-plan for the staging of resources.

We do a lot of work in relation to making sure that on high fire danger days when

fires can start quickly and spread rapidly we have additional resources—not only to have the Rural Fire Service stood up but also ACT Fire & Rescue. Of course, we have stand-ups in relation to our incident management team. So a lot of those things relate to those indicators.

As I spoke about before within the strategic reform agenda, we will be taking the opportunity to review how we best measure our performance and how we best make sure that we recognise not only the work that our paid services do but the efforts that our volunteers provide and whether there is some work that we can do. We have already engaged with the Australasian Fire and Emergency Service Authorities Council. The ACT is keen to take the lead on reviews of this particular nature on performance standards. What you see for RFS and SES in our budget papers is reflected very much in other budget papers nationally as well, and that is recognised. So we are keen to work with AFAC in relation to better measures that show what are those things, as I said before, that ultimately protect public safety.

**Ms Burch:** A lot of that information will be captured in annual reports.

**THE CHAIR:** It is interesting that under “response and recovery” there are no indicators for SES or RFS. In fact I think there is only one mention in the strategic indicators for SES. On page 5, under “retention” it says “maintain or increase volunteer levels”. There is a one per cent drop and the note says that it is because inactive members have been cleaned out. How many volunteers are there in the CFUs?

**Mr Lane:** I will go to my records. At the moment for community fire units we are showing 1,050.

**THE CHAIR:** In the SES?

**Mr Lane:** In the SES 216.

**THE CHAIR:** And in the RFS?

**Mr Lane:** 526.

**THE CHAIR:** What were they at the start of the financial year?

**Mr Lane:** We should not forget, chair, our mapping and support volunteers—53.

**THE CHAIR:** What were they at the start of the year?

**Mr Lane:** Those numbers were taken on 3 June 2015. As reported we have had a slight drop over the last 12 months. As to the exact numbers at the start of last year, I would have to go back and check our records.

**THE CHAIR:** These are 3 June this year?

**Mr Lane:** Yes. I thought you were asking about current numbers.

**THE CHAIR:** If you could take on notice what they were at the start of the year, that would be good. How many paid positions are there in the RFS?

**Mr Lane:** There are 13 positions when you break it down within the ESA structure.

**THE CHAIR:** Are all of those positions occupied?

**Mr Lane:** I would have to defer to our Chief Officer, Rural Fire Service. I am getting a nod at this point.

**THE CHAIR:** There is a deputy in each of the four services at the moment?

**Mr Lane:** Yes, there is.

**THE CHAIR:** And those positions will continue?

**Mr Lane:** That is correct. Richard Woods fills the Rural Fire Service deputy chief officer position. Tracey Allen fills the deputy chief officer of SES position. Phil Canham is our deputy chief officer of Fire & Rescue and Mr Peter Le Lievre is the deputy chief officer of the Ambulance Service.

**THE CHAIR:** If we go back to page 22, under indicator j, “percentage of patient transport service ‘fixed booking’ attended by booked time”, the target was 65 per cent. You got 86 per cent, but you have gone back to a 65 per cent target. Why have you left that target at that low position?

**Mr Lane:** At this stage we are just trying to work through whether we were getting a trend in relation to doing that. Obviously, if we think we can continue to achieve better as this report shows, we will certainly look to aim higher.

**THE CHAIR:** If we could go to indicator c on that page, the “percentage of ESA staff who have completed accredited training in AIIMS”, how many levels of AIIMS are there?

**Mr Lane:** There are a number of different levels. Our key focus is in relation to introduction to AIIMS training, because that is where the vast majority of our people operate.

**THE CHAIR:** So it is 45 per cent, and over the course of the year we are going to get that up to 50 per cent. In terms of fire controllers, what are the levels of fire controllers?

**Mr Lane:** We usually operate across three levels of 1, 2 and 3. We have recently completed a significant body of work with our colleagues nationally in relation to the middle level, given the announcement last year of the changes to what is now called AIIMS-4, which is an updated version. So we are doing significant work with that. We have had people being trained all over the nation. We have even hosted the pilot course for that here in Canberra about a month ago.

**THE CHAIR:** How many level 1 fire controllers do we have?

**Mr Lane:** I would not have the numbers available to me across all four services at this point. I would have to take that on notice.

**THE CHAIR:** Could you do that for all three levels? Thank you. A last quick question, Ms Fitzharris.

**MS FITZHARRIS:** Is there a policy in place or under consideration about drones and how drones are impacting particularly on the RFS?

**Mr Lane:** We are mindful of the impact in the growth in drone technology across all services. At a national level we are getting together for a conference, and our Chief Officer of the Rural Fire Service will be attending that. I think it is in Brisbane in about two or three weeks time. I am sorry; it is on Tuesday.

At the national level, through the national aerial firefighting centre, which I have an involvement in, we are very mindful of all aspects of drone technology, and most certainly the advantages that it may provide to emergency services into the future. We also recognise the risks they may pose to firebombing aircraft or other observation aircraft as part of that. Again those are the sorts of things that we work on collectively at the national level. We then feed back in to the Civil Aviation Safety Authority our views on that.

**MS FITZHARRIS:** Is there benefit in engaging with drone users to harness what they have rather than letting them perhaps get in your way?

**Mr Lane:** Absolutely. Some of our operational services have already had good engagement with some of those operators. Some of them are being a bit opportunistic in relation to how they bring forward their technology. Some of it, I would say, is probably not advantageous to ESA. There are certainly some emerging technologies that we think will benefit all aspects of what we do.

**MS FITZHARRIS:** Do you have any?

**Mr Lane:** We do not have any drones within ESA. Our volunteers or staff may have individually, but not owned by the ESA.

**MS FITZHARRIS:** Would that be something you would look at in the future?

**Mr Lane:** I will be taking advice from these forums that come back to us. If we think it is something that is worth investing in, we will obviously bring that forward as a recommendation.

**THE CHAIR:** Members, if you have further questions they will have to go on notice. We have run out of time. Minister, thank you for attending today in your capacity as the emergency services minister. When a transcript is available, it will be provided for corrections or additions, if you see fit. If any questions have been taken on notice, we would appreciate having answers within five days of receipt of the transcript. With that we will now suspend and resume at 3.15, when the minister for police will appear.



### **Sitting suspended from 3.01 to 3.18 pm.**

**THE CHAIR:** Good afternoon, and welcome to the final session of the 10th day of the public hearings of the Select Committee on Estimates 2015-2016 where we will look at policing in the ACT and then corrections. Today's proceedings are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed.

Could people at the table please confirm for the committee that they have seen the pink privilege card that is on the table before them, that they have read it and that they understand the implications of privilege? The witnesses are nodding. Minister, would you like to make a brief opening statement before we go to questions?

**Ms Burch:** Thank you, chair; I will make a statement before questioning. ACT Policing has performed well over 2014-15—performed well in response to the community's needs and performed well against the purchase agreement, consistently meeting and often exceeding the targets.

In the March quarter of this year, ACT Policing achieved or exceeded targets against 20 of the 21 performance measures. Ten out of the 14 indicators of effectiveness were also exceeded. The low crime rate that the ACT experiences is a reflection of the high quality service that ACT Policing provides. The March 2015 quarter statistical profile reports show consistent decreases across a broad range of reported property and personal crimes in the ACT compared to the 12 months to March 2014. This includes overall personal offences, showing a decrease of 13 per cent; sexual assaults, down 26 per cent; robbery, extortion and related offences, down 10 per cent; illicit drug offences, down 13 per cent; property damage and environmental pollution, down 10 per cent; acts intended to cause injury, down nine per cent; and theft and related offences, down two per cent.

The continued strong performance of ACT Policing to reduce crime in the community is a demonstration of the effectiveness of the operational models and of the value of the purchase agreement. In this year's agreement, the 2015-16 annual purchase agreement, which was recently signed by the AFP commissioner and the Chief Police Officer, it shows the priorities and the targets for the coming year. I am pleased to introduce new outcome-based performance measures in the framework for 2015-16. The framework goes beyond the traditionally measured police activities, presenting a more complete picture of ACT Policing's performance in reducing crime and preserving public safety.

The Chief Police Officer has advised that the one per cent general saving measures that have been applied to ACT Policing will not impact on front-line services. At the signing, I made comment that the 2014-15 purchase agreement provided for a notional FTE of 932; that number remains the same for the 2015-16 purchase agreement. ACT Policing has advised that further efficiencies will be found in this year by considering its operating model and priorities with no loss to the on-ground capability.

For 2015-16, as part of my ministerial direction, I have asked ACT Policing to apply a special focus on some key areas—to continue the focus on prevention of domestic violence and family violence by actively working with partner agencies in developing

and implementing a risk assessment tool to identify and manage instances of domestic and family violence; by ensuring appropriate training for officers at all levels to develop effective responses in instances of domestic and family violence; and by realising the vision and objectives of the ACT prevention of violence against women and their children strategy for 2011-17.

There is also a continued focus on road safety, but this year I have asked ACT Policing to have a particular emphasis on safety around school zones and combating antisocial and dangerous driving behaviours. There will also be a focus on providing key leadership with partner agencies and realising the vision and objectives of the whole-of-government strategies, including but not limited to the strategies set out in the purchase agreement.

In support of these special areas of focus, I continue to have high expectations of ACT Policing that they will operate in a way that promotes collaboration and responsiveness. Whilst my expectations are set exceedingly high, I have every confidence that ACT Policing will meet those expectations.

Before we go to questions, I would like to recognise, in the absence of the Chief Police Officer, the deputy chief officer, John Bourke, and all the men and women in the service in ACT Policing for the work that they do. They step out in uniform, they join the force with the highest of ideals and they deliver each and every day. On behalf of myself and the government, I want to recognise their effort. Please pass that on. I am happy to take questions, chair.

**THE CHAIR:** Thank you, minister. I will defer my question to Mr Hanson.

**MR HANSON:** Thanks, Mr Chair. Minister, in 2013 you ripped \$15.3 million out of ACT Policing. Significant concerns have been raised about that, not least by the CEO of the AFPA, who said that that is going to impact on staffing numbers and put additional pressure on police. I note that some money has been reinvested in ACT Policing, but that still leaves a significant shortfall of about \$12 million. How is it that you are on the one hand saying that Policing has got more to do than ever but at the same time ripping money out of the police, which I think is widely recognised as putting an additional strain on that police force that you just praised?

**Ms Burch:** I have praised it, and I will continue to praise it, Mr Hanson. I think you are referring in very colourful language to the general saving measures that have been applied to ACT Policing, as they have been applied to a number of government agencies and, indeed, as I understand it, the Australian Federal Police itself. There is tranche of a four-year saving. The Chief Police Officer has said a couple of times that he can realise those savings; there is an absolute commitment to front-line on-the-ground services. Perhaps the Deputy Chief Police Officer can go to the detail. I have confidence that with smart modelling, smart response and how they configure their teams, our community will continue to have the safety that they currently enjoy.

**MR HANSON:** Maybe you could highlight how many jobs might be lost as a result?

**Ms Burch:** I would ask the deputy police officer how they are managing the savings, Mr Hanson.

**MR HANSON:** Thank you.

**Cmdr Bourke:** Thank you, Mr Hanson. Thank you for the opportunity. We have a firm commitment that with challenge comes opportunity. We are not closing our mind to say that the model of the past will take us into the future. We have very clearly considered internally what is the best way that we can structure our resources—whether it is a centralised or decentralised view—minimising the management structures inside to give and protect the numbers on the front line, the officers on the front line.

We achieved that in this last year, and we are going to undertake now a new focus towards what is the best way we can be as lean and mean as possible within a management group. There are some positions we have had that may well have come from history, that were there because they were always there. ACT Policing has been fairly stable on that ground, and we do not want to be stable on that ground; we want to look to the future for opportunity and we want to provide the policing group now with a structure that fits the challenges as they stand, as different problems have emerged.

**MR HANSON:** As you become lean and mean and you talk about getting rid of positions, how many positions are you talking about getting rid of?

**Cmdr Bourke:** For the 2015-16 year, we think that will be around 13 positions, but it depends on what level those positions are, the different pay grades. We certainly have a thrust in ACT police to refresh our workforce. There is natural attrition. The people who leave during that natural attrition are generally much higher paid, at the top of the pay bands, and we are a pathway in for recruits. So that may well be less than that in reality.

**MR HANSON:** With those 13 positions for 2015-16, have you already lost positions in the lead-up? Have you already had positions go?

**Cmdr Bourke:** No. Within the purchase agreement we are looking to see how we are going to realise that through 2015-16 as is identified through our restructure; looking at how the organisation will look. That is when we will realise those. None of those positions have been lost.

**MR HANSON:** Right. So it is 13 in that one year?

**Ms Burch:** And if I may, Mr Hanson, with the purchase agreement, if you look at staff numbers across ACT Policing, we purchased, through the purchase agreement last year and this year, a notional FTE of 932, as I understand it. But also, if you look to the staffing numbers as reflected in the annual reports, they are traditionally over; in some ways you could say they are over-recruited. Rather than trying to leave here saying there are absolutely positions going, it is about whether there are voluntary redundancies and changes in the profile that would see positions leave. If people seek to leave, it is an opportunity for various units then to reconfigure what that particular function and unit will look like.

**MR HANSON:** So you are saying that cutting \$15 million out—cutting it out of the back of house, so to speak—has had no impact on front-line services? So those front-line officers have not had to then backfill positions or conduct administrative or enabling roles as that \$15 million was cut?

**Cmdr Bourke:** That has not been \$15 million to this point. We have been able to achieve efficiencies through non-front-line initiatives in the last two financial years, and we are very pleased with that. Our challenge is to look from a new lens now at what our economic reality is and what our crime types are for this next year. But we are absolutely committed, as we have been on record to say, that we will not use the front-line officers to do those other support roles.

**THE CHAIR:** Ms Fitzharris, a new question?

**MS FITZHARRIS:** Minister, one of the conversations we have been having across the estimates hearings has been around the use of data and how much it informs what it is that you do. Could you just explain for us where you are at with your data collection and your analysis of data, and where you might see it heading over the next 12 months, for example?

**Cmdr Bourke:** From a data perspective, I will probably have to come from two angles. First of all, we are an intelligence-led, response organisation. From a crime and occurrence and reported activity perspective, we will work on that activity from an intelligence perspective. Predominantly, our criminal activity is directed and targeted towards alerts from our intelligence group which are placed within stations and then centrally. That drives, predominantly, our trend or our spike activities. We have day-to-day activities where cars go to houses to calls for service, but that key critical response to emerging patterns and trends comes through our intelligence group. As far as our reporting through our annual report and the overall statistical data, we are bound by the Australian Bureau of Statistics framework and that is what we capture within our annual reports and quarterly.

**MS FITZHARRIS:** We have had evidence around other directorates reporting into ACT Policing. Can you just explain to me how other ACT directorates report into ACT Policing—how that works?

**Ms Burch:** Reporting in as in they need to refer something on?

**MS FITZHARRIS:** To refer something, sorry.

**Cmdr Bourke:** Whether it is a private individual, a member of the community or another commonwealth agency making a complaint, if it is another agency traditionally it will come through maybe the CPO by virtue of a letter or email: “This is an issue that has been identified within the agency. Are you able to consider that referral?” We will then push it down, normally, to our operations committee group or our crime investigations. We have a triage capability with quite senior officers in that position to consider what is the criminal evidence that is evidentiary at that point and where should it go, where does it best sit? In actual fact, some of the referrals may well sit within our AFP national type of relationship rather than just the local criminal investigation branch.

From a complainant perspective, a member of the public can call our 000 number—we will have a car go there, they will take a complaint, it is recorded by that officer within our system and then an investigation ensues—or they can write in themselves in that regard or they can call Crime Stoppers. There are a number of different pathways to us.

**MS FITZHARRIS:** ACT government directorates referring issues to you—their threshold is obviously different to yours in terms of what you then investigate?

**Cmdr Bourke:** I think that is an accurate thing to say, but our threshold does not change. We will consider the criminality, the chances of successful prosecution and the evidence that is presented at that point before we assess the level of investigation and how deep we go. Each referral is considered as an individual isolated case against what has been presented and what is the opportunity for a successful prosecution.

**MS FITZHARRIS:** So you may or may not follow up on a range of referrals from other directorates?

**Cmdr Bourke:** We will always receive the referral. We will always assess the referral, and if there is insufficient evidence to proceed to prosecution or a likely prosecution then we will provide that advice back through the complainant, whether it is an agency or an individual.

**MS FITZHARRIS:** Is that governed by an MOU between directorates or nothing quite that formal?

**Ms Burch:** Some directorates have a responsibility to refer matters on and others will choose to do that depending on the issue.

**MS FITZHARRIS:** Going more broadly back to data, how much do you share with other directorates around what you know about what is happening in certain parts of the city—for example, in the city on a Friday and a Saturday night?

**Cmdr Bourke:** There are levels of privacy in relation to certain data and restrictions on other sharing. I use the Civic entertainment precinct as an example. We are represented on the Liquor Advisory Board. Then there is a subset, which is a broader level of people. We provide absolute statistics into those meetings, whether they meet on a monthly or a quarterly basis. We can see what the trends are. It is about what we are doing in the precinct to address alcohol-related harms in terms of visits to night clubs and education to the different licensed premises. There is no withdrawal of that data from those groups because they are our partners in this. It is a broader social problem than what we can just do, so we absolutely share that data.

**THE CHAIR:** Just as a supplementary to that: some years ago they were designing crime out of the public realm guidelines. Do you talk, for instance, to TAMS saying, “It would be great if there was an extra light here,” or “It’s looking a bit dishevelled. If the graffiti and the rubbish were cleaned up we’d have less criminal activity”? Do you get to that more fundamental level of correspondence or communications with the government?

**Cmdr Bourke:** We are really fortunate in that regard. The principles of CPTED were created quite a few years ago across community policing in the country—crime prevention through environmental design. Our crime prevention education team is really central around that. They look particularly at education in the schools and different community groups. They are our go to group of people if we have identified a risk, whether it is a new suburb development or an emerging crime pattern in a particular area—what can we do in relation to strengthening our target hardening information to not just the infrastructure but to the people?

We did that only last week with our ACT clubs. We had 28 organisations represented by 40 different representatives to consider how we target harden the clubs. How do we target harden a licensed venue and what are the safety aspects we can give to the staff to keep them safer and more secure within their workplace? That is the type of work that we will do in a proactive way. Sometimes it is reactive to what is emerging at the time, but that team is particularly useful and provides that advice.

The Australian War Memorial came to us at one stage and said, “Are you able to give us any CPTED-type advice because it’s difficult to find those experts?” We do not count ourselves as experts, but there are things that we have learnt over years that we know do work and do not work in relation to public safety.

**THE CHAIR:** CPTED is?

**Cmdr Bourke:** CPTED is crime prevention through environmental design. It is a philosophy that was created probably 15 or 20 years ago now. It is shared across community policing jurisdictions across the country as a base principle for some common rules. Where do you put a hedge if you are going to make a new building? If you put the hedge beside the building, it is a perfect place to ambush people that may be vulnerable. And there is lighting. There are some basic structures that you can build into your development which ultimately gives you target hardening and a less-risk approach to your staff.

**THE CHAIR:** Are there environmental design issues that constantly crop up, like poor lighting in older suburbs because of lower light posts and lots of trees, or is the ACT reasonably good?

**Cmdr Bourke:** I think overall it is pretty good. I have only been back in the ACT since the end of January, so I have quite a fresh approach and a fresh view of the community and our infrastructure. My view, having just come from Melbourne after four years, is that we are advanced in relation to design and pre-inclusion of safety aspects, particularly within our new suburb environments. I do not see that in some other areas.

**THE CHAIR:** Dr Bourke, a new question?

**DR BOURKE:** Thank you, chair. Minister, according to ACT Policing, between 2011 and 2015 reported crime in the ACT dropped by over 4,000 incidents. What has been funded in this budget to maintain that continuous improvement both in capacity to respond to and report on crime activity, both immediately and retrospectively?

**Ms Burch:** As I said in my opening statement, ACT Policing are showing positive trends. I think over the last number of years they have reduced incidents of crime. When we go to surveys and some of our indicators, the community continues to feel safe. We have gone through rebasing exercises and have had a very thorough look at services here. In this budget I think we have seen an increase of recurrent funding of about 860,000. Is that right? Is that a good guess? Anyway, we have seen increased funding. Perhaps John Bourke, as Acting Chief Police Officer, or Mr Hayward know more.

**Mr Hayward:** In this year's budget there was an increase of \$865,000 ongoing as additional funding into ACT Policing. That is obviously offset somewhat by the impact of the general savings measure, but that will assist us in both the delivery of direct services and also the enabling services that are provided to ACT Policing through the AFP.

**DR BOURKE:** What are the enabling services?

**Mr Hayward:** Enabling services are services that are essential for the delivery of policing services to ACT Policing but are services that are delivered corporately in the AFP, such as forensic services, information and communication technology, high tech crime and the like, as well as the specialist response group, which are tactical services.

**Cmdr Bourke:** Minister, if I may, as a follow on? The ACT is a certain size and there are efficiencies in us not owning those groups and functions outright. To have that support from the AFP proper and to be able to draw on those services provides us an efficiency of not having to physically own that full capability and/or the on-cost with maintaining that capability where they are service providers to us. They are the ones who are bearing the costs for their upgrades and the retraining and the staff to provide us that service at the top end all the time, rather than us having to develop and maintain them.

**DR BOURKE:** So that is one of the advantages of being a small service within a larger service?

**Cmdr Bourke:** I think it is an advantage of being able to call upon and have an agency that has a capability of providing for us, as well as its own business.

**Ms Burch:** From what I have in front of me, there are 101 full-time equivalents in the enabling—

**Mr Hayward:** The notional attribution is 101 FTE for the delivery of those services. Of course, the actual number of full-time equivalents is determined entirely, or staffing is determined entirely, by the AFP as an entity. They are not part of the staffing of ACT Policing on the ground. The AFP will deliver the full amount of capacity, according to the services that we require.

To pick up on the point that was made earlier, for example, we are able to make use of the AFP's forensic services. The AFP's forensic services are not only world-class forensic services and recognised that way but also they are a fully accredited forensic

service. That is one of the great advantages that we have, because many police services do not have access to such a highly accredited forensic service.

**Ms Burch:** Perhaps the acting CPO would like to talk. The question was around the benefits of being a small unit within AFP. Whilst we get the support of enabling services as far as recruitment and retention, we train the AFP well. I have been told they have hijacked a good lot of our community policing officers. Would that be right?

**Cmdr Bourke:** Yes, I would love to make a comment on that, if I am able.

**THE CHAIR:** Technically, the minister is not allowed to ask you dixer, but I am sure we are all interested.

**Cmdr Bourke:** There is a definite advantage. The AFP is a traditional criminal investigatory body. That is its core front-line business. It does other aspects of work, including offshore capacity building, and ACT Policing is part of that business. The best and most academically researched and supported model of creating the highest quality investigator is to give them a base level of policing skills and knowledge to a competent standard. ACT Policing is core to the development of the future investigators for the AFP.

When the recruits come to ACT Policing they put a uniform on and stay with us for a number of years. That allows people to get comfortable wearing a uniform and being a front-line negotiator, a conflict resolution person. It allows them to get comfortable with their powers. They do many interviews, many arrests and many briefs of evidence so they get their confidence before they go on.

We try to be selfish. We transition a lot of those highly talented people into our own criminal investigation group, but we cannot stifle the opportunity for those people to go to a higher functional investigation area. We encourage them to do that because, as they do that, they spread the good word of work we are turning out and likewise we refresh with new recruits to start the process.

We accept we are a training component, which is critical. For ACT Policing, I love the new recruits coming. I went to the graduation last Friday. Those 40-odd recruits come in with an enthusiasm and a desire to learn, a desire to serve, which is just refreshing. It is dynamic and I welcome it every day.

**THE CHAIR:** Finished, Dr Bourke?

**DR BOURKE:** No.

**THE CHAIR:** A little bit more? Ms Fitzharris and then we will return for one more question from Dr Bourke, and then Ms Lawder.

**MS FITZHARRIS:** Obviously the commonwealth get enormous benefit through the AFP's presence in ACT community policing, as they are able to do their job both domestically and offshore. Without the contract with the ACT government it might be harder for them to have that community policing expertise inside the AFP.



**Cmdr Bourke:** I think that is fair to say, but under our purchase agreement we deliver these services to the ACT community. You are not funding the services to perform the services for the commonwealth. The commonwealth actually provides a figure of around \$5.3 million to us per year and that buys our providing the commonwealth activity in to ACT government. Our dignitary visits, our support to Parliament House, our other events, major events or sporting events that we have here, are actually services they are buying from us up-front for us to deliver. So we are training the people to be able to deliver the capacity, then they go and do it.

Likewise we are training the recruits and they get the advantage; we get the advantage of allowing our skill sets to go to support the commonwealth. Also, whether it is an air disaster in the Ukraine or supporting capacity building in Samoa or any other Pacific island nation, there may be a request for us to support people going there, in supporting that from the commonwealth.

If we have an ability within our FTE structure to enable some people to experience that, we only release when we are above what we need to do our business. It is on a full-costed model by the commonwealth. It is transferred across to that particular function level, whether it is CT or serious organised crime. They meet those costs. So it is not a cost borne by the ACT government.

**THE CHAIR:** Is there a final question?

**DR BOURKE:** I am continuing with the crime rates, minister. There seem to be some area-specific differentials in crime rates around the ACT. The CPO previously mentioned intelligence-led policing. Does that have an area-based focus to it or is that necessarily merely an outcome of the style of policing?

**Ms Burch:** You would identify areas of interest because of the smart work that ACT Policing do—whether it is a demographic profile of a community or an activity in a location, in that the night-time precincts are much busier than the outer suburbs. The acting CPO could go to some of that.

**DR BOURKE:** Perhaps I could clarify that. If we have geographic differentials around the ACT, are more resources being targeted at those geographic areas or does the intelligence-led approach mean that you treat the territory as a whole, given no doubt the relative interrelationships?

**Ms Burch:** There is a yes and no with that. The targeted response crew around the city precinct is absolutely location led, but the response to other activity across the community would be intelligence led. It does make sense deep down, Dr Bourke.

**Cmdr Bourke:** The growth of Canberra in the last, say, five years particularly has had different suburbs created—brand-new suburbs. I have been gone for five years and brand-new suburbs have been created. We need to look at whether the demographics of our resources are in the right place.

We are comfortable at this point that our traditional resources—that is, our traditional stations—are located in our five specific locations to meet the challenges of our

current need. Our challenge in the future, however, is: where there are identified trends, strategies or emerging issues, how do we meet that need from those traditional stations? That is some of the work we are going to do over the next 12 months. How do we meet that need for next year and the year after? I do not believe it is so much a budget issue; it is a matter of how we meet the future challenges of what is emerging through our crime, what is emerging through our society, whether it is family violence, a certain type of drug or other behaviours. How do we meet that?

At this point we have criminal investigation response teams outposted as well within each station. They will give a local criminal investigation immediate response in support of our uniform members. Our key benefit is that our criminal investigation group works out of the Winchester centre and it is flexible across teams. Being a smaller organisation has advantages and disadvantages. It is an advantage when we have to cross-train a range of people across our specialist criminal investigation teams, whether they are doing sexual investigations, fraud investigations or homicide. Because we only have nice, low statistical figures in some of those areas, we are able to cross-train those people. So when we have a spike in vehicle thefts or other types of crime, we can use those people across the teams and throw them at that. And that is what we do. We will go to a suburb base, a location base or a crime trend, irrespective of where it is, and those resources will be dedicated to that. That is the flexibility. Being smaller, we have to cross-train and it gives us that ability.

I am really comfortable with what we are providing, and our crime stats are showing that. Whenever there is a spike—and there was a spike in some vehicle break-ins and damage at Gungahlin—we are able, through the intelligence aspect, to look at crime, traffic, our crime reduction teams, to throw dedicated resources at it for periods of time, working on when the peak times are when it is occurring. Is it at 2 o'clock in the morning? Is it on a Sunday morning? We are able to ultimately come up with offenders in relation to those. We will never have 100 per cent clear-up—I wish we did—but we have been able to attack those head on at that time by being flexible.

**Ms Burch:** As our city grows, we will see the co-located services at Gungahlin. As I understand it, the police presence there is growing to respond to that community demand. So the sites are right but sometimes we will be stretched, as the community is stretched as well. There is some investment from last year's budget to look at the feasibility of considering the best use and how we accommodate the emergency services and police in Gungahlin.

**THE CHAIR:** A new question, Ms Lawder?

**MS LAWDER:** I will defer to Mr Hanson.

**MR HANSON:** One of the JACS priorities is implementing new laws to combat organised criminal groups, including outlaw motorcycle groups. Have you had a look at the laws, particularly in New South Wales, to see what they have and how that might play out in the ACT—whether there are aspects of their laws that we could implement here that would help in that fight against organised crime?

**Ms Burch:** There is a lot of attention being paid to outlaw motorcycle gangs. There is a dedicated task force that is in operation and certainly keeps a strong eye on that. In

terms of law changes, they sit more with the attorney than with the minister for police. I will ask the acting CPO to answer, and I might go to Ms Playford as well, as a representative of JACS.

**Cmdr Bourke:** I can advise the committee that ACT Policing has been consulted in the drafting of the serious organised crime bill 2015. The purpose of the bill is to disrupt serious organised crime. We and the Justice and Community Safety Directorate are presently assessing the effectiveness of the New South Wales legislative model on consorting and the applicability of that in the ACT context.

In a local context we have Taskforce Nemesis, which is a group within our criminal investigations that is dedicated to investigating outlaw motorcycle gangs here in the ACT. We are very proud of the success that they have had and of their drive and determination. They will be at the front end. They will rigorously and vigorously pursue people who wish to commit any type of serious crime from that community.

**MR HANSON:** You have had a look at those association laws in New South Wales. Have you had officers go and interact with New South Wales policing? How does that work?

**Ms Burch:** I understand from Ms Playford that the attorney spoke to some of these matters this morning. Before we come back to the acting CPO, I might defer to Ms Playford.

**Ms Playford:** I think the attorney gave evidence this morning around the government's consideration and noted that officers had met with New South Wales to talk to them about their laws and the lessons they have learnt from their laws. There has been an Ombudsman inquiry that has been printed. ACT Policing, along with JACS officers, attended those meetings with New South Wales, and are working together to inform the law reform that the attorney spoke about and which the government is currently considering.

**MR HANSON:** When that interaction occurred, was a review produced? Is there a document that has been produced as a result of that body of work? What is the status—or has it just been informal?

**Ms Playford:** There was no formal report done. It really fed into the policy development of the legislation and the advice that has been provided to government. I wanted to make it clear that we were working collaboratively—the directorate and ACT Policing—in having those discussions with New South Wales and then providing advice to government about what the options might be for the ACT, and having regard to the legislation which the attorney referred to that he is currently preparing.

**MR HANSON:** Random roadside drug testing and random roadside breath testing: could you give me an update on how that is progressing, how many tests have been done for both and what the strike rate is?

**Cmdr Bourke:** It is actually a pleasure to be able to talk about trends in relation to this, where it is going, and to see if ACT as a community is moving towards some of

the evidence that is coming out of some of the other states and territories. I have the fortune to be on the Road Policing Forum. We speak very freely about the emerging trends particularly in relation to random drug testing. The back capture is the 2013 financial year. ACT Policing conducted 148,295 random breath tests in which 1,348 drivers were identified as being over the prescribed limit. That is a ratio of about one in 109 for positive tests.

In that same period 2013-14, 2,543 random roadside drug tests were undertaken and 268 drivers returned positive readings. This is a ratio of one in 11. In the first three-quarters of the 2014-15 year we conducted 113,100 random breath tests. 760 were identified, which is a positive rate of one per 11. So it is fairly much static; that really has not changed—positives for drink-driving. However, in respect of random drug tests, 2,076 tests were done and 269 drivers recorded positive results—a return rate of 1.8, one in eight. So every one in eight tests is positive. In the 12 months we have gone from one in 11 to one in eight and our statistics, although the team works hard at that, are still based on a relatively low population. If you multiply that on a higher level of population it is alarming.

Trends across this country are indicating that as we do more tests on more and more people we are getting more return on the positive drug results and more and more of the tests are revealing that there is a methamphetamine component, not just cannabis. A challenge within that structure is that the test says only that it is positive to drugs. It does not have the technology or that ability to tell you how much of the drug, so how impaired they are like traditional drink testing shows.

So our absolute commitment with our road safety and the new ministerial direction is to reinforce the work that we have done in the last few years dedicated towards road safety—to increase our presence around the school zones particularly but continue to increase our random drug testing. These people have a level of effect and a level of danger on the road which is not traditionally captured. They are not the traditional person who staggers out of a licensed premises or a home, a person who can barely stand and barely talk. These are people who may well have consumed this drug within the last 12 hours, 24 hours or 48 hours and we will still get some responses.

**MR HANSON:** One in eight is quite frightening. I assume that that is because it is probably more targeted than the breath testing; is that right? With breath testing you are just pulling people over randomly whereas with drug testing sometimes it is suspicion or is that an entirely random number?

**Cmdr Bourke:** It is an entirely random test. However, I spent some time with the operators here so that I could actually see the process from start to finish. With the new technology, they are becoming more and more skilled about who may be likely random targets. It is not through the traditional method of a car that is unroadworthy, not looking very good and being driven all over the place. These are people who are in all stations of life and in all levels of motor vehicle, which challenges the traditional police targeting and identification of people who may have an impaired capacity on the road and who are sharing the road with others.

**MR HANSON:** What is the conviction rate on those? I saw a case where someone got off because they said they had some muesli or something like that.

**Cmdr Bourke:** I have no specific advice to say that there is any specific issue with convictions. Likewise, in respect of the forum that I am on, there is no evidence emerging that there is a technology or legislative failure or vulnerability that will allow people to walk from these tests. I am not aware of any.

**MR HANSON:** In respect of that one in eight figure, is there a JACS response, a whole-of-government response, to combat this? I assume that a lot of it is education. Maybe it is to do with the penalties because it seems like you are identifying them very successfully on the road but then it has gone from one in 11 to one in eight. But that is not necessarily making the difference that we would want to see—the same sort of results we saw with breath testing. Is there a forum, is there a roundtable or is there a body of work that is being done within government to address this as an issue?

**Cmdr Bourke:** If I may, minister, just on our side, this is alcohol-related harm effects and we talk about drug-related harm. So alcohol, in the national drug strategy, talks about alcohol and drugs in the same words. If this is a societal-community issue, we need to attack it from every angle. We will not arrest our way out of people taking these drugs and driving their cars. We need to educate them from the ground up, through the schools, of the dangers. We need to continue education of people looking after their friends and their mates from a young age. We also need to look at where the supply is from. It is also where the drugs are coming from. How is the supply available? So this is a multi-layered approach.

**MR HANSON:** I accept that and I suppose to an extent that was my point but then with this evidence—I suppose you have the crime side of it and now we have the driving side of it—what is the response? We tend to talk more about the crime and that seems to be more visible. But in terms of public advertising campaigns or awareness, are there any steps being taken?

**Cmdr Bourke:** There is a range of joint activities, whether it is just by ourselves through our road safety calendar through the year or in relation to education campaigns that we will do. Sometimes the police are on their own. The majority of those campaigns though are in partnership with the Justice and Community Safety Directorate, both committing significant resources towards those whether they are in the schools, in community forums or whether it is “safe plate” like was done only last weekend. Ribbons were put on the motor vehicle aerals to say that we need to be safe and look after each other—the safe road, vulnerable road users aspect about sharing the road safely. There are a whole range of those campaigns. From my experience the commitment to those campaigns and the number of campaigns in this community is far higher than what I have seen in the past in other areas.

**MR HANSON:** In terms of the number of tests, there are significantly more breath tests than drug tests. I know that that is because of cost, but is the number of drug tests adequate? Is there a sort of tipping point at which the word gets out that if you drink-drive you are likely to get caught or if you use drugs you will get caught? If you are doing only 2,000 tests, does that mean people think that they have a better chance of getting away with it?

**Cmdr Bourke:** I think this relates to the social education campaign and the re-

education of our community. This is a new phenomenon. As sad as it is, I do not think enough members of the community have realised the level and the number of people who are taking drugs, which is not evident, and that they are driving. I think an awakening will occur as we move into this drug space—more and more people’s behaviours when they are affected by different drugs. As we detect more, I think we will have buy-in from a state and a federal level towards that education and it will become more of a national conversation. This is not acceptable. The penalties—I would not say the penalties aren’t fine. I think the penalties are consistently applied by the courts in relation to drug or alcohol driving. The disqualifications are consistently applied in general but it is not stopping that. So how do we stop the people that have taken that drug 24 hours before? First of all, we educate them to know that it is still in their system. That is a common reaction, “He didn’t know it would last so long because alcohol doesn’t.” How do we educate them in that space? It is—

**MR HANSON:** I suppose that is what I am asking you.

**Cmdr Bourke:** Yes, and again I think it is a multi-message approach. But we cannot do it alone. We stand strongly with the Justice and Community Safety Directorate through our safety programs. I think that message needs to be strong in that space, along with continuing education through the schools, and we are certainly committed to that.

**Ms Burch:** Certainly at the COAG level, in respect of just the drug ice there is the Ice Taskforce. There are discussions around the country on that. There will certainly be some activity, I have no doubt, that will come out through that process as well. But as we refresh the ACT road safety policy as well, that will be the framework on which we can embark on this across-agency education, community education awareness raising, because a lot of people just do not understand the consequences and the ripple effect of what they are putting in their system and how long it stays in there for.

**Cmdr Bourke:** One of the challenges we have is that this is quite a technical process. We cannot do it on the side of the road quickly—count to 10, there is the positive and do quite a quick process. There is a technical aspect. People are specifically trained. We have a specific group who does that testing. The kits must be maintained at a certain temperature. The samples must be maintained at a certain temperature. There is a continuity of evidence aspect which is significant in relation to prosecution. It takes quite a lot longer. It may take up to 20 or 25 minutes. It may be five to 10 minutes on the roadside just to see an indication. It may well take 20 to 30 minutes actually just to capture enough saliva on the physical test in the station where we are doing it because the effects of the drug dries them out. We need the saliva. It is a longer process. It is not as quick; so it slows down the number. There is an increased cost associated with those tests rather than with the RBT. It does not define how many we do.

**Ms Burch:** I might ask Ms Playford to talk on road safety because one of the key focuses on that is safe people, safe behaviours. Given that the committee will not have roads in front of it again, I would ask her to address you very briefly.

**Ms Playford:** Yes. I note you have Minister Rattenbury—

**THE CHAIR:** Just before you go to that, on the cost issue, what is the cost of a random breath test and what is the cost of a random drug test?

**Cmdr Bourke:** Virtually a number of cents for the old tubes but with the current devices now, you actually do not use the tube every single time. The current devices have a pump inside to actually suck in the air as you talk. But the tests themselves vary depending on—because you have to get them to the laboratory. Across the country, I cannot give you an exact figure, but it is about \$300 to \$500.

**THE CHAIR:** To do a random drug test?

**Cmdr Bourke:** To do the whole test—you have specifics—

**Mr Hayward:** To do the whole test; so an initial random drug test is in the order of \$10 per test. If a positive arises from them then we have to go to a more formalised test, which is substantial. It is several hundred dollars per test. Comparing that with random alcohol testing, that is essentially at no cost whatsoever at the roadside and then there is a test that is less than \$100 once a formalised blood test is taken at the station.

**DR BOURKE:** So how many breath tests do you do a year and how many drug tests do you do a year?

**Ms Burch:** I think it was 113,100 for random breath tests; is that right?

**Cmdr Bourke:** Yes, in the first three quarters of this year we did 113,100 random breath tests and we did 2,076 random roadside drug tests. We are looking to increase that as we go. We are trying to get more people cross-trained as we roll out—we also have to make sure the infrastructure is there to protect the continuity of the testing, as I am saying, because there is a temperature aspect to that. We have to make sure that we have the fridges or the containers in the right place to make sure the sample, as a piece of evidence, is not contaminated in any way so that we will have a successful prosecution. We have got to get it to the lab first and get it tested. That is critical. It is an extra few layers but for us it is worth every investment in doing that and our plan is to try and increase those numbers.

**THE CHAIR:** Perhaps just a summary, Ms Playford, because I feel we are going to run out of time.

**Ms Playford:** Sure. I quickly note that Minister Rattenbury has responsibility within government for road safety. The ACT has a road safety strategy for 2011-20 which is under a national strategy. Minister Rattenbury, I think, has already announced that he will be launching the next action plan for the ACT later this year. There is some planned education activity around drugs and driving as part of the planned education activity which I think the Acting Chief Police Officer referred to. There is a whole-of-government committee, which ACT pretty much participates in, that works on developing that calendar of education activities. I just thought that that would be useful information for the committee.

**THE CHAIR:** Thank you. A final question.

**MS FITZHARRIS:** Thank you. Minister, I wanted to ask in particular about two of the priorities you mentioned in the ministerial direction. I am interested in the domestic violence one but also road safety around schools. I have observed that sometimes school pick-up and drop-off turns otherwise pretty reasonable people into road warriors. What might we see as different over the course of the next year?

**Ms Burch:** As minister for education, there are often concerns raised by parents. It is always somewhat perplexing that the poor behaviour around schools is often by the parents coming in and collecting the children. But in the first term, as I understand, there were 400 infringements, either fines or infringement notices, put out around school zones. That is 400—

**MS FITZHARRIS:** And that is the ones you catch.

**Ms Burch:** Yes, and that to me is 400 occurrences where kid safety has been put at risk. You will see through ACT Policing certainly a stronger presence of patrolling and speed cameras around school zones, but the Acting CPO can talk to that.

**MS FITZHARRIS:** Are those infringements largely around speed?

**Cmdr Bourke:** A combination. A combination of driving behaviour, parking, where you want to park, mobile phones, seatbelts—a lot of inattention things: “It’s only a short run to school. We’ll drop them off quick and get back in and we don’t have to go far.” Our road safety calendar drives a lot of activity; I have been impressed by the document, having seen it for the first time four months ago.

We are restructuring that, as Ms Playford said, in partnership with JACS, to say, “Okay, we will target particularly the pre-holiday and post-holiday periods we see as when the worst behaviours happen.” The children have been having a great time too; they want to go on holidays and not pay any attention. They had a great holiday and are not paying attention coming back. We will build the higher levels of specific activity around the schools, being at crossings in those periods, than we had last year. We actively respond and provide support for any complaints that come in from schools and/or people in streets or suburbs or places. We have been doing that. But we will have more of a dedicated built-in focus around those for next year. As to the exact details and number, we are still creating that, as it is a new initiative, but it will be part of the calendar when it gets released.

**MS FITZHARRIS:** Is it more prevalent around primary schools or high schools? I know we have got some P-10 schools, but is there a noticeable difference between campuses?

**Cmdr Bourke:** I wish I could say that I have got evidence in front of me to say there was. All I am saying is that the general driving behaviour around schools at times, and school zones, is somewhat less than desirable by a lot of people.

**MS FITZHARRIS:** There are a few new schools being built. Do you have input into the design of the new school in terms of what the traffic might be like around there? Obviously TAMS and Roads do, but do ACT Policing have input into it?



**Ms Burch:** In the broader sense, but education have as well. They are leading some cross-government agency work around parking, because it could be a behavioural matter or it could be an engineering matter. There are a number of things that feed into it.

**MS FITZHARRIS:** In New Zealand they operate what are called school traffic safety teams, which have people in orange coats with kids getting involved and parents getting involved. I know that with a lot of working parents that becomes more difficult, but do you have any evidence as to whether that sort of approach, where you get the school community, the kids, the parents and the teachers involved, works? It is not just the teachers; our school, for example, relies almost solely on the teachers to do it.

**Ms Burch:** Different schools have a different response and we are sort are moving into—

**MS FIZHARRIS:** The education side of it, yes.

**Ms Burch:** the education side of it. And every school is different. You will have schools on a very quiet road at the back of some area but then you will have a school absolutely right on the major rat-run of people. That has a different response absolutely.

**THE CHAIR:** We have 23 seconds remaining to us. Dr Bourke has a very quick supplementary.

**DR BOURKE:** Absolutely. Do you collect data as to whether there are children in the cars of these offenders?

**Cmdr Bourke:** I am sorry?

**DR BOURKE:** Of these 400 people booked, do you record whether there are children in the car?

**Cmdr Bourke:** The officer who issues a ticket will, as a general rule, record who is in the car for evidentiary purposes. If that matter is contested in the brief of evidence, in the statement, the officer will say what sort of car it was, where it was et cetera and who was in the car. So if it does go to a magistrate on a contested basis, the magistrate, in that evidence, will hear if there were other young children in the car, as part of the normal statement.

**DR BOURKE:** So you would be able to take it on notice as to how many of those 400 had kids in their cars when they were—

**Ms Burch:** Whether it is that easy to mine that data, I do not know, but if it is readily accessible, we will provide it to the committee.

**THE CHAIR:** We might draw to a close there. Thank you, minister for policing and Acting CPO Commander Bourke, for your attendance today, and thank you to

officials. A transcript will be issued as soon as we have got it. Could you please review that; if there are any corrections or alterations you would like to make, please contact the secretary. You have just taken a question on notice so if you can—

**Ms Burch:** I think I already know that it is probably not going to be able to be provided.

**THE CHAIR:** That is okay, but if there is something that could be provided, five days from the transcript would be appreciated. We will now move to output class 2.1, Corrective Services, the minister for justice and community safety appearing.

### **Short suspension**

Appearances:

Rattenbury, Mr Shane, Minister for Territory and Municipal Services, Minister for Justice, Minister for Sport and Recreation and Minister assisting the Chief Minister on Transport Reform

Justice and Community Safety Directorate

Playford, Ms Alison, Director-General

Crowhurst, Ms Moira, Chief Finance Officer

Martin, Mr Victor, Director, Criminal Law Group, Legislation, Policy and Programs

Mitcherson, Mrs Bernadette, Executive Director, ACT Corrective Services

Taylor, Mr Don, General Manager, Custodial Operations, Alexander Maconochie Centre

**THE CHAIR:** For the final part of day 10 of estimates, we have the minister for corrections, possibly doubling as the Minister for Justice, depending on who has a question for him. Please be aware that this is being recorded and will be transcribed by Hansard and published. The proceedings are currently being broadcast as well as webstreamed. If you take a question on notice could you please use words like, “I will take that on notice,” so that we can track progress of the answers from you. Could you confirm for the committee that you have read the privilege statement, the pink card on the table in front of you, and that you understand the implications of privilege? It is so acknowledged; thank you very much. We will start now with output class 2, output 2.1, Corrective Services. I will give my first question to Mr Wall.

**Mr Rattenbury:** Mr Smyth, I would like to make a few introductory remarks.

**THE CHAIR:** Sorry.

**Mr Rattenbury:** Uncharacteristic as it is for me, I know.

**THE CHAIR:** A breach of protocol, minister. You should have told me. Minister, would you like to make some opening remarks before we go to questions?

**Mr Rattenbury:** Yes. I know I normally do not, but for corrections I have a few things I want to observe.

It has been both a challenging and a productive year for Corrective Services. When I look at other jurisdictions around the country and read some of the media reports, I am reminded of the unique challenges we face here in the ACT, having a single human rights prison with the benefits and challenges that come from that.

Unfortunately, we do continue to respond to higher and higher detainee numbers, breaking AMC accommodation records as we move forward. These are certainly not the kinds of records I would like to be breaking. The Walker forecast predicted the growth of detainee numbers to levels similar to what we are actually experiencing now, although we continue to see that external and unforeseen factors unrelated to corrections are continuing to drive up our population numbers. In particular, I refer to

a number of tragic and disturbing violent deaths in Canberra in recent times and the impact of a broader community response to domestic violence.

On a daily basis, corrections staff are dealing with what are incredibly complex accommodation logistics and detainee movements to meet increasing detainee numbers. I cannot speak highly enough of their skill in managing the separation and segregation issues that are arising at the AMC, issues that their colleagues in other jurisdictions would simply manage by sending somebody to a different jail. That is one of the key differences we have from other jurisdictions.

Aside from this daily challenge, we continue to progress additional accommodation facilities at the AMC. Again, this has been done with exceptional professionalism. The two new accommodation units are progressing on time and on budget, with intelligent design and scope that will make a very real and positive contribution to dealing with some of the issues I have spoken about when they are fully commissioned.

In the meantime, as members know, we have made the necessary and strategic decision to temporarily use the Symonston correctional facility for a targeted and carefully chosen group of up to 22 detainees to relieve the pressures at the AMC until the additional facilities come online. We are also progressing work on the development of prison industries; I am confident we can find a model that will fit the AMC's unique model itself and I hope to have that decision before cabinet over the coming year.

In addition to meeting our operational and strategic priorities, we have responded to numerous auditor reports. As the minister, I recognise and welcome the opportunity to examine and identify areas as part of continuous improvement. That is why the ACT government has accepted each of the Auditor-General's recommendations that arose out of the recent report on rehabilitation programs. I think it is a credit to both Corrective Services and the directorate more broadly that each of these reports has highlighted the many examples of positive practice under challenging conditions. We have also finalised our enterprise bargaining agreement with corrections officers to ensure that our prison officers receive their deserved pay increases and back pay.

We have also held true to the government's policy intent to move forward on a needle and syringe exchange program in prison by working closely with the CPSU and other stakeholders to reset the debate and find a positive place in which to continue that discussion and develop a model for future consideration. I know this is a controversial health initiative, but it is also a very important health initiative and I believe it is one that will ultimately save lives and realise significant health benefits in our corrections system. Our through-care program continues to go from strength to strength, and it is currently preparing for a full evaluation.

This year's budget goes further to addressing critical operational issues dealing with the current demand and preparing for the future. Our ICT system upgrades will support and improve data collection and analysis. We are also welcoming a new group of community corrections officers to assist in enhancing our existing supervision of offenders and to prepare for proposed new sentencing options.

As well, we look over the coming year to the important justice reform strategy and the allied justice reinvestment work, which are essential if we are to significantly and sustainably reduce incarceration and increase community safety through a reduction in crime.

I wanted to make those observations simply in the sense that there is much more to the business of ACT Corrective Services than tends to make the headlines of some of our local media outlets. With those few remarks, I welcome your questions.

**THE CHAIR:** Members, we are at output class 2 on page 11 of budget paper D. If you have got just questions for the Minister for Justice, it is output class 1.1 on page 9. I will throw my first question to Mr Wall.

**MR WALL:** Thank you, chair. Minister, can you give us a brief update on the expansion works that are currently going on at the jail—how they are tracking, when they are likely to be completed and what additional capacity that is bringing?

**Mr Rattenbury:** Yes. As I indicated, the project is running on time and on budget. It is really being delivered in two phases. We expect the special care unit to be available in September for full use. There will be a series of commissioning works and testing phases prior to that. That is a 30-bed facility. The larger accommodation unit is on schedule to be ready in the middle of next year.

**MR WALL:** What, in an operational sense, are the additional facilities going to mean? You often talk about the complexities of segregation and managing cohorts. How is this facility going to relieve some of that pressure that exists?

**Mr Rattenbury:** Both units—they are a bit different—in the broad have been designed to offer a greater capacity for segregation in light of the operational lessons that have been learnt since the AMC has opened and particularly the higher separation rate than was forecast at the time the AMC was designed. In both cases each of the buildings has a range of wings that offer high levels of segregation. It means people can operate program spaces and the like and it minimises the need for people to perhaps be moved across the prison for programs, health treatments and the like. So there are two issues. One is providing more separated spaces to separate out cohorts and the other is less need for movement of people across the prison, which again enhances safety and obviously provides some efficiencies as well.

**MR WALL:** What sort of time frame is that additional capacity that this project is giving the prison likely to serve Canberra for? At what point will we be in a similar situation again?

**Mr Rattenbury:** As you know, we have had John Walker come in and provide us with updated forecasting. It is quite simple to match those numbers up against Mr Walker's forecast. My personal view is that I would like this to be the last expansion of the AMC, and that is why the government has simultaneously invested in work on our justice reform and justice reinvestment strategies to make sure that we minimise the number of people that need to go to jail or to focus on making sure that the people who go to jail are the people who have to go to jail, and that people who might be better served through other means that can address their offending behaviour can get

that more appropriate treatment, support and rehabilitation in the community.

**MR WALL:** Given the segregation issues that exist at the current facility, what number of beds on an average basis or spaces will be unusable given the complexities?

**Mr Rattenbury:** There is no definitive answer. The only concrete answer I can give to that is that, with men's and women's, we can be at a point where, for example, the men's accommodation could be full and there are spare beds in the women's accommodation. They are not accessible. In that sense it is an obvious difference. Outside that it is really about having a constant, day-to-day assessment by corrections staff, who have a very good knowledge of our detainees.

One of the advantages of being a small community is that people do know each other and they know the connections. Our staff are very good at getting to know people. Whilst that small community adds some complexity in the sense of grudges from outside and the like, it also gives us a greater level of knowledge. So there is no fixed number of beds that might not be available.

**MR WALL:** Certainly there would be some sort of indicative figure. Is that figure tracked or is that a statistic that is monitored in day-to-day operations?

**Mr Rattenbury:** It is not a recordable figure in the sense that, in the last few weeks, we have been at very full capacity and there have literally been almost no spare beds in a range of parts of the jail. It is about getting the right people in together to avoid any security concerns.

**MR WALL:** The reason for the line of questioning is to ascertain whether you are making the best use of the existing space. Because of the nature of the design of the place, there are sections of it that are simply unable to be used when you have an individual in that bed?

**Mrs Mitcherson:** We use all sections of the jail now. In fact we even have people in our health ward because we do not have beds to place them in other areas. Quite literally, we do a daily muster that breaks down every area where there is accommodation. We have how many are in there, how many are available, how many are somewhere because they cannot be placed somewhere else because there is no bed available. So we use every spare place, except obviously we cannot put men in with women and we do not want to compromise the transitional release centre, so Don is very careful about that placement. Otherwise we really try and use every spare bed that we can.

Staff are very good at knowing about this when someone comes in. The person coming into custody might be a bit under the weather and not able to give you information they need to give you. Staff often remember and think, "I know he was in last time. He doesn't get on with so-and-so and there's an issue there." They are very skilled at that. It is something that other jurisdictions do not have to do. I do not know whether Mr Taylor wants to comment, but we do use every spare bit of the jail.

**MR WALL:** With occupancy rates at the moment, how many people are currently

housed in PDC?

**Mrs Mitcherson:** In Symonston?

**MR WALL:** Yes.

**Mrs Mitcherson:** Twenty-two.

**MR WALL:** What is the occupancy of the AMC?

**Mrs Mitcherson:** Today it is 366. That is including PDC, I am sorry. That is including Symonston, so take 22 off; 344. Our highest has been 367 this week.

**MR WALL:** And that is the highest it has ever been?

**Mrs Mitcherson:** It is our personal best.

**MR WALL:** 367 is the record so far?

**Mr Rattenbury:** Achieved this week.

**THE CHAIR:** A new question, Ms Fitzharris.

**MS FITZHARRIS:** I want to ask about the services and programs that are available for detainees inside the prison and also on their way out, and particularly through-care. Could you give us an update on that and on what we are likely to see over the next 12 months?

**Mr Rattenbury:** Yes, certainly. Through-care has continued to be very successful. I can give you some of our latest figures. As I mentioned in my introductory remarks, we are also getting to a point where there is about to be a thorough evaluation of through-care. I think it will be a very important point in time. Certainly, with respect to the figures for the last 12 months, from 1 July 2014 to 30 June this year—in a couple of days time—we have had 253 releases from custody. That is 209 men and 44 women. Of those, there have been 44 total returns to custody. To put that in percentages, that is around 17 per cent. That is a very positive rate, and I will frame this carefully.

Under the ROGS data our recidivism rate in the ACT in the last couple of years has been over 40 per cent. This is not a direct comparison yet because the ROGS data is for a two-year period with a repeat offence. This is obviously only a 12-month figure. So they are not like for like but it certainly frames it very positively, as initial data, in that the return to custody rate is only 17 per cent compared to a long-term recidivism rate in the 40s. So we are very encouraged by the impact that through-care is having. That is matched by the anecdotal examples of individuals and the case studies where we see people have been much more successful in staying out or perhaps have stayed out for longer than they have previously. These are all measures of anecdotal success and this is what the evaluation will draw out in more detail.

**MS FITZHARRIS:** Have all the people who have left gone through through-care or

is it an optional scheme?

**Mrs Mitcherson:** Through-care is voluntary. We think that is an important component of the program. In the last 12 months 100 per cent of eligible Aboriginal and Torres Strait Islander men and all remanded sentenced women have signed up. Of the other men, we might get about one every two months that says no. So it is close to a 100 per cent sign-up.

The other important feature to note is that 40 per cent of those signing up do not have any order with corrections. They are not on parole; they are not on a good behaviour order. They have done their balance. As executive director it speaks to the positive relationships that our staff have been able to build. Even though clients no longer have an order with us, they still say, "Yes, I'm happy to be involved with you." I think that is really important.

In terms of the return to custody, what we want to do with the evaluation is to really drill down a little bit. For example, in the last 12 months 44 women have been engaged in through-care. There have been only three returns to custody, and of those three women one of them has returned twice. It was actually only two people. Forty-one men have returned to custody in the last 12 months but that is actually 29 people. So we do have some frequent flyers, as we call them, that are in and out a bit. I think it is important to note that while you have 41 returns, it is actually only 29 people. That is the kind of information where we really want to drill down, going forward, when we review the data.

**MS FITZHARRIS:** Recidivism as calculated through ROGS: is that return to custody, not just reoffending?

**Mrs Mitcherson:** It is return to custody with a new offence or return to community. So you might return to custody with a new offence or you could actually return to community, which can also be seen positively because it means you might have a lesser offence that meant you did not get a custodial offence; you got a community offence, which is probably lesser. So we are looking at some sort of impact on diminishing—

**MS FITZHARRIS:** Does return to custody include remand or not?

**Mrs Mitcherson:** With respect to the breakdown here, return to custody for that 12 months was 23. Nine per cent were for breach of parole. Some people think we should not breach. It is important to breach because sometimes you can stop there being a potential victim. You can say, "We're breaching you. We're putting you back inside for a short time. We need to do some work with you. You're not ready to go out yet." So we are comfortable that breaches are appropriate. Of those, new offences were about eight per cent. ROGS counts new offences. I think that is important; if they are going back in for a lesser offence or if they are going back in for a breach it means they have not committed another offence. It means there are no victims, there is no court stuff and we can just work with them. So it is an important distinction.

**MS FITZHARRIS:** What does through-care look like for a person and how long does it go on for?



**Mrs Mitcherson:** To put it in context, I just checked some stats today. For the 11 months of this year, 35.6 per cent of our current through-put for the year—our churn is over 500—do less than 30 days. Of those, 16 per cent this year have done less than 72 hours—72 hours or less. That represents roughly 180 or nearly 200 clients. I think it is important, when you look at the context of programs, to note that there are 200 clients for whom, apart from admitting and detoxing them, and so that they have somewhere to live, we cannot do a lot with them because they are in custody for very short periods of time.

For those who we know have a period of time in custody and for whom we know their sentence length, three months out from their final release date we start working with a pre-release caseworker attached to the jail. At that point they link in with a through-care worker. So we start case planning at that point in time. It is very much focused on the person and what their particular primary issue is. We engage with their family. It becomes difficult when someone maybe has a long period of remand; they have done 12 months remand, go to court, get time served and we are running around trying to find accommodation for them because they only have two days to serve. Those kinds of things are challenges for both case management staff and through-care staff. Generally, when it can be planned, a whole lot of boxes are ticked before they even get out into the community.

The last two weeks in custody are quite intensive—making sure they have clothes and all those sorts of things. Everyone who is released from custody is picked up unless they are on remand. No-one walks out the door without being picked up, because we want to make sure they go where they go. In fact we have even had discussions with the courts to try and make sure releases are Monday to Friday, because it is harder to get volunteers and organisations to pick up on a weekend. We do not want them wandering off to the park. We want them to go where they are supposed to go.

For the first six weeks there is very intensive case management. It could be three or four contacts a week because they are quite chaotic, and then we slowly cut that back, depending on the complexity of the client.

**MS FITZHARRIS:** In terms of employment, do you know whether most people who come into prison are employed or unemployed? What are the figures like when they leave?

**Mrs Mitcherson:** I cannot give you the exact figures but most of our clients do not have employment histories. They are usually from family situations where they have not had people around them who have worked and they have not worked themselves. There are probably some exceptions—for example, people that are on charges around fraud, for example. Often sex offenders will have very good employment histories. But that is just a few. We do work hard, prior to their getting out of custody, with employment agencies. We have had some recent success with a few getting jobs and keeping jobs. I do not have the figures with me now, but we do work very hard.

There are five important packages for us. The basic package, which is when they come out, is to make sure they have the basics. We do not just put them into accommodation where there is no furniture and no food. So they have the basics

looked after. Then it is about health. That could be making sure they have a healthcare plan when they come out. If there is medication that they have to keep taking, that is sorted out. Then there is employment. They might have to try a number of areas of employment first. That is the basic package.

The other part of the package is connections. That is connections to family, culture, and whatever is important to them. Connection is particularly important because we do not want them to connect with the same peer groups who might be offending. That can be very difficult. Housing is always a significant issue. No-one gets released into homelessness, unless they are on short-term remand and we have not had a chance to be engaged.

**MS FITZHARRIS:** In terms of job skills programs within AMC, what is there?

**Mrs Mitcherson:** Most people, if they are leaving and they have been there for over 30 days at least, will come out with some basic tickets, if they want to, particularly for men around white cards and work health and safety—probably nearly 100 per cent of those. There are about 20-odd vocational programs. While it is often said, “There’s no education, I’m bored,” if you really want to be engaged in the AMC, even with all of our issues with segregation and separation, you can be engaged. There is a lot to do.

**MS FITZHARRIS:** Do most detainees choose to be engaged?

**Mrs Mitcherson:** It is about understanding the complexity of clients. People do not come into custody and have a road to Damascus moment and think, “I’m here now; what can you give me?” They are detoxing or saying, “I don’t want to be here. My lawyer’s going to get me out. Get me Legal Aid so I can get an appeal.” So it depends on the person.

They might have reached an age where they say, “I’ve had enough. I’m ready to do some programs. I’ve met a partner. I’ve engaged well with a caseworker who’s really encouraging me.” Or they may be still a bit young and thinking, “I’m not engaged at all.” We call that understanding readiness and planning their time in custody. If we know someone has a two-year sentence, we will look at what the sentencing comments are from the judge, what their offending behaviour is and what might be an appropriate program for them.

We cannot compulsorily make someone do a program. If someone is before the Parole Board there is more incentive for them to do a program because we will say in our parole report, “So-and-so didn’t turn up to the program or refused to participate, or even if they did turn up they weren’t engaged.” So we are very clear about that. But if someone has a good behaviour order and not a parole order then there is no compulsion. We cannot mandatorily say, “You must go.” Again we can use that coercive—I do not know if “coercive” is the right word. We can—

**Mr Taylor:** Motivate.

**Mrs Mitcherson:** motivate in terms of the Parole Board, sentencing and those kinds of things. There are some offenders who say, “I’ll do the balance of my sentence, thank you. I don’t want to do a program.” This happens.

**Mr Rattenbury:** The other side of that, Ms Fitzharris, is that there are a range of employment opportunities within the AMC. There are a whole lot of jobs—cleaning, the kitchen, horticulture and those kinds of things. But I am certainly keen, as I touched on earlier, to expand the options for prison industries in the AMC. This was something that the Auditor-General spoke to. I went last year with Mrs Mitcherson and other staff from corrections ACT to New South Wales, to Long Bay, where they run a range of prison industries. We have engaged with New South Wales corrections, who have offered to assist us with expertise and advice on getting underway with prison industries here in the territory.

**THE CHAIR:** Dr Bourke, a new question.

**DR BOURKE:** Thank you. Minister, you have got \$3.2 million allocated in this budget for community corrections over the three years. Could you tell us about the extra services you are going to be providing with that money?

**Mr Rattenbury:** Yes. There are, I guess, two elements to that work. One is to enable us to immediately recruit some staff to enhance our current ability to have observation about people on community corrections at the moment. But also we are anticipating, through the justice reform strategy and the development of new orders, to replace periodic detention and increase the workload for community corrections.

**DR BOURKE:** So this is cranking up community corrections as an alternative to weekend jail?

**Mr Rattenbury:** Correct.

**DR BOURKE:** The funding increases exponentially between 2015-16 and 2016-17 and then falls to zero in 2018-19. Why is that?

**Mr Rattenbury:** The reason for the gradual uptake of the funding is that it is timed to coincide with the closure of the periodic detention centre and the introduction of new community orders. That is why I said some of it is capacity to improve now and prepare. The rest of it will see an increase once that full demand comes into place. For the outyears, at this stage we actually need to wait and see what the justice reform strategy ultimately decides. There is a bit of anticipation there, recognising some benefit in bringing work on early, but also cabinet will take further decisions once the final design of the new community corrections system is put in place.

**DR BOURKE:** But if you have got zero money in 2018-19, how are you going to run a thing?

**Mr Rattenbury:** There are several budgets to go before then.

**DR BOURKE:** What sorts of intensive community corrections orders are you anticipating that you are not doing now?

**Mrs Mitcherson:** I am only going to speak hypothetically because there has not been a decision about what an intensive order might look like, but if we were to have that

kind of an order I would expect a much higher level of scrutiny in terms of supervision. We would expect very rigorous—it could be up to three or four alcohol drug testing episodes in a week for the first few months, depending on what someone's offending behaviour is of course. We would assess what programs would be of benefit to that person. There may even be curfews for some people—I think it helps a young person who really is out of control—after 5 o'clock. There might be curfews around evenings and those kinds of things.

There will be some core conditions in terms of where people live and finding that sort of relationship. Then I would expect some optional conditions based on an assessment by community corrections staff about what would be best for that particular client depending on their offending history, their current charges and their readiness to participate and move on.

**DR BOURKE:** Can you give us some examples of other jurisdictions where these sorts of more intensive orders have been effective?

**Mrs Mitcherson:** They operate in a number of jurisdictions: Queensland, Victoria and New South Wales. Others are thinking about bringing it all in. New Zealand, I think also has them. So they are not unusual in that sense, and they are all variations, all on the same. Generally our corrections jurisdictions are usually very good sharers and share policies and procedures. We usually talk to each other about what worked and what did not work and that sort of stuff. They are variations on the same.

**DR BOURKE:** Is that not going to require some variation in sentencing as well if you are going to be having corrections staff deciding what sort of monitoring people are going to be under whilst they are on these orders?

**Mr Rattenbury:** It will require new legislation, and the attorney will bring legislation forward later this year to effect those, once the design work is completed.

**DR BOURKE:** And you are expecting that towards the end of the year?

**Mr Rattenbury:** At this stage, yes, that is my understanding of the time line the attorney is working to, and we will see how it goes. There is a heavy level of engagement with the legal profession, academics, a range of stakeholders across the city to help us develop these orders to both pull out our best expertise in the community and also develop a level of community acceptance of the proposal.

**DR BOURKE:** And this is all in preparation for closing the periodic detention centre?

**Mr Rattenbury:** Yes.

**DR BOURKE:** When will that be completed?

**Mr Rattenbury:** Periodic detention is due to close in 2016.

**DR BOURKE:** And what is the fate of the facility after that?

**Mr Rattenbury:** There is no decision on that at this time.

**DR BOURKE:** And you have currently got some detainees from the AMC lodged permanently there?

**Mr Rattenbury:** Yes we do. Today we have 22 detainees at Symonston. That is the maximum number we intend to place there at this time. And it continues to operate on the weekend as PDC as well, but in separate areas.

**DR BOURKE:** What was the capacity for it as a PDC?

**Mr Rattenbury:** Sorry?

**DR BOURKE:** What was its capacity as a PDC?

**Mrs Mitcherson:** One hundred and four.

**DR BOURKE:** You have got 22 there now and there are places for 104; you have actually got 126 places?

**Mrs Mitcherson:** I will ask Mr Taylor to respond.

**Mr Taylor:** The original capacity was 104. However, that includes a number of dormitory rooms and it also includes a number of older buildings that are currently buildings that we would not use to house detainees. We have used the older, more secure part of the Symonston Correctional Centre for full-time detainees, and one of the newer buildings for the PDC persons.

**DR BOURKE:** What is the security classification at Symonston?

**Mr Taylor:** The centre itself is gazetted as a correctional centre and the security is minimum, medium, maximum. It is a secure facility. It is not designated as a specific classification but it certainly has been used in the past as a remand centre, which you would expect would be the most secure facility available.

**DR BOURKE:** Is there any typicality of the detainees that have been placed in that facility? Do they have any commonalities?

**Mr Taylor:** No. We have identified and assessed every person singularly and we have assessed the most suitable person considering a number of factors—certainly their security rating, their offending. There are a whole lot of characteristics that we have had a good look at, and each one is risk-assessed on their own as suitable.

**DR BOURKE:** How do you undertake any education or job training or any of that sort of stuff at a different facility?

**Mr Taylor:** Our case management team spend time over there regularly every day so that the facilities of the AMC are certainly provided to the detainees. We have currently a couple of people there undertaking criminogenic programs, and that is facilitated as well. It is facilitated at the AMC. Anything that we have had before, we provide at Symonston as well.

**DR BOURKE:** And when they are released, they go back to the transitional release centre or—

**Mr Taylor:** At the moment, of the people that are there, we have had one person released from Symonston. If they are due for release, then they will be released from there. If we end up having capability and capacity back at the AMC for releases, then we will certainly replace them at the AMC where they came from.

**DR BOURKE:** That transitional release centre, though, provides—what, I guess—a less jail-like environment prior to release? That is not going to be provided to these people who are at Symonston?

**Mr Taylor:** If they were suitable for that environment, then absolutely. There is no discrimination between the persons at AMC and/or Symonston. If they are considered appropriate to be part of the transitional release program, then absolutely they would be afforded the same capability.

**DR BOURKE:** Thank you.

**Mr Rattenbury:** I might just add that we at this stage anticipate closing the Symonston facility again when the new accommodation becomes available at the AMC. We do see it as a temporary operation.

**THE CHAIR:** Ms Lawder, a new question.

**MS LAWDER:** Thank you. Minister, I want to ask about the needle and syringe program. Where is it up to, what recent discussions have you had with staff, for example?

**Mr Rattenbury:** Through the process of the discussion on the enterprise agreement we have now established a process in partnership with the Community and Public Sector Union whereby we have agreed to essentially reset the discussions, in some ways start afresh, and we will basically put together a panel, a working group, comprised of staff from corrections and other parts of the ACT government and then representatives of corrections officers and the union as they choose. They will work together to design a model that could work at the AMC, and then the intent is for staff to vote on that within 12 months of the date of the start of the enterprise agreement.

**MS LAWDER:** Will all staff have a vote in any ballot to implement the NSP?

**Mr Rattenbury:** Yes. That was quite a point of negotiation in putting the deed of agreement together, that it is intended that all corrections staff have a vote.

**MS LAWDER:** All staff, not just union members?

**Mr Rattenbury:** Correct.

**MS LAWDER:** What is the time frame for implementation?

**Mr Rattenbury:** The first step really is to start the discussions, to design a model that is agreeable to be put to a vote, and then the time frame will depend on the outcome of that vote.

**MS LAWDER:** With prisoners coming into the AMC, do you have a feel for those who may have been intravenous drug users or people who may be there for crystal methamphetamine use? What I am thinking of is: what is the popularity or prevalence of intravenous drug use versus other types of drugs? And is it changing? Is it a changing pattern?

**Mrs Mitcherson:** It is interesting you ask. I was having that discussion today with Mark Bartlett, who is our manager of programs, because we are currently having staff trained. We are having some staff trained with Health. We run smart recovery, which is a program for drug addiction. But we are actually going to focus one of our groups just on ice users. We are doing some work and I was actually talking to Mark today and probably about two-thirds of those who currently engage in group work—it is all self-reported so you have to understand that we can only assume that what they have been telling us is right—do engage in use of methamphetamines, whether that is their primary drug or whether that is other things as well. Probably most of our clients would be poly drug users. To say how many would inject or not inject, I am not sure that we would know the answer to that but I would say that most of them are poly drug users and are probably not that fussy at different points and times in their life.

**MS LAWDER:** When or if the NSP is implemented at some time in the future, will you be able to track those people who may have been drug users on entry versus those who are using drugs during and on exit from the prison? Will you be able to see if, say, people have taken up intravenous drug use during their time in the prison or those who may have given up?

**Mrs Mitcherson:** I am not sure that they would tell us whether they took it up in prison or not took it up in prison. Again it is self-reporting so we do not have that kind of information and again it would depend, if there was a model, what kind of model it was and what level of statistics would be kept. I would expect some identified data to be kept for that kind of program if a model was voted on with the staff so that they have some idea. It may not tell you what they did before and after but it might. It is hard to say.

**MS LAWDER:** Thank you.

**THE CHAIR:** A new question. Mr Wall.

**MR WALL:** Thank you. Just a quick follow-on to Ms Lawder's questions about the ballot of the corrections staff, is it only going to be Corrective Services officers that will have a vote in that ballot or will it be administrative staff or JACS staff as well?

**Mr Rattenbury:** It is only staff covered by that enterprise agreement.

**MR WALL:** Okay.

**Mr Rattenbury:** It is quite specific. It is a specific deed of agreement attached to that

enterprise agreement.

**MR WALL:** Yes. I was just trying to understand the extent to which all staff are actually encapsulated. To continue on the theme of drug use in jail, there is a continuing flow of reports and statistics showing that this is a never-ending problem in the AMC. As recently as 20 June, there was an article in the *Canberra Times*, published through Fairfax media, about more than 40 prisoners being caught using methamphetamine inside the AMC. I will start with referencing those that are mentioned in that report, those 40 prisoners. What sort of consequences do these individuals face and how was their drug use detected?

**Mr Rattenbury:** I thought that article in the *Canberra Times* was very interesting, Mr Wall, in the sense that it breathlessly reported more than 40 this year but referred to the fact that last year it was only 27. I was intrigued by the *Canberra Times*' qualitative statements there: 27 seemed to be "only" but 40 seemed to be breathless. I do not know what your reflection is on that and where the threshold is for what is an acceptable level.

**MR WALL:** I think any drug use in a prison is unacceptable.

**Mr Rattenbury:** I agree with you on that one, but it seems our colleagues at the *Canberra Times* have a different take. What specific question do you want to cover?

**MR WALL:** The question was: how was their drug use detected and what punishments, consequences or reprimands were issued?

**Mr Taylor:** There are three ways of detecting drug use in the centre. We have random urinalysis, we have target urinalysis and we have admissions urinalysis. The target testing is based on our intelligence that we have established that some persons may be undertaking drug use. As you know, our random system brings out a random number per month, and all those statistics are kept, so it could be any one of those three ways. The target and random testing at the current status does not carry with it sanctions; they are a data collection analysis only. The target testing which is generated through our intelligence certainly carries sanctions; they range from restricted regimes to restricted visiting privileges—by restricted visiting privileges, I am talking about contact or non-contact visits—and the capability of referral to drug and alcohol support programs.

**MR WALL:** Of those breaches, how many were referred on to the police?

**Mr Taylor:** I am sorry. I have not got those.

**MR WALL:** Were any referred on to the police?

**Mr Taylor:** From urinalysis we do not refer those to the police. The persons that are detected using drugs in the centre are not referred to police at all; they are dealt with internally. If we have a contraband find, absolutely, but not drug use.

**MR WALL:** So if they are caught with the prohibited item, there is a referral; but if they have already used it, there is not?



**Mr Taylor:** If it is detected through urinalysis, it is not referred to police. If we find contraband in the centre, there is certainly police involvement.

**MR WALL:** Just to clarify the record there, you did mention that admission and random testing are purely statistical.

**Mr Taylor:** Yes.

**MR WALL:** Those tests are still unidentifiable?

**Mr Taylor:** Not on the admissions, because we know every person, but randomly, yes, they are.

**MR WALL:** Is there any consideration or discussion to change that policy?

**Mr Rattenbury:** There is. The government is currently considering that. I have asked for advice on it.

**MR WALL:** On the topic of testing, are corrections officers currently tested?

**Mr Rattenbury:** No.

**MR WALL:** Is there an ability to test corrections officers?

**Mr Rattenbury:** Of course, technically it is possible, yes.

**MR WALL:** Under the current legislative framework?

**Mr Rattenbury:** Under the Corrections Management Act? Yes, that is allowed.

**MR WALL:** But it is not conducted?

**Mr Rattenbury:** It has not been a practice that has been used by corrections in the ACT, no.

**MR WALL:** The big elephant in the room is how the drugs, and prohibited items such as mobile phones, weapons et cetera, continue to get into the jail.

**Mr Rattenbury:** There are a range of ways that contraband enters the jail, as I think is probably a matter of public knowledge. Some of it is thrown over the fence; some of it is smuggled in by visitors; and presumably there is a range of other mechanisms. Corrections, of course, has a response to each of those, which I am happy to go into some detail on if you wish. We have both physical and intelligence-led responses in trying to prevent that contraband coming into the jail, as all jails do across the country.

**MR WALL:** Over the previous 12 months how many interceptions have there been of contraband entering the jail?

**Mrs Mitcherson:** In the last calendar year?

**MR WALL:** Yes.

**Mrs Mitcherson:** We will have to take that on notice.

**MR WALL:** I am happy for that to be taken on notice; that is fine.

**Mrs Mitcherson:** For this calendar year?

**MR WALL:** We will do it for the financial year, being an estimates hearing.

**Mrs Mitcherson:** The financial year?

**MR WALL:** Yes.

**Mr Rattenbury:** Yes, that is fine.

**MR WALL:** And I guess, for the benefit of the committee, the method by which they were detected, whether it was a physical search or whether an exchange was detected and how that detection occurred would be appreciated.

**Mr Rattenbury:** I am not sure how we will go on that second one, but we will have a look.

**MR WALL:** Okay.

**Mr Rattenbury:** Just in the sense that ultimately an intelligence-led seizure is a physical interdiction in the end. I will also seek advice on how much information will be conveyed, just in the sense of not giving away techniques. We will have a look at that one and see what we can usefully provide you with.

**MR WALL:** Just a final question. I guess the curiosity is that if someone inside the prison is detected using a prohibited substance, through returning a positive targeted test, why is there not a referral to any law enforcement on that issue? They have obviously been in the possession of drugs and they have used them in a controlled environment.

**Mrs Mitcherson:** It is a reasonable question, but unless you actually find the drugs on the person, it is my experience in New South Wales and Victoria that there is no point in referring to police. If you do a physical search and you find it in someone's room or in their pocket or something and they admit ownership, it is much easier. Quite often you might find the contraband hidden in a common area or in a room that is shared by two people, so it is hard to prove ownership. Once someone has actually administered the drug, however they have done that, and it is only showing in their urine, it is really hard to prove. I do not know any jurisdiction that would do charges at that point. The most appropriate response is normally, as we do, in terms of restricting contact visits and a referral to a program, if it is appropriate and the person is indicating they would be responsive to that.

**THE CHAIR:** A supplementary.

**MS FITZHARRIS:** Is there an offence that you could charge them under?

**Mrs Mitcherson:** It is an offence internally, yes. Internally we charge them, but not with the police.

**MS FITZHARRIS:** If you were walking down the street and, for some reason, had reason to be tested for drug use and you had nothing on you, could you be charged with anything?

**Mr Martin:** There are some offences in the Drugs of Dependence Act that relate to self-administration. They are not used by police. They are on the statute book. But certainly the approach taken in the jail is around a detainee discipline management approach.

**MS FITZHARRIS:** Just to follow up on Mr Wall's questions, AMC is not unique across Australia, or indeed across the world, in terms of having contraband brought in?

**Mr Rattenbury:** No, it is not. Interestingly, in recent times we have even seen reports at the Goulburn supermax facility where one of the detainees was reported as having made 19,000 phone calls in the space of a handful of months. And that is the supermax at Goulburn. That underlines the challenge that prisons are facing. Particularly as newer technologies are emerging and the technologies are getting smaller, the ability to smuggle them becomes even easier.

**MS FITZHARRIS:** Do you have any sense of where we sit compared to other jurisdictions?

**Mr Rattenbury:** No; people do not really track that kind of thing. Jurisdictions are working on these sorts of things. I have spoken before about the fact that there is an Australia-wide cooperative effort to look at, for example, phone jamming technology. That is being run by corrections New South Wales. Phone jamming is actually illegal in Australia, so it has been quite a bit of work to just get that trial going. All the other jurisdictions are waiting to see how that goes in New South Wales and work through the evaluation of that, just out of efficiency for the jurisdictions.

**MS FITZHARRIS:** So it is not necessarily an elephant in the room, to the extent that an elephant in the room is something you do not talk about. I assume it is something you talk about every day—about how to manage it and how to deal with it—and you talk to colleagues.

**Mrs Mitcherson:** We all talk about it all the time.

**MS FITZHARRIS:** Yes.

**Mrs Mitcherson:** Across the country. And we share information. If there is a bit of intel that comes to light in New South Wales and there is some fancy way of sending something through the mail or whatever, that gets sent out to colleagues, to intel officers, across the country. There is a good sharing of information, because as

quickly as you close a gap they will find another gap.

I should say, while we are talking about contraband, that many of our clients do try and use their time in custody not to engage and not to get involved in contraband drug taking, but Don has just reminded me that Victoria has recently had some incidents of small drones coming over their correctional centres. This is now definitely on the agenda, because that is another way of moving contraband—the very small ones that can be moved around big targets. That is an example of technology changing all the time and impacting on our business. It is a hot topic all the time; it never goes away really.

**MS FITZHARRIS:** You want to be able to channel that innovation into a positive.

**Mrs Mitcherson:** Yes. We do have some very bright young men who have not chosen the right path yet but they are quite bright; you think of what they could have done with a different infrastructure around them.

**THE CHAIR:** Just some general questions, the expansion brings the capacity of the AMC up to how many beds?

**Mrs Mitcherson:** It is 480, with a surge capacity of 32. Just let me check that is the case.

**Mr Rattenbury:** Yes.

**THE CHAIR:** And just to follow on from Mr Wall, if we do not know what percentage of drugs are coming over the wall, why not build a larger exterior fence to stop things being thrown over the fence?

**Mrs Mitcherson:** We have certainly talked about it. I will say that fencing in jails—without being trite, if you go to buy it, it is very expensive. On Don's advice, we have put in a couple more internal sensors where we have seen things are coming through. That has held them up a bit. It is a very big perimeter now; I think it is 4.1 kilometres. I think it is 4.1 kilometres currently. You would have to go out a bit further. I think it would then be very expensive. Then you really would not be able to lock off that area around the car park. When you walk straight though, there is the transitional release centre, the car park and women's; it would still be hard to get all the gaps. Anything is possible, but it would be very expensive.

**THE CHAIR:** You would have surveillance cameras on the car park, though, I assume?

**Mrs Mitcherson:** We have cameras, but we have over 300. Cameras are really good for checking what happened in an incident. Or if something happens somewhere and an incident is called, the control room will pan that camera where it needs to go. I think the public might think that we have people just sitting watching cameras and think, "Oh, look, someone is smoking where they should not smoke. Let's get on the radio." It does not work that way. With that many cameras, it is not about constant observations of the 300 cameras, but they are very good to review in terms of incidents and those kinds of things, or to swing to the right location if there is an

incident happening—that kind of stuff.

**THE CHAIR:** And the jamming trial at Lithgow—when is a result expected from that?

**Mr Taylor:** The trial is just ongoing. There is no conclusion date to that. As the minister said, there is a national group, the emerging technologies working group, that meets and reports. That comes out of the prison administrators council. They report directly to that group. The trial has been ongoing for a number of years. The technology in that trial is continually being upgraded, because it is getting old as the trial goes on further. So there are a number of complexities around that trial that are just continuing and ongoing.

**THE CHAIR:** Just to follow on from the through-care question that Ms Fitzharris had, on admission, how many of the inmates would admit to a problem with alcohol or are assessed as having a problem with alcohol?

**Mrs Mitcherson:** I think I have said to this committee before that alcohol is often not talked about at the level it probably should be. It is not one of the “in drugs” to talk about. There is no question that people who are coming down off amphetamines are very difficult to manage, for a whole lot of other reasons, but alcohol is probably the basis of a lot of violent crime. Again, it is self-reporting. They probably mostly would say that they drink, but it has got to have a bit more in-depth work to see what their underlying issues are. I think it is probably understated in terms of the impact that alcohol has on violent crime, particularly with young men.

**THE CHAIR:** What percentage would say they were drug users?

**Mrs Mitcherson:** I think you would be looking at about 70 to 80 per cent in the last self-survey. Again, people self-reported.

**THE CHAIR:** Yes, sure. What percentage would you apportion or would you suggest as having education problems that have led them down this path?

**Mrs Mitcherson:** Everyone that comes into custody—and we do not discriminate if you are on remand, particularly once you get over that six or 12-month period and you know you are going to be with them for a while—is entitled to engage with education. Every individual has their own learning plan. We use the national indicators to look at literacy levels. I have to say that all correctional centres have very low levels of literacy for their clients. We are slightly higher than the national average, and that might reflect the nature of Canberra itself, but it is still pretty low.

**THE CHAIR:** When you say “pretty low”, what do you mean?

**Mrs Mitcherson:** I would have to get the exact figures, which I can take on notice, for education.

**THE CHAIR:** That is okay. I have got a few more. You might perhaps present this. What percentage would either admit to or be assessed as having mental health problems?

**Mrs Mitcherson:** Everyone is assessed when they come in, on the first evening/day, and then there is more full assessment. Generally, I think if someone is coming in with mental health problems that are pretty acute, you know straight away. Don, do you want to answer that question?

**Mr Taylor:** Again, it is very difficult to answer. The acute ones, as the executive director said, are the ones that are identified as an immediate acute need. We certainly keep a very close eye on that. Numerous people that come into the centre may have some underlying mental health issues that are not prevalent at the time, so it is very difficult to track.

**THE CHAIR:** I think New South Wales said they thought something like 40 per cent of their inmates had—

**Mr Taylor:** I do not think there are any specific statistics. However, there has been talk in various forums about very high levels of people coming into the AMC that may either have been involved with or have some sort of underlying mental health problem.

**THE CHAIR:** You touched on this earlier. What percentage would have—let's call it that—a poor employment record?

**Mrs Mitcherson:** I think it would be very high; probably two-thirds, at least.

**THE CHAIR:** What percentage would have been homeless or had housing issues?

**Mrs Mitcherson:** We certainly ask about accommodation. I guess the difficult ones for us are the short-term ones, those who are doing under 72 hours. And there are the ones under 30 days. When you look at the address, sometimes they will have just put down "Civic" or "Canberra". You know that they are possibly couch surfing and those kinds of things. Housing is a problem. It is one of the key things we like to stabilise. As I say, anyone who is serving the balance of a sentence on parole is not released to homelessness. I could not tell you how many come in without stable housing.

**THE CHAIR:** If you could take the six parameters there and give us some detail on what percentages you think fall into those categories, and then if there are multiples of those. I am sure that it is all compounded—

**Mrs Mitcherson:** We will certainly do some commentary around that and some data that will be very broad, not necessarily apposite.

**THE CHAIR:** Thank you. Ms Fitzharris.

**MS FITZHARRIS:** I wanted to ask about corrections work in relation to the whole-of-government work on domestic violence. What programs do you currently have in AMC and in other parts of the system and what might you be doing over the course of the next year, if there is anything different? Does through-care have any aspect of domestic violence counselling?

**Mrs Mitcherson:** Thanks for the question. When I go back to the 36 per cent who do 30 days or less, I think you could probably assume that quite a few of those may be on DV offences and may eventually get bail. Their bail conditions will probably be working with NGOs who are running programs. We have a number of programs in custody. We have short-term succession anger management and violence prevention. We started a new domestic abuse program last year in custody and we are now running that in the community. I think it starts next month. We are working with the family violence intervention program with our community program. We are doing quite a bit of work in that area.

We also recognise that women in custody, although they have offended, are often victims as well. We have a particular program just for women called out of the dark, which is working with them about strategies to get out of the sorts of relationships that probably impacted on their offending in the first place. With a lot of violent crime, you also want to understand what the reasons are. It could be alcohol, which means that before you get into a program, you want to stabilise your substance abuse issues. You could have been psychotic or unwell at the time of the violent offence to your partner. There are certainly some who come in who need stabilising in terms of their mental health. It may not be that they need to go into a DAP program because their underlying issue is to do with their medication and there might be something else that is more appropriate for them. We run a number of programs in custody and in the community. If you start something in the jail, you can pick it up in the community as well. If you are still on an order with us or on parole, we can compel that.

**MS FITZHARRIS:** Are they viewed as support programs or rehabilitation programs?

**Mrs Mitcherson:** The DAP program is quite confronting.

**MS FITZHARRIS:** Yes.

**Mrs Mitcherson:** It is really about confronting what has happened and also trying to understand the reasons for it and why it happened. It is about rehab, but it depends on a person wanting to participate and being an active participant in that. We certainly work closely with the family violence intervention program. Corrective Services is a member of that committee as well.

**MS FITZHARRIS:** Do you find that any of your detainees on domestic violence charges maintain a relationship with the victim while they are in prison?

**Mrs Mitcherson:** When someone is being released, one of the things that the pre-release case manager and through-care staff are looking at particularly is accommodation if it is a DV issue—whether they are allowed to go home, are there domestic violence orders that prevent them, what is the relationship? We certainly do a lot of work around that. Some families want to stay together, and I think it is important to respect that that is their right, so we have to set up some systems around that. We contract with Relationships Australia and they can start that counselling in custody and continue it outside. There are a number of things that we set up to support that. You need to respect what the victim wants as well.

**MS FITZHARRIS:** Do you have any figures on how many detainees are on domestic violence sentences?

**Mrs Mitcherson:** It is a bit hard to count that. Sometimes it is very obvious and at other times it might be masked. The most serious offence is the one that is listed on the warrant first. That is often an issue with alcohol and drug issues. It is hard because the most serious offence often masks the chronic alcohol abuse or substance abuse.

**MS FITZHARRIS:** Would the data framework that has been developed find a way to drill down into that a bit more, so you get better data?

**Mrs Mitcherson:** Possibly. Again, it depends on how an offence might be categorised in the system.

**MS FITZHARRIS:** Thank you.

**THE CHAIR:** Dr Bourke.

**DR BOURKE:** Thank you, chair. Support services are often focused on the individuals within the corrections system, but what sort of support is the government giving corrections staff in the 2015 budget?

**Mrs Mitcherson:** There are a number of things we do year to year, not necessarily budget items. Staff who are working with really difficult offenders like sex offenders have clinical supervision and we ensure that they have it both as a group and as an individual. We also do that for AOD workers in Solaris. We have a counselling program available for staff. Obviously, if there is an incident, we enact that. If a staff member was having some personal problems, we are also able to refer them to that as well.

In custody there is a peer support program. We have RED officers—or respect, equity and diversity officers—within that. We also have a number of training opportunities for staff and support staff to develop their skills in different areas, recognising that it is not just about work; it is about developing skills so they can move around the organisation. Is that the kind of thing you are looking for, Dr Bourke?

**DR BOURKE:** Yes.

**Ms Playford:** The directorate offers a range of support services to all staff, which would include all corrections staff, including the EAP and a range of other direct services if particular needs are brought to the attention of our HR area.

**DR BOURKE:** You have committed, minister, to an increase in workers compensation premiums for Corrective Services staff—just over a million dollars in the short term?

**Mr Rattenbury:** I do not know whether we have committed to it. We were required to, as our workers compensation premium continues to rise—

**DR BOURKE:** Well, that is a commitment.



**Mr Rattenbury:** I am sorry?

**DR BOURKE:** If you are required to, that is a commitment.

**Mr Rattenbury:** Yes, it is. But I would not describe it as being additional. It is about making sure that we pay the premium. The government will be looking to reduce that across a whole-of-government response, as I think we have talked about in other portfolios.

**DR BOURKE:** You are not anticipating that it is going to continue in the future?

**Mr Rattenbury:** No, hopefully not. We need to rein in our workers compensation premium for corrections. It has been a considerable cost pressure in recent years.

**THE CHAIR:** Ms Lawder, a new question.

**MS LAWDER:** One of the first national partnership agreements on homelessness had a target about reducing or eliminating people leaving the prison and going into homelessness. There was a percentage and it then went to a specific amount. On a quick read, I could not necessarily see that it was in one of the more recent ones. Is that because you are now achieving no exits into homelessness or is it still there?

**Mr Rattenbury:** As Mrs Mitcherson said earlier, we certainly have a no release into homelessness policy and a range of ways to go about achieving that—a range of community partners, groups like Canberra Men’s Centre and the like, and a range of others.

**MS LAWDER:** Do you track—or would it be a Housing matter—about six months after release and 12 months after release, whether people have gone back to homelessness?

**Mrs Mitcherson:** With the through-care, it is a voluntary program but they are able to stay with us for 12 months. During that period, if someone got to the end of the 12 months and they were really unstable, for a whole lot of other reasons, I would probably approve an extension anyway, if the staff came to me. Generally, we have very good relationships. My staff deal with Housing, Canberra Men’s Centre and Toora women’s.

I am not going to say housing is easy, because it is not, particularly for some very complex clients. We have some older clients who are quite complex—they are elderly, still committing offences, they have dementia and all sorts of things. So there are some very complex clients. I would like to think that by the time people have finished through-care they are stable. As to whether they remain stable afterwards, we have no way of knowing that because they are not in our system. A longitudinal study with a university perhaps could track that kind of stuff. It would be interesting.

**THE CHAIR:** Mr Wall, to take us out.

**MR WALL:** Minister, you mentioned earlier investigating the opportunity for prison

industries. What kinds of industries are currently under consideration?

**Mr Rattenbury:** Nothing specifically at this point.

**MR WALL:** Is it the intention to have an industry internal of the prison grounds or—

**Mr Rattenbury:** That is certainly the model that operates in New South Wales. It means that the full range of people can be involved. At the moment there are people in the transitional release centre who can go to work for the day. They are obviously ones right towards the end of their time in custody and they are in a particular classification. We want something broader, for all of the obvious reasons—less time on their hands, improving skills and that sort of thing.

**MR WALL:** For those that are in transitional release that are partaking of paid employment, how are those positions gained? Are they positions that they have held previously or is it through their own personal contacts?

**Mrs Mitcherson:** It is a bit of both. It is usually with job search agencies and staff. We do work around getting resumes together, and interview skills and those kinds of things.

**MR WALL:** I was contacted recently by someone I know from a past life in construction who was approached, in his words, “by the jail”, to take on someone on a one or two days a week employment basis. He was happy to pay for the employment, in exchange for the work, but one of the concerns that he had about taking someone on was taking on the workers compensation liability. Is that common feedback that you get or is that an issue that arises regularly?

**Mrs Mitcherson:** No, not at all. We expect that if someone gains employment in the private sector and they do the work, they are fully compensated for that work, in terms of both direct costs and indirect costs. That is how it works in other jurisdictions as well. It has been an issue in ACT since I have been here, but we certainly had a couple of issues when I was in New South Wales where employers were not paying the correct award rates, and they were taken to court for that. I think that is not unreasonable.

**MR WALL:** What training preparedness or support is an employer or a prospective employer given prior to taking on and whilst taking on an individual that is going through the transitional release program?

**Mrs Mitcherson:** I might take that question on notice. There are supports available through the job search agencies. Often the client has a caseworker, so there is money available in terms of kitting them out if they need particular gear. There are supports available through the commonwealth programs that we partner with. That is available to everyone.

**MR WALL:** With employing someone going through TRC, is that approach made by the employment agency or is that made by corrections?

**Mrs Mitcherson:** It can be made by both. The policy allows for both. Not many ads

are in papers these days but they could apply for a job. So it can happen both ways.

**THE CHAIR:** We might call it a day there. The chair sometimes gives an award for the day's activity, and the award today goes for the excellent enunciation of a one-word answer from Mr Don Taylor, when he simply said, "Motivate." We have had a lot of answers, some of which I would hate to describe as waffle, but "motivate" certainly stands out in the course of the day. Minister, a transcript will be provided. Thank you to you and your officers for your attendance this afternoon. Could we have answers to any questions taken on notice within, say, five working days of the receipt of the transcript? That would be appreciated.

Members, tomorrow we return for our last day of public hearings. Who would have believed it? We have one day, two directorates, three ministers, four sessions, five portfolios, six output classes and just over seven hours to look at disability, arts, gaming and racing, industrial relations and sport and recreation.

**The committee adjourned at 5.28 pm.**