



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2016-2017

(Reference: [Appropriation Bill 2016-2017 and Appropriation \(Office of the Legislative Assembly\) Bill 2016-2017](#))

Members:

MR B SMYTH (Chair)
MR J HINDER (Deputy Chair)
MS J BURCH
MR S DOSZPOT

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 28 JUNE 2016

Secretary to the committee:
Ms K Harkins (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

Chief Minister, Treasury and Economic Development Directorate	904
Justice and Community Safety Directorate.....	835, 904

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 9.33 am.

Appearances:

Corbell, Mr Simon, Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change

Justice and Community Safety Directorate

Pryce, Mr David, Acting Director-General

Mitcherson, Mrs Bernadette, Executive Director, ACT Corrective Services

Field, Ms Julie, Acting Deputy Director-General Justice, and Coordinator-General Domestic Violence

Garrison, Mr Peter, Solicitor-General for the ACT

White, Mr Jon, Director of Public Prosecutions

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

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

Lane, Mr Dominic, Commissioner, ACT Emergency Services Agency

Brown, Mr Mark, Chief Officer, ACT Fire & Rescue, ACT Emergency Services Agency

Lammers, Mr Rudi APM, Chief Police Officer, ACT Policing

Hayward, Mr Chris, Director, Corporate Services, ACT Policing

THE CHAIR: Good morning all, and welcome to the eighth day of the public hearings of the Select Committee on Estimates 2016-2017. As we commence the committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and the region.

Witnesses, please be aware that proceedings are being recorded, will be transcribed by Hansard and then will be published. The proceedings are also being broadcast and webstreamed.

I ask witness coming to the table to be aware that the pink card contains the privilege statement. Could you indicate for the record that you understand the implications of privilege?

Mr Corbell: Yes, thank you, Mr Chair.

THE CHAIR: So acknowledged, thank you. Minister, would you like to make a brief opening statement?

Mr Corbell: Thank you very much, Mr Chair, and thank you to the committee for the opportunity to appear before you here this morning. In this year's budget the government is taking decisive steps with a number of budget initiatives to strengthen the ACT's response to domestic and family violence and to build a safer community through increased support to the most vulnerable members of it.

Family violence is, of course, a national issue that touches the lives of Australians

regardless of their background or geographic location. It is a problem that does not discriminate; it can affect anyone and, therefore, it is everyone's problem. This violence is pervasive in our community, and we must do everything in our power to try to confront it.

As part of the ACT's response to keeping families safe, this year's budget invests \$21.4 million over the forward estimates to tackle the issue of family violence in our community. This is the single largest commitment across government and non-government organisations on this issue since self-government. The budget initiatives set a clear direction to take strong action against family violence. Of this \$9.6 million of funding relates to nine initiatives within the Justice and Community Safety portfolio.

\$3.07 million over four years is allocated for a family violence response team, including the appointment of a full-time coordinator-general to lead the whole-of-government effort to improve outcomes for victims and their families. The coordinator-general will drive cultural change and lead reform in partnership with other public and community sector providers. Mr David Matthews has been appointed as the interim Coordinator-General for Family Safety, and recruitment is underway to fill this position permanently.

\$1.46 million over four years is allocated to support the first stage of the joint Australian Law Reform Commission and New South Wales Law Reform Commission report on *Family violence: a national legal response*. The implementation of 22 recommendations in the ALRC report and the domestic violence order scheme included in the Family Violence Bill, which I presented to the Assembly earlier this month, will improve the ACT's legal framework for protecting people from domestic, family and sexual violence.

Funds have also been provided to improve access to justice for victims of family violence. This includes \$1.36 million over four years to support the DPP to prosecute the increasing number of family violence cases that come before the courts. \$1.21 million over four years has also been allocated to Legal Aid to represent more victims in domestic violence order matters leading to greater victim safety and greater accountability for perpetrators.

\$1.18 million has been allocated to ACT Policing to fund two additional sworn officers to apply for domestic violence orders on behalf of victims, providing police with the capability and capacity to better directly support and protect women and children escaping violence. \$1.22 million over four years has been provided to make provision for a much needed investment in translation and interpreting services. This initiative will provide third-party interpreter services for people accessing the ACT law courts and tribunals as well as specialist ACT family and domestic violence services, including community legal centres when it comes to domestic and family violence.

Fifty thousand dollars has been provided to develop a common risk assessment tool for use by service providers in the ACT. Timely access to and sharing of information is critical to ensuring the safety of people at risk or experiencing family violence. Fifteen thousand dollars has been allocated for an awareness campaign to support

information sharing in relation to family violence cases between the government and non-government sectors once relevant legislative changes have been made.

Finally, \$20,000 has been allocated to the Tara Costigan Foundation to establish the Tara's angel service. Tara's angels will provide victims of domestic violence and their families with a personal case worker for a period of two years at no cost to the victim. The angels will assist the victim through access to service and processes and assist them in helping to rebuild their lives.

I should also indicate that earlier today I released a government response to family violence demonstrating a best-practice approach to how the ACT family violence system needs to change to meet the needs of victims of family violence and their families and to hold perpetrators to account. This response is in relation to the three reports commissioned and published on 20 May this year: the Glanfield inquiry report, the family violence death review and the gap analysis work. Briefly, the government's response sets out a clear direction to take strong action against family violence and work together as a community to reduce its prevalence.

Finally, I highlight a number of initiatives that are funded in this budget to assist with providing support to Aboriginal and Torres Strait Islander people. This includes half a million dollars over four years to expand the Indigenous guidance partner program for restorative justice to support Aboriginal and Torres Strait Islander adults in the justice system, and a further \$0.19 million will be provided to continue a trial program that develops life skills for young people and to investigate options to address the overrepresentation of Aboriginal and Torres Strait Islander persons in the ACT's justice system.

I have also, through the confiscated assets trust fund, recently authorised the provision of \$850,000 to continue trial work in the area of justice reinvestment by funding Aboriginal-run organisations, the Domestic Violence Crisis Service and ACT Policing to build engagement with the broader Aboriginal and Torres Strait Islander community. Thank you, Mr Chairman. I and my officials are happy to try to answer your questions.

THE CHAIR: Thank you, minister. For the information of members, Mr Doszpot is unwell and will not be joining us today.

As you said, minister, you have released the government's response to the Glanfield report this morning. But where in the strategic indicators would we see how the government's response to domestic violence issues is to be measured?

Mr Corbell: It is proposed that as a result of the appointment of the new coordinator-general the new coordinator-general will be working with ACT government directorates to identify both performance indicators and establish reporting commitments in relation to the matters arising in those reports.

THE CHAIR: We have a number of reports and we know there is a problem. Why is there not a strategic objective or indicator, given there is an appropriation of some \$20 million in this budget?

Mr Corbell: There is a commitment to establish those in this financial year. As you would appreciate, this response is evolving and ongoing. The funding has only recently been made available in the budget and is still obviously contingent on passage of the appropriation bill to allow that work to occur. This is not an area where the government has previously set specific performance indicators or reporting commitments. But recognising the significant scaling up of the government's funding and activity in this area, it is appropriate that we establish those, and that is what is proposed to occur.

THE CHAIR: In the accountability indicators there does not seem to be a mention, either, of addressing domestic violence. When will we see those indicators? You have mentioned the scaling up. If you have not determined what you are going to spend the money on or the outcome that you desire for that expenditure, when will we know what the indicators will be?

Mr Corbell: This is an issue that all state and territory governments and, indeed, the federal government are grappling with. The national plan to reduce violence against women and children outlines national outcomes and measures of success for the reduction of violence against women and children. Those national outcomes are being used to inform the objectives of the ACT prevention of violence against women and children strategy 2011-2017 and, to improve the evidence base and inform family violence outcomes, all Australian governments have committed to establish a national data collection and reporting framework to be operational by the year 2022.

In addition, the Australian Bureau of Statistics has developed a paper, *Bridging the data gaps for family, domestic and sexual violence*, and that paper identifies priority areas for data enhancement that can assist in improving the evidence base for family, domestic and sexual violence in Australia.

It is pretty clear this is an evolving area nationally in terms of understanding how accountability and performance measures should work. In line with the conclusions that have occurred at a national level, in March this year I funded the Domestic Violence Prevention Council to identify how the ACT can improve its domestic and family violence data collection framework. That work is ongoing on the part of the council.

THE CHAIR: What statistics do we currently have on the incidence of domestic violence in the ACT, and what level of improvement will you be seeking or will you see as an indicator that the expenditure has achieved its outcome?

Mr Corbell: I will ask Ms Field to assist you with that question.

Ms Field: It is estimated that 1.5 million women and 0.45 million men have experienced violence by a cohabiting partner. Between 2008 and 2010, 89 women were killed by their current or former partner, equating to nearly one woman a week. In the same period, 33 men were killed by their intimate partner. It is estimated that without appropriate action to address violence against women and their children, three-quarters of a million Australian women will experience and report violence in the year 2021-22, which will cost the Australian economy an estimated \$15.6 billion.

In the ACT service providers are reporting an increasing demand for domestic and family violence services, which is reflected in the data I am about to give you. In 2014-15, ACT Policing attended 2,548 family violence incidents and recorded 1,526 reported offences for family violence with the three main offence types being 738 assaults, 48.3 per cent of the offences; 274 of property damage, 18 per cent; and 350 other offences. The other offences include breach of order, trespass, breach of the peace, weapons offences and nuisance phone calls.

In 2014-15 the Director of Public Prosecution commenced 517 criminal proceedings related to domestic and family violence. In 2014-15 the Domestic Violence Crisis Service received 17,698 incoming contacts to the 24-7 crisis line, and during 2014-15, 178 families were placed in emergency hotel accommodation. The Legal Aid Commission has experienced a 52 per cent increase in requests for duty advice and assistance in DVO matters over the past five years. In 2014-15, Legal Aid provided 982 advice and assistance services to 711 people however only 202 people received grants of aid for ongoing legal representation regarding a DVO.

Since commencing in November 2014, strengthening families has supported 64 families; 35 per cent of those families identified domestic and family violence as a current issue. In 2014-15, 439 clients whose support period under the ACT specialist homelessness services had closed—which is what we use to measure things—identified domestic and family violence as a reason for seeking support.

Of the children and young people—people under 18—supported by Victim Support ACT in 2014-15, 37 per cent experienced domestic and family violence. Also in that period, Victim Support ACT provided 325 individual clients with support related to domestic and family violence, which represented a total of 2,016 activities—phone calls and things like that. Victim Support ACT also registered 112 new clients who have experienced domestic and family violence. We have an evidence base.

THE CHAIR: I appreciate the evidence is there; I think we all know the evidence is there. The only outcome can be zero domestic violence, but how will we track that path, minister, and when will the indicators you have suggested are going to be put in place be available?

Mr Corbell: As I have indicated, one of the tasks of the coordinator-general will be to establish and advise government on the framework for reporting on accountabilities and performance. I would expect those to be in place in the coming financial year.

THE CHAIR: Ms Lawder with a supplementary and then a new question from Mr Hinder.

MS LAWDER: Minister, in the Glanfield report there were 31 recommendations. Can you identify for me which of those recommendations were new or different from the recommendations of the previous inquiries into this area?

Mr Corbell: No I could not do that for you contemporaneously.

MS LAWDER: We have looked at this in the Assembly before. There are many recommendations in this area from previous reports. I would ask a similar question to

Mr Smyth's. Given that many of these recommendations have been previously made to this government and previous governments, why are there not indicators and outcome measures in the budget for the significant amount of spending?

Mr Corbell: I would refer you to the evidence I and my officials have just given the committee on that matter. At a national level all Australia governments are struggling with understanding how to both report on and measure performance against measures to improve our response to family violence. That is one of the matters that are being addressed at a whole-of-government level—for example, through the ABS around data gaps in statistics reporting—and at a local level it is a task that has been assigned to the coordinator-general to develop such mechanisms.

MS LAWDER: Is there a time frame for developing those measures?

Mr Corbell: As I indicated to Mr Smyth a minute or two ago, I expect those to be resolved in the coming financial year.

MS LAWDER: So it could take up to 12 months?

Mr Corbell: As I said, I would expect it to be resolved within the coming financial year.

MR HANSON: I have a supplementary.

THE CHAIR: Ms Burch has a supplementary first and then Mr Hanson.

MS BURCH: In budget paper 3 on page 117 there are a number of details around the different budget bits. Given that we are talking about safer families—and it may go to some of what Ms Lawder was referring to—you have got a risk assessment tool for improving information sharing for government service delivery agencies. One of the thrusts out of a number of reports has been information sharing. There is \$15,000 to do that. What improvements will be made to information sharing for these vulnerable families?

Mr Corbell: One of the key issues is both cultural and also legislative interpretation. In relation to interpreting privacy provisions in legislation, Mr Glanfield in his report concludes that whilst the provisions that exist in various ACT laws that protect the privacy of individuals in terms of the information that is gathered by agencies do not actually prohibit or prevent that information being shared across agencies there is a lack of clarity at a cultural level as to how agencies believe they can share that information. Mr Glanfield makes a number of recommendations around changes to privacy provisions in ACT law to provide greater clarity around the fact that offices are actually empowered to share information where there is a common objective, ie, the safety of children.

There is legislative change that will be considered in this area. We will be looking at the legislative change that has been adopted in New South Wales which has comprehensively changed their privacy provisions in a range of laws to make it clear that there is the capacity to share information. Whilst our provisions do not actually prevent that, it is an issue of language and presentation that has led to a more

conservative approach being adopted.

One of the key issues that the government will be looking at is changing legislative provisions and then following that up with education and training to officials in various directorates about what those provisions mean and how they should be interpreting them when it comes to information sharing. The classic example, I guess, is agencies tasked with child protection services and their visibility in the circumstances, say, of a family or children that are potentially at risk and the risk factors correlating with violence in the home and whether or not that is being shared with other agencies such as the police, health services, education services and so on. There is a need to provide greater consistency and clarity of the privacy provisions in relevant law to encourage and build a culture of information sharing.

MS BURCH: The risk assessment tool that I mentioned at the beginning of the question will also demand sharing. If there is a common risk assessment tool across all agencies, then that will create some common data sets to refer to and perhaps then go to data collection over the longer term?

Mr Corbell: You are right. It will certainly assist in improving data collection in the longer term. It will also, importantly, ensure that considerations about risk are done on a consistent basis. Clearly, different agencies within the government have different statutory obligations. For example, children's services' main focus is on dealing with risk to children and young people but that does not necessarily always correlate into taking other action to intervene to prevent circumstances escalating, for example, within the family environment. There may not be an immediate risk to the child but that should not mean that there is no actual action or intervention to stop a risk escalating.

The types of intelligence that we get from agencies like Child and Youth Protection Services should be being used better to inform risk assessments around what may be occurring in that family or developing in that family and taking proactive steps to try to intervene. The application of a common risk assessment tool will assist officials and non-government service providers to more proactively understand what is going on inside the family and drive a more proactive intervention response to prevent circumstances escalating to what could be catastrophic outcomes.

THE CHAIR: Mr Hanson has a supplementary and then a new question from Mr Hinder.

MR HANSON: Are the additional resources for combating domestic violence, the \$21 million, all being raised through the levy?

Mr Corbell: Yes it is.

MR HANSON: Is there any addition to the levy or is that sort of matched to the levy?

Mr Corbell: This is the additional effort. Obviously there is a base level of funding that already exists for existing activities but the additional effort is being funded through the levy. That is correct.

MR HANSON: And what is the rationale for collecting this as a levy rather than through consolidated revenue as core business?

Mr Corbell: The Treasurer has made clear that we believe there is a need to identify a secure and ongoing funding source to respond to this problem. Clearly budget priorities change from budget to budget but the advice from all of the experts in this field has been that the response to family violence must be enduring and must be ongoing because it is a deeply rooted cultural problem in our society. It is not going to be addressed through one budget or indeed even one budget cycle. There needs to be an ongoing and guaranteed level of funding and the best way to do that, in the government's view, is to effectively hypothecate a revenue-raising mechanism to provide a dedicated income stream to address this problem in an ongoing way.

MR HANSON: For most services—be it police, health or education—there is a core level of funding. Levies, in actual fact, are often one-off levies to support bushfire assistance or particular initiatives where something was unexpected. We have received a lot of correspondence from people that they support the level of expenditure but putting it onto rates is, in actual fact, essentially a way of raising that extra revenue into consolidated revenue. Are you not concerned that this essentially creates angst about this issue as opposed to actually dealing with this as core business of government?

Mr Corbell: No I do not accept that characterisation. The fact is that there are a number of longstanding levies that exist in our rates collection base or in other government fees and charges that also provide dedicated funding streams for what could be characterised as core business. We have a fire and emergency services levy which is levied on all properties in the ACT. It is a longstanding levy. It is used to provide all fire and emergency service response.

Taking your argument, you could say, "That should be a function of consolidated revenue." But the fact is that we have had a longstanding levy for fire and emergency services because it provides a clear and dedicated funding stream and attaches it in a rational way to a revenue base.

There are other examples. We have a road accident and rescue fee as part of motor vehicle registration. You pay extra so that you get cover for ambulance if you have a motor vehicle accident. These are longstanding levies. I am sure others would characterise those as core business of government but the fact is that they are funded by levies, and this is exactly what we are doing here as well.

MR HANSON: The difference, I suppose, is that motor vehicle levies are directly related to the operation of motor vehicles and appear on your rego. The bushfire and emergency levy often is related to the land, protection of property, thoroughly related. Putting this on rates does not seem to have that direct correlation that some of those other levies might have.

Mr Corbell: I do not accept that. If someone is renting a property they are not paying the rates but they will still get the response if the house is on fire.

MR WALL: The property owner still pays those levies.

Mr Corbell: We can have a philosophical argument about whether or not it is the right thing to do but I think I have outlined to you clearly what the government's rationale is and the fact that it is quite consistent with the way we adopt the use of other levies in the territory and have for a long time.

THE CHAIR: A supplementary, Mr Hinder.

MR HINDER: Minister, is the characterisation of the levy, as opposed to general revenue, not intended to bind future governments to allocate that funding directly to domestic violence services into the future?

Mr Corbell: It is not designed to bind future governments. Obviously, future governments, future assemblies, can choose to undo the levy, if they wish.

MR HINDER: But to allocate it specifically for—

Mr Corbell: It is a bill; it is proposed to be a specific piece of legislation adopted for the purposes of our rates. If a future government wanted to seek to repeal it, they could. What we are saying, as a government, is that we believe it is appropriate to build a clear nexus between a particular bucket of money being raised and its being spent on the response to domestic and family violence because that gives the sector, the community, confidence that this is not just going to be a flash in the pan because it is the issue that is dominating the agenda now. It needs to be an issue and a response that is sustained over the long term. The challenges of family and domestic violence are pervasive, but they are also deeply entrenched in our society. They demand a sustained and ongoing response that should be somewhat protected from the whims and vagaries of the budget cycle.

THE CHAIR: Just before Mr Hinder's substantive question: Ms Field, in the data you gave us, you said there were approximately 2,500 incidents, there were 1,500 charges, and there were only 500 proceedings. What is the process of taking a charge to court? Who makes that decision? What is required? Can you quickly talk us through that?

Mr Corbell: The DPP initiates all prosecutions in the territory.

THE CHAIR: How does that work?

Mr Corbell: How does that process work in general?

THE CHAIR: Yes. Do they wait for a brief from the police? Do they get a notification from the police? Do they have to wait for the evidence? What happens? What is the process?

Mr Corbell: The police would be the initial informant in relation to the matter. Obviously, if a matter arose in a family home and police attendance was involved that would result, potentially, in the police gathering evidence to determine whether or not a charge should be laid. That would depend on whether or not there was a willingness on the part of the victim to give that evidence and to sustain that through the

prosecution process. Should that occur then the matter would be referred to the DPP. The DPP would determine whether or not there were reasonable prospects of success in the prosecution and commence the prosecution accordingly.

One of the key issues here is the willingness of victims of domestic violence to sustain their complaint through the criminal justice process. Of course, this means that they often have to retell their story multiple times and they face the very real prospect of coming face to face with the alleged perpetrator in court. The government has, in legislation we introduced earlier this year, proposed changes to the law to provide special protections to victims of domestic and family violence that will lessen the burden of them being able to give evidence in court and therefore allow the prosecution to sustain the prosecution against the perpetrator, because it is quite common for a victim to withdraw a complaint and not give evidence. Therefore, it makes it very difficult for the prosecution to proceed.

The changes that the government is continuing to introduce include allowing for that first statement given to police officers on the scene to be drawn upon and relied upon by the DPP as evidence-in-chief. The practice has been in the past that that evidence given initially at the scene is not the statement that is relied upon for the prosecution. There needs to be a follow-up interview—a more detailed interview later on—and often by that time the victim is unwilling to proceed. So the contemporaneous evidence given at the scene can be relied upon more heavily by the prosecution. That is an important change.

The other changes involve protecting the victim during the trial process. By applying the same protections that now exist in ACT law for victims of sexual violence, where they are able to give evidence remotely, they are able to give recorded evidence. There are protections to prevent the alleged perpetrator from cross-examining them personally in the witness box. Protections are currently available to victims of sexual assault and other sexual violence, and we are proposing to extend those protections to victims of domestic and family violence, amongst other measures.

THE CHAIR: I understand the difficulties in sexual assaults and domestic violence. In a general sense, though, the police send an advisory that they wish to lay charges and the DPP makes a decision, or do they wait until all the evidence arrives? What is the process once it gets to the DPP? Who decides on whether a case goes ahead and what are the thresholds?

Mr Corbell: The police would provide a brief to the DPP if someone had been charged with an initial offence and they provide a brief of evidence. The DPP would decide whether or not to proceed with that brief using the guidelines that exist now for determining whether or not they were reasonable, the key consideration being reasonable prospects of success and it being in the public interest to prosecute.

THE CHAIR: If they get the brief but they have not got all the evidence, because sometimes cases are complicated—

Mr Corbell: Yes.

THE CHAIR: do they make a decision just on the brief or do they wait until they

have got all the evidence?

Mr Corbell: It is an evolving process. It might be best for you to ask these questions of the DPP.

THE CHAIR: The DPP is in this area. I am happy for the DPP to come forward.

Mr Corbell: The DPP has clear prosecutorial guidelines that it relies upon in determining whether or not to proceed with a prosecution, and those are publicly available.

THE CHAIR: Is somebody here from the DPP?

Mr Corbell: I do not think there is anyone here. There he is. We will ask Mr White to assist you.

THE CHAIR: Thank you, minister.

Mr Corbell: I am sorry, Jon, I did not realise you were there.

THE CHAIR: He was doing the wise thing and sitting in the back row.

Mr Corbell: Yes.

Mr White: In terms of the process, in virtually every case police will have laid charges before the matter comes to my office. If a matter proceeds to a plea of not guilty, a full evidence brief will be provided to my office and served on the defence. Obviously, the majority of matters do not proceed to a full contested hearing and are dealt with by way of plea of guilty. In terms of whether matters proceed, we always have the discretion, based on the evidence, to discontinue a matter.

As I think has been indicated earlier, in the domestic violence area we often take a decision to continue with a prosecution even in the face of a complainant who is reluctant to continue for various reasons. It is very often the case that we will continue a contested matter even though the complainant no longer wishes to continue with the matter. That is a cultural change that has taken place in the ACT and, I think it is fair to say, in other jurisdictions in Australia, but we are probably at the forefront of that cultural change.

The attorney mentioned the new provisions which will enable police to take a statement on the scene, so to speak, and it will become the evidence-in-chief of the complainant in family violence matters. That process is only just starting to kick in. We are just starting to have those matters come to court. It has only been in the past few weeks, actually. There was effectively a six months lead time to enable the police to be trained up in those matters. We cannot really say anything too definitive about the impact that those will have, but we expect that that will have an impact of getting more guilty pleas at an earlier stage of family violence proceedings because the complainant will have even less opportunity to withdraw their statement. Their statement has already been taken and the statement taken on the night, as it generally will be, will be the statement that will be tendered in the hearing. We expect that that

will have, long term, an effect of more guilty pleas and hopefully resolving matters earlier.

THE CHAIR: Just to finish: outside of the domestic violence area, in a general sense the police will send you a brief that might not contain all the evidence?

Mr White: Yes.

THE CHAIR: Will you make a decision just on the brief or will you make a decision only when you have got all the evidence not to proceed?

Mr White: We often raise requisitions of the police based on the material that they have provided. Again, I stress that these will generally be in the context of a plea of not guilty being entered. If the matter is going to a contest we look at the material available and make a determination as to whether we have enough evidence to go to a hearing. At that stage we often raise requisitions with the police asking for further information.

I have to say I do not get a sense that we are withdrawing a lot of matters or that the police are concerned that we are not proceeding with a lot of matters. I think there will always be matters where an allegation is made and on closer examination it turns out there is not enough evidence to proceed, and we take that decision if that is the case. But I do not get a sense that anybody in the system feels that we are not running cases that we should be running.

THE CHAIR: It was just a general question. Thanks very much.

MR WALL: Just a quick supplementary.

THE CHAIR: A supplementary; then Mr Hinder has a new question.

MR WALL: Mr White, you mentioned that there are a number of thresholds that have to be met in deciding whether or not a case is taken forward to trial ultimately, including the public interest. What are the thresholds, in a bit more detail, that need to be met? Who assesses that? And what checks and balances are there in place to make sure that that is, in fact, the right course of action?

Mr White: The threshold really is, first of all, the evidence has to support the elements of the offence, so there has to be sufficient evidence. But, more than that, there has to be a reasonable prospect of conviction. The evidence has to be assessed to a certain extent; not just that it is barely there, but that it is compelling enough to justify the matter going to hearing.

Those are the first hurdles that we look at. It is only then that we consider the public interest. In other words, we only consider the public interest in the context of a matter otherwise being strong enough to go to hearing. The public interest factors are set out in our prosecution policy. They are many and various, but they are the sorts of factors that one would expect—the triviality of the offence, subjective circumstances concerning the offender and those sorts of matters.

I have to say again that, frankly, we rarely invoke the public interest in this jurisdiction. In terms of checks and balances, the checks and balances that we have are, first of all, that the police or the other agency that has referred the matter to us is enthusiastic that the matter proceed. The victims in the matter have a voice and would always be consulted before there is any decision to discontinue a matter. And, of course, we have our friends in the legal profession, and ultimately the court, the media and the Assembly all looking over our shoulder at those sorts of decisions. That is the context in which we make decisions about whether matters proceed.

THE CHAIR: Mr Hinder, a new question.

MR HINDER: Minister, the wide range of new initiatives in the save the family package say why there is a coordinator-general for the task. I understand there is an unprecedented commitment to address family violence in the territory. Are you able to run through some of the initiatives contained within the family violence safer families package to give us an idea of the breadth of the commitment?

Mr Corbell: I outlined a number of these in my opening statement, so I will not revisit those, but there are a number of others that are worth highlighting in the funding package. It is particularly important to stress the investment that has been made in relation to interpreting services. A very significant number of victims of domestic and family violence come from non-English speaking backgrounds. These women, and they are overwhelmingly women, are particularly vulnerable because they do not have English as a first language. Often they are socially isolated as a result, so they do not have the same extent of support networks that perhaps someone with English as their primary language would. And obviously they face particular challenges in communicating their experience and also getting advice on matters through their primary language.

This funding to provide for translation and interpreting services is very important during hearings and also through the domestic violence service providers who may be working with them to help them get advice, whether it be legal aid, trauma and counselling services or a range of other functions. The capacity for interpreter services in those contexts is particularly important, as it is in relation to civil proceedings in court, for example, domestic violence protection orders. Those have not generally had interpreting services available because they are a civil proceeding, not a criminal proceeding, and the provision of translation services has generally been restricted to where there have been criminal proceedings. Providing for a translator to assist a victim in the process of obtaining an interim or a permanent protection order is a valuable change, and I hope that we will see some significant benefit to victims as a result of that.

A range of the other measures that are in this package relate to matters that are outside my portfolio responsibilities, recognising that the family violence package does extend across a number of portfolios. I have largely mentioned the ones funded in the Justice and Community Safety portfolio in my opening statement, so I will not revisit those. I would simply highlight that outside my portfolio there is work around assisting integrated responses to family violence in the context of some of our specialist drug treatment programs, recognising that drug and alcohol addiction is often associated with family violence circumstances, on the part of the victim or the

perpetrator, and there need to be mechanisms in place to assist. There is also significant funding being provided to a number of non-government organisations, including the Domestic Violence Crisis Service and the Canberra Rape Crisis Service.

MR HINDER: I see that the initiatives are listed on page 116 of budget paper 3. You have 1.36 million for a stronger criminal justice response, which I think relates to the DPP. Then, over the page, on 118, there is a further 1.18 million allocated to stronger police support for family violence victims. Is that additional police or is that more staff for the DPP? What sort of numbers will that translate into?

Mr Corbell: I will turn to the policing element first, if I may. This is providing additional staffing for ACT Policing to give them the capacity to directly apply for domestic violence orders on behalf of victims. Under the current legislation, police are able to assist an applicant to apply for an interim domestic violence order, but the practice has been that this has rarely been exercised by police due to operational constraints. This will allow the police to more proactively seek an order on the victim's behalf. This is a provision that has existed in ACT law for some time but has not been routinely exercised. It is designed to allow the police to be more proactive and to say, "Look, we believe that this woman or this family is at some level of immediate risk and we believe action needs to be taken now to prevent another family member, usually the intimate partner, to cease interacting and to have some legal protection for that family." This would allow them to seek those orders directly from the court on behalf of the victim.

At the moment, the general practice is for the victim to seek an order. We know that there are many instances where a victim will initially want to seek an order but then withdraw or not continue with that application because of the power dynamics that exist within that relationship, whether it be fear of loss of accommodation or income or a range of other very complex factors in play. This will allow police to seek those orders. There will be two additional full-time officers to facilitate the police's overall capacity to do that. That is a very important change.

I should say that the government will be very carefully monitoring the impact of this initiative on the courts. We may see an uptake in activity in the courts, particularly after hours in terms of the calls on magistrates, because many of these applications will need to be made by telephone after hours. We will need to ascertain what the impact is on the workload of magistrates, and we will be watching that matter very carefully.

In relation to the DPP, the proposal is to provide three additional prosecution staff over two years, made up of one prosecutor grade 3, one professional officer in class 2 and one paralegal grade 1. This will allow some additional capacity in the DPP to support its work in relation to the volume of family violence matters that are coming to the DPP's office. The initiative will also provide an additional witness assistance officer to provide support to victims of family violence. As the DPP has indicated, working with victims is a critical part of his office's role in proceeding with matters against perpetrators of family violence.

MR HINDER: Thank you.

THE CHAIR: Ms Burch, a new question.

MS BURCH: I want to go to budget statement D, page 2, and some budget lines on BP3, 118. It is around supporting our Indigenous community through the Aboriginal and Torres Strait Islander justice partnership for 2015-18. On page 2 of budget statement D there are a number of dot points around restorative justice and justice reinvestment and the two lines are about developing life skills and a guidance partnership program. Can you tell us how the justice partnership is progressing and how those two budget lines will feed into improvements that we need to see with the over-representation of Aboriginal people in the justice system?

Mr Corbell: Let me turn first of all to the funding that has been made available for the Indigenous guidance partner as part of the expansion of the restorative justice scheme to adult offenders. Members may be aware that the government initially, a number of years ago, provided funding for a guidance partner for juvenile Indigenous offenders engaged in the restorative justice program. The purpose was to encourage more Indigenous people to utilise the restorative justice program, because we were seeing an underutilisation of it by young Indigenous offenders.

The guidance partner at the juvenile level, at the young person level, has been very successful in seeing an uptake in the number of Indigenous young offenders utilising RJ as an alternative to traditional criminal justice responses, and that is obviously beneficial. It is beneficial to the criminal justice system as a whole, beneficial to the victim and beneficial to the offender. The government has decided to provide support for the same response, given that we are now expanding the application of RJ to adult offenders. The funding will provide the equivalent of one FTE for a nine-month period in 2016-17 and then one FTE ongoing for 2017-18.

MS BURCH: And that is the difference in that first year's budget?

Mr Corbell: Yes, that is the difference in the first year. It is a staged commencement, recognising that there will be a period of recruitment required to identify a suitable candidate for that role. There will also be a minor element of funding there for the operating lease of a vehicle for the guidance partner to utilise as part of their duties. It is about facilitating the engagement of adult Indigenous offenders in the RJ space, recognising that we are expanding the operation of RJ to include adult offenders.

The other matter was in relation to funding for the Galambany court. This funding consists of the provision of a training and leadership program for the Galambany court and also funding for the justice reinvestment trial. It is proposed to provide some training and leadership programs at the Galambany sentencing court. This funding will provide for capacity within the Galambany court to provide life skills to offenders who are engaged in that sentencing process: life skills training and support around better cognitive and other practices for people who have been caught up in that part of the criminal justice system. That is an important intervention.

Equally, there will be funding made available for the ongoing work that the government is undertaking in relation to justice reinvestment. The justice reinvestment funding in particular is focused on the ongoing development of a whole-of-government framework to deliver services and support to offenders and

their families with high complex needs. So it is an additional capacity to continue work in that space.

MS BURCH: With the life skills, is that a new element of that support being offered? Is that what you were indicating? Then it says that there is one-year funding in a trial. When is it embedded, though? Is there a possibility that it moves from trial and is embedded just to the overarching Indigenous justice approach?

Ms Field: The trial has been going. There have been two camps held so far. This extra funding, additional funding, is for three more camps in the coming 12 months. What we will do is then evaluate the effect of those. We are doing many evaluations after each camp, but we are looking for an impact on life trajectories for the individuals going through the camps.

MS BURCH: And then, just broadly, the justice partnership is still going strong and there are good, strong connections across different community groups in Canberra?

Ms Field: Yes. At the moment, we have very strong relationships with our key stakeholders. In part that has been helped by the co-design program that has been used to develop the justice reinvestment trial. The community basically worked with us to say that Aboriginal and Torres Strait Islander people are the families who are most likely to come into contact with the justice system. That has helped us bring in links with the communities, particularly the Aboriginal and Torres Strait Islander run community organisations.

THE CHAIR: Mr Hanson, a new question.

MR HANSON: Can we go to the issue of consorting laws? I refer to the debate on 1 April 2009 where evidence was presented to the Assembly from the AFPA, the Australian Crime Commission and others that the inconsistency in the law between New South Wales and the ACT with relation to outlaw motorcycle gangs consorting was leading to essentially a leakage of that criminal activity to the ACT. In 2009 you described that as tub-thumping. Now we have a situation where you are seeking to introduce consorting laws into the ACT. That follows advice in this committee last year from the Chief Police Officer that that, indeed, was happening. Why is it that in 2009 all this was tub-thumping and the evidence now shows that exactly what was warned of in the evidence in 2009 has come to fruition and now you are introducing what you previously described as tub-thumping?

Mr Corbell: I do not think that is an accurate characterisation. In 2009 I think, if I recall the debate correctly—it was some time ago now, but if I recall it correctly—it was in relation to matters such as anti-association provisions or proscribing provisions for outlaw motorcycle gangs. Obviously those are the provisions that are in place in New South Wales and other jurisdictions. The ACT maintains its position that we do not support proscribing legislation for outlaw motorcycle gangs. That remains our position, but what has changed is the advice to me from ACT Policing. My position is that I will treat the advice I receive from ACT Policing seriously. ACT Policing have come to the government in the past six to 12 months and indicated to us that it is important to revisit the issue of consorting in particular, and that is what the government is doing.

As you would be aware, this is a contested issue and a difficult issue at a number of levels in terms of its interaction with human rights law. My commitment is to work through those issues and to establish that there is a proportionate response to the threat that is posed by these criminal groups and to make sure that it is the least restrictive response possible to protect human rights but also to provide adequate mechanisms to address the risks posed by outlaw motorcycle gangs.

What I would say more broadly is that I note there has been some discussion and characterisation of the level of outlaw motorcycle gangs in the ACT as low. Whilst it is very easy to point to the total number of individuals involved and to say that is a small number, ie, direct members around 50—not including, of course, associates—what such characterisation fails to identify or recognise is that whilst the total number of individuals is small their involvement in organised crime is actually quite disproportionate to their size. The advice to the government from ACT Policing is that a very substantive level of the organised criminal activity that occurs in this town is directly associated with that very small number of people.

While the number is small, their influence is quite pervasive, and that is everything from drug dealing, money laundering, drug importation, standover tactics and use of violence, coercion and intimidation in our community. They are disproportionately involved in a very substantive level of the organised crime that occurs in our city even though their total numbers are quite low. That is why the government is giving consideration to changes to the law in this respect.

MR HANSON: We have seen some linkage between the Rebels motorcycle gang and the CFMEU. It was certainly reported in the media in other jurisdictions. Are you aware of any similar linkages here between those organisations?

Mr Corbell: No I am not.

MR HINDER: A supplementary.

THE CHAIR: Certainly.

MR HINDER: Minister, my recollection of the 2009 raft of legislation around the country resulted in some ridiculously over-the-top legislation, particularly in Queensland, about numbers of people riding motorcycles resulting in impacts on all sorts of people who had nothing to do with any organised crime. Is the evidence you are giving now, that the territory has taken a different view in relation to its response, in relation to a different set of circumstances?

Mr Corbell: I think your question highlights the difference in legislative approach between the ACT and other jurisdictions, particularly Queensland with the so-called VLAD legislation which was quite disproportionate and had a very adverse effect on many law-abiding, innocent citizens whose only relationship with the law was that they liked to ride a motorcycle. That certainly did see instances where people who rode motorcycles were caught up in actions by the police in Queensland, and often it was unfairly the case.

Here our proposal in the discussion paper that the government has released is about trying to align the legal framework around people engaged in organised criminal activity associating with each other, consorting with each other, for the purposes of planning or undertaking criminal activity as opposed to simply saying, “You’re a member of a motorcycle group,” or, “You ride a motorcycle and therefore you’re going to be targeted by the police.” There is a very different approach being adopted here in the ACT.

Obviously we are still at the consultation stage in relation to this legislation. I welcome the feedback and the commentary from a broad range of stakeholders who are taking advantage of the consultation process to provide the government with their views. That is important to me. I have said very clearly that if we are to introduce consorting laws there will be a public consultation process and I am honouring that commitment through the process that we are undertaking right now. But I would stress again that it is simply not reasonable to use as an argument against these laws that the number of people involved is small and therefore we do not need them, because the fact is that this is a small number of people but with a very disproportionate impact on the level of organised crime in our community and that that level of organised crime has costs and impacts both economically and on a broad number of individuals in our community and we need to make sure that there are sufficient legal mechanisms in place that allow police to disrupt the level of activity that is occurring.

What is also of concern to the government is that the absence of a consorting provision is leading now to a number of leaders and groups of outlaw motorcycle gangs from other jurisdictions choosing to increasingly visit the ACT. They are coming to the ACT because they are able to meet together in person here, whereas they cannot do that in other jurisdictions because of the existence of consorting law in other jurisdictions. National leadership groups are meeting here in Canberra and organising and planning their activities here in Canberra, face to face, because there is a legal environment that allows them to do that. I do not want those people here in the ACT and I do not think anyone else does really either. So we need mechanisms to respond to that.

The government’s position has always been that if circumstances change we will give consideration to the legal framework to respond to that change. We will not jump at shadows but we will respond firmly when circumstances change and the intelligence presents to us that the circumstances have changed, and that is clearly now the case.

THE CHAIR: Mr Hanson’s prediction that we would be a safe haven for outlaw motorcycle gangs has come true and now belatedly you are legislating?

Mr Corbell: No I do not accept that. We could have responded five, six, seven years ago but it would have been disproportionate. It would have been disproportionate and unjustified. It would have been pre-emptive, disproportionate and unjustified. The law should be amended and changed as the circumstances require it. We do not need to give powers to police and officials that will not be exercised. We should give them powers when they need to be exercised, and that is the proportionate and reasonable approach that the government has always adopted on this matter.

THE CHAIR: Mr Hanson has a supp, then Mr Hinder has a supp and then a new question from Mr Wall.

MR HANSON: I am looking at the advice that was provided openly by the Australian Crime Commission and the Australian Federal Police Association that exactly this would occur. Are you saying that as a legislator you only wait for crime to occur, you ignore the advice and then you wait for something to go wrong before your government will act? That is essentially what you are saying today.

Mr Corbell: No the government has never ignored advice. Your assertions in relation to the Australian Crime Commission are wrong. In 2009 the advice I received directly from the Australian Crime Commission was that there was not any displacement activity occurring in the ACT at that time. By “displacement” I mean the relocation of criminal gangs or individuals from one jurisdiction to another. There simply was not evidence to support that assertion at that time. The advice to the government from the police at that time was very clear. There was no significant or noticeable displacement of activity between jurisdictions.

But those circumstances have changed, and you respond to circumstances as they change. You and I, Mr Hanson, may have a different philosophical view on these matters but my view as a minister with a strong interest in and commitment to human rights law is that you do not give the state excessive powers unless they are justified and required. Otherwise, it is simply an invitation for an infringement upon the liberties of the individual citizen in our community. It needs to be—

MR HANSON: Can I read from—

Mr Corbell: I am answering your question. This comes down to a different philosophical position. The Human Rights Act is very clear. Limitations on human rights of individual citizens should be proportionate to the risks and the harms posed by the activity that we are trying to address. It is not about jumping at shadows, it is not about trying to provide a whole range of powers when that threat or risk does not exist. It is about providing those powers and capacities when there is a clearly demonstrated threat that needs to be addressed. That is how you provide for a proportionate response to the circumstances that are presented, and that should be the approach that governments adopt. It should be proportionate and measured and based on the threat that actually exists rather than jumping at shadows.

THE CHAIR: A supplementary from Mr Hanson. Mr Hinder has another supplementary. Then we have Mr Wall.

MR HANSON: When were you first made aware of advice from the Chief Police Officer or any other individual or agency that there was increased activity, particularly of interstate bikies, in the ACT?

Mr Corbell: When I became police minister again late last year, early this year.

MR HANSON: Are you aware if the same advice provided to you was provided to the previous minister?

Mr Corbell: I cannot comment on what advice was provided to the previous minister.

MR HANSON: As soon as you were provided that advice, you then commenced action to introduce consorting laws, or what was your action?

Mr Corbell: You would be aware that the government has signalled, for a period of around up to 12 months, a consideration around consorting law. Following my appointment as minister for police late last year and my subsequent meetings with ACT Policing I sought further briefs in relation to the circumstances of concern to them, and that has informed the government's decision-making to date and my decision to progress further work on possible consorting law legislation in the ACT.

THE CHAIR: Mr Hinder, a final, and then Mr Wall.

MR HINDER: Minister, it sounds to me from the evidence you are presenting that, whilst the activity has increased—and that is the advice you have received from your police officers—that activity, at least in part, has increased because of the actions of other jurisdictions in passing this sort of legislation, which has then driven, or made it more convenient for, these people to travel to the ACT. That is part of the change of circumstance resulting from actions of other jurisdictions to bring those people to the territory requiring a response from the government?

Mr Corbell: That is now the advice from ACT Policing. It was not the advice of ACT Policing four or five years ago. I received regular updates from the former Chief Police Officer around those matters, and his advice to me was very clear and unequivocal: there was not displacement occurring at that time. It is now, and we will respond to it.

THE CHAIR: Mr Wall, a new question.

MR WALL: Thank you, chair. Attorney, has the government ever sought or been provided with legal opinion as to whether or not it is appropriate to share information received through tender or RFT processes with entities or persons outside of government?

Mr Corbell: That would not be a matter for the Justice and Community Safety Directorate. The Government Solicitor—

MR WALL: It would be the Government Solicitor's office?

Mr Corbell: No. The Government Solicitor acts as the adviser to the client, which would be a relevant government directorate. I am not aware of any circumstances where such advice has been provided but, in any event, it would be a matter for the relevant client directorate if such advice had been sought. But I am not aware of any.

THE CHAIR: Is the GSO here and can it answer that question?

Mr Corbell: It is a matter properly asked of the relevant directorate. If there is a particular matter—

THE CHAIR: It is a matter properly asked of the GSO.

Mr Corbell: If there is a particular matter that Mr Wall is seeking information about, it would relate to a specific portfolio area and it would be appropriate for him to ask the relevant portfolio minister.

MR HANSON: The provision of advice is in this portfolio area; the provision of advice to government.

Mr Corbell: It is not for the Government Solicitor to disclose what advice he gives to government directorates. He and his office provide that advice to government directorates as his legal clients and it would be a matter for you to ask his legal clients, that is, the relevant portfolio.

THE CHAIR: The appropriation for that service is what we are examining in this output class. I understand the GS is here and it would be easily put to bed if he could appear and tell us if such advice had been provided.

Mr Corbell: The GS is not at liberty to disclose the advice he provides to government directorates.

MR HANSON: He would not be providing the advice.

Mr Corbell: It is legal-in-confidence.

MR HANSON: It is a matter of whether he has provided any advice in relation to those matters. It does not mean that he necessarily has to detail—

Mr Corbell: I do not have an issue with the Solicitor-General providing you with his advice on those matters. I simply make the point that if you want to know whether or not such opinions have been sought, you should ask the people who seek them—if, indeed, that has occurred—which would be the relevant government directorate that attaches to the matter you are interested in.

MR HANSON: Can you not ask if he has provided that advice? What is the difference?

Mr Corbell: The difference is that he is a service provider and the circumstance that you are asking about is whether someone has sought such advice, which is a matter for the relevant government directorate.

MR WALL: I also asked if that advice had been provided without being sought.

Mr Corbell: Without being sought?

MR WALL: The question was: has the government sought or been provided with—

Mr Corbell: I am very happy for the Solicitor-General to come forward. I am sure he will—

MR WALL: He was standing before. I think he was eager.

MR HANSON: You do not look as happy as he is.

Mr Corbell: I am confident he will simply reiterate what I have just told you, Mr Hanson.

MR WALL: I think he has just been verbally by the minister.

MR HANSON: You have given him the cues, have you, Attorney-General? You have given him his script?

Mr Corbell: I think that is an unfair reflection on Mr Garrison, Mr Hanson.

THE CHAIR: It might have been an unfair reflection on you.

Mr Corbell: I am used to unfair reflections on me from Mr Hanson. Mr Garrison, can you assist?

Mr Garrison: Mr Hanson, as you may be aware, very few people can tie me with a script. Mr Wall, can I ask that you repeat your question so that I can deal with it?

MR WALL: Certainly, Mr Garrison. The question was: has the government sought or been provided with a legal opinion as to whether or not it is appropriate to distribute information gathered as part of a tender or FRT process with persons outside of government?

Mr Garrison: It is a very general question. The first point is that our office responds to requests for legal advice. As to the question of provision of information in relation to tender processes, it varies according to its circumstances. We frequently are requested to give advice about information exchange, not just in relation to tender processes but in relation to contracts generally. The information that can be provided that flows from those tender processes can be commercial-in-confidence information and personal information. What privacy provisions are engaged? What information within a tender or contracting process should be the subject of the exclusions under the Government Procurement Act in relation to the disclosure of material on the contract register?

Clearly, if there is a particular contractual framework that you have a question about, it is best directed to the directorate concerned. With respect, as the legal adviser, it is not for me to speculate about what may or may not be of interest and what particularly may be engaged because the information is so broad ranging.

MR WALL: Does your office only provide advice on request or does it also proactively provide advice to government directorates about their dealings and actions in various aspects?

Mr Garrison: We act on requests for legal advice. Do we provide proactive advice? We do from time to time because my office is in the almost unique position of having a complete overview of the totality of the business of government. From time to time

matters will arise which we will be aware will be of interest to a particular directorate or government business that have arisen because of some other activity or advice that we have provided or, for example, a piece of litigation in which we have been involved. Then contact is made—generally on an informal basis—to say, “There’s an issue and it may be of interest for you to be provided with some advice or have a briefing in relation to it.”

Again, we provide 2,500 to 3,000 advices a year. We are engaged in many hundreds of contractual transactions. Our litigation is extensive right across the entire range of government services. In that complete mix there are always going to be matters that arise to which we say we need the attention of government. Indeed, I will from time to time brief the Attorney-General in relation to matters that have arisen that I believe may be of interest or of which he should be informed, which is quite a normal practice.

MR WALL: There has been a quite extensive debate in this place about the government’s enacting an MOU with UnionsACT and the sharing of information through that tender process with unions, ultimately an entity outside of government. What advice has your office provided to government as to the validity and the appropriateness of that agreement and whether or not it impinges on, I guess, the probity of the tender and procurement process?

Mr Garrison: We have clearly provided advice in relation to a range of measures that have been taken by the procurement authorities in relation to the implementation of that MOU. Like any other arrangement that the government enters into, it can raise a number of legal issues. With respect, what particular aspects we may or may not have given advice on is really a matter that is properly addressed to the agency that instructed us, which was procurement. We give advice on a range of government arrangements that are entered into and it is not for me in this place to disclose that advice. That is a long standing convention. It is really better addressed to the procurement authority.

MR HANSON: A supplementary. When the MOU was being drafted—and this is the latest version—was advice sought from your office with regard to that document before it was signed by the Chief Minister?

Mr Garrison: No.

MR HANSON: There was no legal advice sought on the signing of that document, even though, I think, there were significant changes from previous versions?

Mr Garrison: I am not going to venture a view about that, Mr Hanson, but in answer to your question, no, my office did not give advice.

MR HANSON: Have you seen the document subsequently?

Mr Garrison: Yes.

MR HANSON: Have you provided advice to the Chief Minister since that document has been signed by him?

Mr Garrison: As to what advice I have given and to whom I have given it, that is really a matter that is best addressed to the Chief Minister, if it relates to the Chief Minister, or to the procurement authorities.

MR HANSON: But he did not request at any stage that you provide him with legal advice with regard to that document?

Mr Garrison: Mr Hanson, I have already said that I have not provided advice in relation to that document prior to its execution and that generally carries with it the inference that I was not asked for that advice.

MR HANSON: Is it usual that a document—an MOU or another document of that sort—signed with another agency or organisation separate to government would be signed without legal advice?

Mr Garrison: Generally speaking, there are quite a number of memoranda of understanding that are entered into by government agencies with other government agencies and bodies on the basis that they are not intended to create binding legal obligations. We are asked for advice from time to time in relation to MOUs that may be of some particular complexity, but by no means is it an invariable practice that we are asked for advice. In fact, I would imagine that most MOUs we are not asked for advice on by virtue of the fact that they are not intended to create binding legal obligations.

MR HANSON: Have you read the elements of the clause that says, essentially, there is a power of veto over the procurements process and that the unions must agree to—

Mr Corbell: Your characterisation of that provision is incorrect. I know it is in your political interests to advance such an argument, but it is simply not true.

Mr Garrison: Mr Hanson, as I said before, I have read the document. I note your characterisation of one of the provisions in it. It was really a backdoor way of asking me for advice, which of course I am not going to provide.

MR HANSON: Fair enough. It was worth a go though, wasn't it?

Mr Garrison: Perhaps always.

THE CHAIR: We have two minutes left and we will have a supplementary.

MR HINDER: Just so I can clear this up, Mr Garrison: a memorandum of understanding is not a binding document on the entities signing that document, is it?

Mr Garrison: There is a label called “memorandum of understanding”, it could be called any other thing as well. The general proposition is that an MOU is not intended to be legally binding. Whether it is, in fact, intended to be legally binding depends on your analysis of its terms and whether it can be construed as a contract. But the intention of calling a document an MOU is, in fact, underpinned by the fact that it is not intended to create binding legal relationships. For example, we will get asked for advice about an MOU between an agency and the commonwealth. You look at it and

you say, “Is this intended to be a binding obligation? Yes or no?” If it is then you say, “Maybe it should be a contract”—not between ACT Health and some commonwealth agency but between the territory and the commonwealth. So it depends on the analysis of the document. Most agencies these days are well informed about the nature and character of an MOU and that, in fact, it is not intended to create binding legal relations.

MR HINDER: So in layman’s terms, a contract is intended to bind and an MOU has less force than a contract?

Mr Garrison: Is not intended to be legally binding; correct.

MR HINDER: Thank you.

THE CHAIR: As it is now 11 am our time for output class 1, justice, is at an end, as is the public trustee, who has missed out. We will return at 11.15 for output class 3, courts and tribunals, and the Legal Aid Commission.

Sitting suspended from 11.00 to 11.19 am

THE CHAIR: We will recommence this morning’s session. We will now move to output class 3, the Legal Aid Commission, courts and tribunals. I will defer my question to Mr Hanson.

MR HANSON: Attorney-General, I have received a letter from the Chief Magistrate, which is also known to you, about the impact of after-hours orders in the Family Violence Bill 2016. It indicates that there is significant pressure on the Magistrates Court and that, in essence, any extra burden placed on that court through after-hours orders would be difficult for the Magistrates Court to implement, particularly given the extended hours that would be required. Have you responded to the Chief Magistrate about that letter? I think it is dated 17 June.

Mr Corbell: I would have to take on notice whether or not I have replied to that correspondence. I am familiar with it. In relation to the general matters that it raises, I have had discussions with the Chief Magistrate on this issue and I have indicated to her that the government will keep a close watching brief on the circumstances of the new capacity for police to seek those orders, which I referred to in our evidence this morning. It is yet to be seen whether or not it does result in any additional or significant call on magistrates’ time and I think it is appropriate that we wait and see exactly what the circumstances are in relation to those matters. That is what I have indicated to the Chief Magistrate verbally and it would be, I imagine, what I will say to her if I have not already in my written correspondence in to her.

MR HANSON: The Chief Magistrate has said that should the legislation pass in its current form she feels “it will be necessary to remove the duty magistrate from the regular listings during the duty periods”. The Chief Magistrate has indicated in her letter that that is the action that she will be taking and that is why it is going to have an impact on listings. It is not a matter of wait and see how it goes. She has indicated, as I have read the letter, that she is going to take that action should the legislation be passed in its current form.

Mr Corbell: I have indicated to the Chief Magistrate that it would be appropriate, of course, to look at actually what the experience is in relation to the workload on magistrates. Obviously how the Chief Magistrate arranges the business of her court is a matter for her.

MR HANSON: Would it be okay to give me a copy of that letter or give it to the committee so that it will form part of that process in the lead-up to the debate on the legislation?

Mr Corbell: As I have indicated, I will have to take on notice whether I have formally responded to the Chief Magistrate yet. I will take your subsequent question on notice.

MR HANSON: In regard to the Magistrates Court more generally, I am aware that there are resource constraints, that it is very tight, that there are a lot of pressures on that court. We have now got a fifth judge in the Supreme Court. How many full-time magistrates currently do we have?

Mr Corbell: Seven.

MR HANSON: There is provision for seven. Is there any provision for additional resources to supplement that or not?

Mr Corbell: Yes. The government has appointed four special magistrates who are available to the court as well.

MR HANSON: How many hours have those special magistrates got? Are they equivalent full time or are they half time. In terms of an FTE, what is the position in regard to those four magistrates?

Mr Kellow: The special magistrates are listed as required by the Chief Magistrate. It does vary from year to year. There are different ways of trying to count FTEs in terms of magistrates' time but over the past 12 months it has been somewhere between one FTE and two FTEs additional magistrate resources. It is partly also to help cover for absences on the part of the full-time magistrates' planned and unplanned leave.

MR HANSON: Given that there is an ongoing addition of one to two magistrates, have you received any correspondence from the Chief Magistrate or vocal submissions requesting an additional full-time magistrate?

Mr Corbell: Yes I have.

MR HANSON: Was it requesting one additional, two additional? What was the correspondence?

Mr Corbell: I think it would be fair to say the Chief Magistrate's general view is that she would prefer at least the appointment of one additional full-time magistrate. This is not a matter which the government and the court are in agreement on. The reason for that is that the government and the court have agreed on the development of a

judicial resourcing model for the Magistrates Court similar to the model that was adopted following discussions between the Chief Justice and me. The same individual that prepared the resourcing model for the Supreme Court was commissioned to prepare a judicial resourcing model for the Magistrates Court. The outcome of that assessment by that agreed party was that there was not a requirement for additional magistrates at this time.

It would be fair to say that there are some points of difference between the government's position and the Chief Magistrate's position on that matter but it would be also fair to say that the advice of the independent person who was appointed by the court and the government to assess the level of demand versus the level of need identified that there were a range of inefficiencies in listing and hearing practice that could be addressed and that, at this point in time, comparative to other jurisdictions there was not a need for an additional full-time magistrate in the Magistrates Court.

MR HANSON: What is the budget for an additional magistrate? Is it just a magistrate or do they have staff to assist them?

Mr Corbell: A magistrate will have an associate and other staff to assist them. I will take the question on notice in relation to the exact cost.

MR HANSON: Can you take on notice what sort of cost we are talking about?

Mr Corbell: I will take it on notice.

MR HINDER: A supplementary.

THE CHAIR: A supplementary and then a new question from Mr Hinder.

MR HINDER: Minister, I note the court backlog indicators in the budget papers at page 19. Estimated outcomes for this year are still above where you would like them to be but I also note that they return in the outyears, 2016 and 2017, to this year's target. How will you achieve that and what resources have been allocated to achieving that outcome?

Mr Corbell: Which specific indicators are you referring to?

MR HINDER: For instance, your 12-month indicator on the Supreme Court is at 24 per cent.

THE CHAIR: I think f, g and h are the indicators.

MR HINDER: Yes, sorry, with an estimate of 10. Similarly h talks about—

THE CHAIR: It must be time for another blitz.

Mr Corbell: We have seen a very significant improvement overall in waiting times, particularly in the Supreme Court, over the past couple of years as a result of a range of reforms including additional funding for case management, particularly in the Supreme Court, and the appointment of acting judicial officers at both levels, and

changes to jurisdictional limits to improve workloads between the courts and also the ACAT and the introduction of legislative reforms to court rules in relation to the court's jurisdiction as well.

Obviously in terms of the Supreme Court, on 1 July this year a fifth resident judge will be appointed to the court. The government has announced the identity of the individual who will be filling that new position, and that judge, Justice Elkaim, will commence his time on the court on 1 July this year.

In terms of strategic indicators, the median number of days to finalise a matter in the Supreme Court is expected to reach the target of 365 days. In the civil jurisdiction of the Magistrates Court we expect to see a decrease in the median number of days to finalise matters from 50 to 45 days, and that is a good outcome. Equally the median number of days to finalise a matter in the Coroners Court is expected to decrease, given the introduction of a number of legislative changes, active case management and better support from the coronial unit and including dedicated staff within the coronial unit for the performance of that court's functions.

The expected increase in the number of median dates to finalise a criminal matter in the ACT from 200 to 252 days is due to the focus of the court on finalising its last number of older matters which are still outstanding. The appointment of a fifth resident judge to the Supreme Court is expected to address this issue. The expected increase in the number of median days to finalise criminal matters in the Magistrates Court from 65 days to 75 days is primarily due to the focus on finalising older matters. Whilst there are a number of outstanding matters we have seen a very significant reduction in both the number of long-pending, outstanding matters. In particular listings for criminal matters in the Supreme Court are now being dealt with in a very timely matter.

THE CHAIR: Cross-referencing the indicators from page 19 to the strategic objectives—you were quoting those numbers—the target for the Magistrates Court was 50 days. The estimated outcome is 45 but the target in 2016-17 is back to 50 days. Why can you not maintain that? And the same with the Coroners Court?

Mr Corbell: Fifty days is still a very good outcome, I have to say, in relation to timeliness. Obviously if we come under that then that is a good outcome but 50 days is considered to be a realistic target to set.

THE CHAIR: If you are doing 45 days at the moment why is it going back to 50?

Mr Corbell: There are variabilities around workload and volume of matters. As I say, at the end of the day the target is based on what is a realistic assessment of a reasonable period of time to complete those matters.

THE CHAIR: And then the same with the Supreme Court? The target is actually 250 but you are now insisting it will be 200. How will that be achieved?

Mr Corbell: The reason for that, as I indicated in my earlier answer, is that the court is currently finalising its focus on the small number of outstanding matters, long waiting if you like, outstanding matters that are yet to be dealt with. They are

expected to be effectively removed in the coming financial year and that will bring the court back to its normal target.

THE CHAIR: How many outstanding matters in the three courts are there, say, for greater than a year, two years and three years?

Mr Corbell: We only have two courts. In relation to the number of matters I will take that on notice.

THE CHAIR: There are three courts listed.

Mr Corbell: There are two courts and the tribunal. The tribunal is not a court.

THE CHAIR: What is the tribunal?

Mr Corbell: The ACAT.

THE CHAIR: Which court is not a court, the Magistrates Court, the Supreme Court or the Coroners Court?

Mr Corbell: If you want to have that argument that is fine, but we have two levels of courts in the ACT. Yes we do have a specific number of courts within the Magistrates Court proper.

THE CHAIR: I am just reading your indicators.

Mr Corbell: That is fine. I have taken your question on notice.

THE CHAIR: Thank you, minister. Mr Hinder, a new question.

MR HINDER: Attorney, at page 79 of budget paper 3 there is a reference in the Legal Aid Commission section to the Eastman retrial and related proceedings. Can you give us an indication of what sort of money has gone into the Eastman trial over the huge number of years that this has been running? Do we continue to fund these proceedings? I understand that we fund both the defence and the prosecution.

Mr Corbell: Yes, that is correct. It is incumbent on the territory to ensure that funding is made available where courts require it for the purposes of the original inquiry that led to the quashing of Mr Eastman's conviction and the retrial being ordered or subsequent legal matters—hearings that have occurred since that time. Since the inquiry ordered the retrial, the total funding in relation to the matters involving Mr Eastman is sitting at \$17.464 million.

Of that, in the 2016-17 budget just over \$5 million has been provided for resources for the retrial of Mr Eastman and other legal proceedings incorporating \$1.046 million to ACT law courts, \$2.325 million to the DPP and \$1.707 million to the Legal Aid Commission. In the 2015-16 budget just under \$500,000 was provided for a stay application associated with the proposed retrial of Mr Eastman, comprising just under \$250,000 to the ACT courts and tribunals, \$136,000 to the DPP and \$110,000 to the Legal Aid Commission.

Previous government funding provided in relation to the inquiry itself and associated proceedings totals \$11.9 million; so that is additional to the \$17.464 million that has been provided since the inquiry handed down its report. Yes, the costs associated with the Eastman matter are significant and the government will continue to make that funding available as the courts determine the processes moving forward.

MR HINDER: And we will continue to fund that?

Mr Corbell: Sorry, I stand corrected. That \$11.9 million is a subset of that \$17.464 million that I mentioned earlier.

MR HINDER: On that page 79 there is a footnote 4 saying, “This is a jointly funded initiative delivered by more than one agency.” What other agencies are involved?

Mr Corbell: That reflects the fact that the funding is not just for the law courts and tribunals. It is also for the DPP and Legal Aid and also there are costs incurred by ACT Policing.

THE CHAIR: Is it possible to get a split on the breakdown by the agencies?

Mr Corbell: I would be happy to do so over the period since the inquiry, including the inquiry, but I would not venture before that point.

THE CHAIR: How much of the \$5 million is going to Legal Aid?

Mr Corbell: In this year’s budget \$1.707 million is being provided to the Legal Aid Commission.

THE CHAIR: For the Eastman inquiry—for the retrial?

Mr Corbell: For the matters associated with the retrial of Mr Eastman and other legal proceedings.

THE CHAIR: Ms Burch, a new question.

MS BURCH: In budget statement D, page 2, reference is made to the PPP. I might get to the new court and how it is going. But there are talks about a further rollout of a case management system and other reforms to improve court efficiency. On page 3 there is a dot point around the fines management system. I am not quite sure if that is connected to the court or around road safety. Also, on page 24 there is reference to a rollover of some funds for the legislation register. I am interested to see how all these IT systems are progressing and how they are working together.

Mr Corbell: Thank you, Ms Burch. In no specific order, dealing with fines management first: the government is undertaking a feasibility study for a system to support a fines management scheme to enhance the collection and enforcement of court imposed fines and infringement notice penalties. At the moment, whilst we do have a strong system in place for fines that are administered by the executive directly—for example, traffic fines, speeding or parking infringement notices and

other traffic related matters—we do not have a similar system for fines that are imposed by the court directly. There needs to be work done to support a better administration of court imposed fines and infringement notices.

This funding will provide for the preparation of a feasibility study into how such a system could work to improve collection performance. Evidence from other jurisdictions indicates that changes to the law and administrative arrangements can enhance overall collection. That can see more people engaged sooner in court imposed fines and infringement notices, reducing burden that may result from non-payment of those fines down the track.

In relation to the new integrated courts management system, this of course was resourced by the government a number of budgets ago—indeed, in the 2015-16 budget—to procure an integrated courts management system for our judicial officers. We have entered into an agreement with the Western Australian Department of Attorney-General to utilise the integrated courts management system used by the Western Australian government and Western Australian courts with modifications as necessary to support the legislation and procedural requirements of the ACT.

It is being rolled out in three stages. The first stage was complete in December 2015 when it was implemented in the ACAT. Stage 2 for the civil jurisdiction in the Supreme Court and the Magistrates Court was scheduled for implementation in May this year and stage 3 for the criminal jurisdictions of both courts and online services is scheduled for implementation in [December this year](#). There are some rollovers associated with that work. It is quite a large complex body of work but I am pleased that it is progressing well and is being adopted incrementally in our court system.

MS BURCH: What have been some of the visible and noticed benefits of that as it is being rolled out through the different areas?

Mr Corbell: The great advantage of this system is that it removes the need for handwritten bench notes on the part of judicial officers that often form the basis for action by other court officials. For example, if someone is being released on bail with specific conditions and so on, in the Magistrates Court we still rely on the handwritten annotation of the magistrate at the time in many instances as to whether to apply a bail condition for someone with a grant of bail.

The integration of those notes online in real time will remove some of the potential for error or lack of communication between different elements of the court's administration and will provide for more timely and efficient utilisation of the courts and the courts' administration's time. That is just one small example of how it will work.

MR BURCH: The back half of that dot point makes reference to, "Further reforms to improve court efficiency." Is there other work in addition to case management and other systems you are putting in place?

Mr Kellow: There is an assortment of things that the courts are working on. Another technology item is the jury management system. We have got a very antiquated jury management system which processes the electoral roll to issue summonses and then

for those selected for jury service processes their payments and other entitlements. We have been doing some work to identify a suitable product that can replace the current jury management system. The one that we are looking at currently also provides a self-service or online facility. People who are summonsed for jury service can do the initial filtering for exemptions online and similarly if they are selected for jury service they can lodge their payment details online. This avoids a lot of handling. We still pay jurors by cheque. It would be nice to move into electronic funds transfer.

There are other initiatives that the courts are looking at. We have been doing some work on the Sheriff's Office and how those functions are performed. We are looking at our library and how it operates if we are moving into a more online or digital environment. The heads of jurisdiction have recently initiated work on the international framework of courts excellence, which is a tool to look at seven key areas of court governance and operation.

I was at a meeting, I think last Friday, where someone said that in relation to the international framework, we will be identifying the key things that we think we can achieve given that we have got the new building and a major case management system on foot. We do not want to bite off more than we can chew. But that framework will help provide a mechanism for the judicial officers to clearly direct the administration about the priorities as they see them in terms of the support they need.

MS BURCH: If you have these new systems coming into place when there is literally a new building being constructed around you under the PPP, how are you managing all of that, managing the new systems, managing a complete revamp, so to speak, of the court?

Mr Kellow: Both of the major projects have their own governance arrangements in terms of steering committees and so on to give oversight. On the ground we have two project teams that are responsible for their particular projects. We have a shared change manager who is weaving both projects together and working with staff and judicial officers to identify the needs that need to be met by both. It would be fair to say that it is a lot for staff in a judiciary to manage at one time but I think we seem to be on track for both at the moment.

The building really provides opportunities in terms of the physical environment. Some years ago the ACT courts moved to a combined registry. This will allow them to be physically combined. There will some efficiencies there that we can achieve. Similarly, the technology has provided an opportunity for us to look not just at the actual system but to look at the business processes around it and ask: are there ways of reducing the differences between the jurisdictions that are largely historical? We have a fairly uniform court procedures framework for both courts that we have administered a little differently; so the technology will help iron out those differences.

We certainly saw that in ACAT where there was a major reform of over 30 key business processes to bring a more harmonised approach. From memory the ACAT was a combination of about 17 tribunals eight years ago. It takes a while to gradually make them a single tribunal in terms of how they do their business. We are using the two projects as an opportunity not just to deliver the actual tangible outcomes but also to look at our broader way of doing business. We have the help of a

change manager to facilitate that process and a commitment from the heads of jurisdiction and key staff.

MS BURCH: Finally, you made mention of one system you are using from WA but you said that you are looking at other systems. Are you looking to build your own or to harvest what is going on in other states that may suit your needs?

Mr Kellow: No, in terms of the jury management system we looked around all the other jurisdictions twice. Most recently was the middle of last year. The system that has been developed by the New South Wales sheriff's office seems to be the front runner or setting the benchmark at the moment. It has been adopted by the Victorian courts and is in the process of being adopted by the Queensland courts. That is who we are talking to. It is not a commercial arrangement. Not unlike the ICMS, which involved the WA government, there is a bit of discussion about how that all works. But in many ways we have got a much simpler jury system than those bigger jurisdictions, not least because we do not have jury histories which have to be managed. We are really a subset of the system; so we are confident that once we can talk through the specifications, that will proceed.

THE CHAIR: Mr Hanson, a new question?

MR HANSON: Thank you. I remember a couple of years ago we discussed the recording of information such as people released on bail and subsequently committing offences, and there was no data collected or easily available. It would mean trawling individually through each case to try to compile that information. There is a new system that was brought online—a court management system, a records management system, I recall—around that time. Do we now have the ability to capture that sort of information for statistical analysis?

Mr Corbell: As I indicated in my earlier answer, Mr Hanson, the ICMS—integrated courts management system—does not yet apply to the criminal jurisdictions of the Supreme Court and the Magistrates Court, so at this stage it would be fair to say that we would continue to have some challenges in collecting data in relation to those matters. With the application of ICMS to the criminal jurisdictions in the coming months, that will give us a greater capacity to more easily search through data.

MR HANSON: Has there been any attempt to have a look at that specific issue of bail? There have been a number of prominent cases where individuals who were released on bail then committed subsequent offences which, in a couple of cases, resulted in death. This is an issue that has obviously played out in other jurisdictions.

Mr Corbell: Yes.

MR HANSON: To get a sense of how many individuals or how many offences are being committed by people on bail, to monitor that, has any attempt been made to get that information?

Mr Corbell: It is difficult, for the reasons I have indicated, to extensively go through the information that is held. It would require effectively a physical review of all of the hardcopy paperwork to do that work in many instances. It is the case, though, that the

government recognises there are potentially risks associated with people being granted bail, with accused people being granted bail, who go on to reoffend whilst on bail. It is for that reason that, in limited circumstances, the government is currently proposing legislative change to provide power to the DPP to seek a review of a grant of bail decision where there are circumstances that potentially mean that that person would pose a risk to the community and the DPP believes the court has not fully given proper consideration to those matters.

MR HANSON: Is it possible for that body of work to be done; to do that analysis of how many offences have been committed by people on bail over the past however many years?

Mr Corbell: My advice is that, given our current state of record keeping, it would be difficult to sustain that, to do that. It would be quite a comprehensive and demanding process from a resourcing perspective to do that. The way the government has sought to approach this matter is to look closely at the representations we have received from different stakeholders in the justice system, in particular the views of the DPP, who has the lived experience of dealing with matters where there have been decisions around grants of bail that have had the potential for or have resulted in adverse outcomes in terms of reoffending behaviour. The government has listened closely to the views of stakeholders, including the DPP, and on balance taken the decision to provide a limited right of review of granted bail to the DPP in particular circumstances where there are public safety considerations that need to be taken into account.

MR HANSON: Yes, and I accept that on individual cases. I just find it extraordinary that—

Mr Corbell: It is still a paper-based system, Mr Hanson.

MR HANSON: Sure, but—

Mr Corbell: So what we are talking about is having to go through and review individual case notes.

MR HANSON: Well, so be it.

Mr Corbell: Over a period of five to 10 years, we are talking tens of thousands of individual paper-based case notes.

MR HANSON: If it had been done at the time, it would not be so hard, would it? If it had been recorded as one of the actions of the court, it would not be so hard.

Mr Corbell: There needs to be a mechanism to record it in a searchable form and, at this stage, we do not have an electronic, searchable form to do that. We are implementing that. As I have indicated, the ICMS process has been ongoing now for a number of years. It is close to finalisation. It is a big undertaking for our courts to do that work, but it is proceeding as planned and will give us much greater capacity. But the fact is that, historically, our courts have kept all these records in paper form, and that makes search and review of them highly problematic.

MR HANSON: With regard to remandees, are you across how many remandees there are? How many people awaiting trial are being incarcerated? And do you have a breakdown of how long each of those individuals has been waiting?

Mr Corbell: That is a separate matter. Yes, we would be able to provide that information. I would have to take it on notice.

MR HANSON: Are you happy to?

Mr Corbell: I am happy to provide that information.

MR HANSON: Thanks.

THE CHAIR: Just some questions on the Legal Aid services, going to the accountability indicators on page 58. Welcome, Dr Boersig. Minister, indicators a, b, c and d have been combined into indicator e, as a result of some national changes. How do the 99,000-odd services provided in a through to d equate to the 38,000 that will be in accountability indicator e?

Mr Corbell: Dr Boersig.

Dr Boersig: There is a different count that has been required under the national partnership agreement, so our indicators now mean that we are reporting to the commonwealth and the territory on the same indicators, which seems a sensible course of action. In relation to the rationalisations of a, b, c and d, those figures b, c and d go into that 38,000; then, within a subset of a, which is information and referral, the referral numbers go into that 38,000 as well. The bulk of the 77,000 there relates to social media hits on our internet; those are not counted anymore by the commonwealth. We will include that in our annual reports. That it is the difference, essentially, between them.

THE CHAIR: In g and h, g is ending and h is appearing?

Dr Boersig: Yes.

THE CHAIR: The only difference seems to be that an additional 17 services will be provided.

Dr Boersig: That is right.

THE CHAIR: Could you have delivered more services this year? You are almost 25 per cent above what you estimated. If you had further capacity, would you have delivered more cases of legal assistance?

Dr Boersig: “Yes” is the short answer. Whatever moneys we expend we are able to do in that way. We have been particularly hard hit by the losses from the statutory interest account from the Law Society; the drop there is from \$1.4 million three years ago to only \$655,000 estimated next year. So we have not had the additional resources to expend on that.

THE CHAIR: Why have you lost that funding?

Dr Boersig: The statutory interest account is the interest that is accrued through conveyances here in the ACT. It is basically a drop in the interest rates. There is the same volume going through the account, but there just is not the interest being earned on that account. It is not a deliberate decision by the Law Society in that sense at all; it is a consequence of the current interest rates. It has hit us quite dramatically.

THE CHAIR: You are estimating an additional 17 services above what you achieved this year. That would seem to be easily achieved. What is a more realistic outcome of what would be expected to be asked for?

Dr Boersig: With those additional resources, we would continue on a trajectory; at least a couple of hundred more in terms of grants.

THE CHAIR: On page 62, on your operating statement, you received \$12 million in revenue, but you spent \$13.3, so you are running at a deficit, and that deficit continues in the outyears. How do you fund that, and do you have resources to draw down to cover that?

Dr Boersig: We funded that this year from our cash reserves.

THE CHAIR: What happens to your cash reserves?

Dr Boersig: You will see that historically they will go down over the next four years to a substantially lower level than we have at this stage.

THE CHAIR: I see from your accumulated funds that it is currently about \$2.4 million but it drops to \$700,000. What sort of level is it reasonable to hold that at?

Dr Boersig: We are discussing it with Treasury in relation to what would be reasonable reserves as an independent corporation. At the moment we are in dialogue about that. It is a factor that relates to both our current and long-term liabilities.

THE CHAIR: So it is the same old story: Legal Aid would spend it if they had it?

Dr Boersig: Absolutely.

THE CHAIR: Members, are there quick final questions for Legal Aid? Our time is at an end. No other questions? The committee will return at 1.30 and talk to emergency services, ACT Policing and Justice and Community Safety.

Sitting suspended from 12.01 to 1.32 pm.

THE CHAIR: Welcome back to the eighth day of public hearings. This afternoon we will look at emergency services, Policing and Justice and Community Safety.

Please be aware that proceedings today are being recorded and will be transcribed and

then published. The proceedings are also being broadcast as well as webstreamed. If you take a question on notice, it would be useful if you could use words like “I will take that on notice.” That just helps us track it in the transcript.

Minister and officials, in front of you on the table is the pink card with the privilege statement. Could you please confirm for the committee that you have read the card and understand the implications of privilege.

Mr Corbell: Yes, thank you.

Mr Brown: I have, thank you.

THE CHAIR: Thanks very much. Minister, would you like to make a brief opening statement?

Mr Corbell: Thank you, Mr Chairman. Given that our hearing on this element of the portfolio is only for an hour, I am not proposing to make an opening statement.

THE CHAIR: Minister, in regard to the Pialligo fire recently, what was it classified as? What sort of fire?

Mr Corbell: In what sense?

THE CHAIR: It was not a house fire or commercial fire, because it was a tip. Was it industrial? Was it open?

Mr Corbell: I will ask Mr Brown, the chief officer, to answer your question.

Mr Brown: In answer to your question, the fire was initially classified in the ESA CAD system as a grassfire. The fire was actually a mulch fire; however, the incident was not reclassified in the CAD during the course of the fire.

THE CHAIR: If it is a grassfire as opposed to a mulch fire, do you have a different approach to it?

Mr Brown: No; it is just really an incident type which is logged into the CAD system.

THE CHAIR: It is much more than mulch, though, at that site. Were there any concerns for the safety of firefighters, given some of the material that is in the stockpile there?

Mr Brown: Yes, there were. The mulch pile was predominantly mulch, but we could not make any guarantees about what other materials were contained in it. What we did is borrow a wide-area atmospheric monitoring device called an AreaRAE from New South Wales Fire and Rescue, which we put in place one day after the fire commenced. Also, ACT environment put in place some static monitors for asbestos.

THE CHAIR: Did any of the readings come back and cause you concern?

Mr Brown: My understanding is that there were no readings for asbestos detected

above background level. The carbon monoxide levels were generally at background levels; there was one day, however, when the carbon monoxide levels were elevated. It was really, I believe, due to atmospheric conditions, humid, low cloud, foggy conditions where the smoke could not form into a plume. On that day, we moved firefighters back from the front-line firefighting positions to a safe area for a few hours.

THE CHAIR: How long did the fire last?

Mr Brown: Ten days.

THE CHAIR: In that time, how much water do you estimate was put onto the fire?

Mr Brown: I could not give you an estimate. I could make a calculation and get back to you if you wish, take that on notice.

Mr Corbell: We can take that on notice, Mr Smyth.

THE CHAIR: Thank you. Where was the water drawn from?

Mr Brown: From various sources. There was no on-site water supply at Canberra Concrete Recyclers. On the first few days, we were drawing water from the airport rescue and firefighting service station on Glenora Drive. Following that, we were drawing it from a hydrant on Pialligo Avenue. We arranged to put in place some traffic management to make that area safe for motorists and firefighters.

THE CHAIR: That would all be potable water, treated water, wouldn't it?

Mr Brown: That is right.

THE CHAIR: One estimate I had was that it was probably closer to 10 than five million litres. Why was a line not run down to the river just behind the site and water pumped straight out of the river?

Mr Brown: Because currently we do not have the capacity to pump those volumes of water that distance. What happens if you are pumping that through 70-millimetre hose is that the amount of friction loss you get means that it is quite ineffective. You would need high-volume pumps and large-diameter hose, which we currently do not have.

THE CHAIR: Does that cause you to consider having high-diameter hose and large-volume pumps?

Mr Brown: We are actually doing something a bit different. We are actually working with the owner of the site to have an on-site reticulated water supply or a static supply on site. That is something we did after the Parkwood fire. We think a better solution would be to have water on site rather than having to put in a large water transport system.

THE CHAIR: But if you had a mobile system, you could use it wherever.

Mr Brown: Yes, we could.

THE CHAIR: How many such sites are there in the ACT where on-site water of that volume might be required if a fire started? There is Parkwood. Are there any others?

Mr Brown: There are some other recycling facilities in Hume. There is also the Mugga Way recycling transfer station, which has water on site.

MR HINDER: Minister, in budget paper 3 at page 116 there are additional funds for more ambulance services. Can you tell the committee what those additional services might be and how they will come into being?

Mr Corbell: Yes, Mr Hinder. There is funding in the budget for additional capacity for the Ambulance Service. This includes additional call-taking capacity in the 000 call-taking centre for ambulance as well as additional on-the-road capability for non-emergency patient transport vehicles.

The funding is \$2.227 million over the next four years. It will provide for additional staff in the comcen and also for additional private line ambulance services. The breakdown of that is 3½ FTE in the call-taking centre, including a call-taker quality and audit officer, a clinician quality assurance and two additional front-line call-takers. In the non-emergency patient transport space, there are two additional patient transport officers and the costs associated; running costs for a non-emergency patient transport vehicle. There is also capital provision in the budget of just over a quarter of a million dollars for that additional vehicle.

This recognises the very significant growth in demand that is occurring for non-emergency patient transport and also the need to further strengthen clinical governance and oversight of 000 call-taking capability to recognise a significant increase in demand.

Just to give the committee some understanding of that, demand for non-emergency patient transport services increased by 44.5 per cent between 2010 and 2015; that is going from just over 5,000 cases for non-emergency patient transport in 2010 to nearly 7,500 instances in 2015. In that year, 20 per cent of requests for non-emergency transport ended up being performed by emergency ambulance. That obviously potentially reduces the availability of an emergency ambulance, or at least the timeliness in terms of dispatch.

Providing additional capacity for non-emergency patient transport allows us to give greater capacity to ensure that the front-line ambulance is only being deployed for its primary task, which is, obviously, emergency calls. Also, the strengthening of the quality assurance and call-taking capacity in the comcen reflects the ongoing increases in demand for ambulance services that come through the 000 centre.

MR HINDER: I notice in the output indicators on page 21 of the budget statement that the percentage of transports on time seems to have exceeded the targets for this year. According to the footnote, that is in part due to the focus in the communications centre on those non-emergency patient transports. With those additional funds, why does the estimate target for next year go back to 65?

Mr Corbell: As is the case with many of these indicators, an assessment needs to be made of what is the most realistic target to set. That would be the case here as well. There are exceedences of target outcomes, both positive and negative, from time to time but, clearly, the purpose of the indicator is to try to set a reasonable estimate of what is feasible with the resources provided, and that clearly is what the target reflects for that outyear.

I have to say that overall I think the community can be very well pleased by the level of emergency response timeliness, and indeed non-emergency response timeliness, from our Ambulance Service. The Ambulance Service is seeing very significant growth in requests for assistance year on year, and has for the past five to 10 years. Pleasingly—particularly since the conclusions of the Lennox review and the Auditor-General's report into the Ambulance Service, which go back now, I would have to hazard a guess, probably five to seven years—we have turned around the Ambulance Service significantly, and we now have the best performing ambulance service in the country when it comes to timeliness, particularly for the 000 calls.

Canberrans can be well pleased by the fact that the significant investments the government has made in clinical call-taking capability, in additional resources on the road and now in the additional non-emergency patient transport mean we are well placed to maintain those best response times of any jurisdiction in the country.

THE CHAIR: Minister, I acknowledge that some of the new services chiefs are with us, some appearing in uniform for the first time in many years, which is good to see. I acknowledge Mr Quiggin and Mr Murphy. I think Mr Barr was appointed before last year's estimates so he is not a newcomer in that regard. With the appointment of the new chief officer of the RFS, what consultation did you have with the Bushfire Council?

Mr Corbell: I will defer to the commissioner, who can outline the process for you, Mr Chair.

Mr Lane: The process was across several phases. The first step was that, following the announcement of the resignation of Andrew Stark, I requested the chair of the ACT Bushfire Council to convene a special meeting to request of the council their views of the attributes that they would consider to be appropriate for a chief officer. That was conducted back in January of this year. Through the course of the process, and taking into account those views, I also had several conversations over the following months with the chair of the ACT Bushfire Council, Mr Kevin Jeffery, firstly in relation to the appointment of a temporary chief officer, consulting with him in relation to my views on that and seeking his feedback when the temporary chief officer was appointed and then again, through the process of advertising, interviewing and recommending an appointment of the current chief officer to the director-general in line with the Emergencies Act. That is what I did. So the chair of the Bushfire Council was apprised of my views and, obviously, I took into account his feedback through that process.

THE CHAIR: And that was in compliance with the act as it then stood?

Mr Lane: The act refers to the director-general before confirming the appointment of the chief officer seeking the advice of the ACT Bushfire Council. It is my view that that met the requirements of the act as it stood.

THE CHAIR: The appointment occurred how many days after the act was amended?

Mr Lane: The appointment occurred in between. I spoke to the chair of the Bushfire Council before the Emergencies Amendment Bill, as proposed, was passed, noting that the Bushfire Council had also been engaged in that part of the process in relation to the amendments as passed within the Assembly. The announcement, even though the decision was made in relation to my view and recommendation as chair of the recruitment panel, was advertised afterwards. So in essence the chair of the Bushfire Council was apprised before the act was amended.

THE CHAIR: Some of the concerns raised by the Bushfire Council with me included that the changes to the act just really ameliorated the role that the council has. They had concerns with the suitability of candidates and their experience, particularly in large wildfires and high levels of incident management. Have those concerns and attributes been taken into account in this appointment?

Mr Lane: There are four main areas that the Bushfire Council raised that they wanted to see in relation to the competencies of the chief officer. Yes, certainly they included competencies in relation to bushfire experience, noting that the incumbent certainly has that through his many years of experience as a firefighter. Secondly, there was volunteer experience and understanding about how to manage a large volunteer workforce in the role. Obviously, someone with volunteer experience would suit, and again the incumbent has that.

Thirdly, there was a contemporary understanding of firefighting management and someone that can look towards the future in relation to the changes that we as a—the concerns of the council. That counted in relation to the protection of the environment, issues in relation to climate change and engagement with the community. Again, the incumbent was able to clearly demonstrate, and certainly does, the capabilities there.

Lastly, it was for someone who had had visibility to the national stage in relation to areas of policy and reform, which again the incumbent does. That is in relation to his work in terms of emergency 000 call-taking through NECWG, the body that brings together all of the people involved in emergency 000.

That was the feedback and that is how the panel—I expressed through the process, and obviously this is an in-confidence thing in relation to working with the panel. Obviously, whilst the council might have views about who applied and who did not, who was put forward, that is obviously in confidence. What I did express to the panel, so that they had an understanding, was the view of the Bushfire Council in terms of what they were seeking based upon their advice to that.

THE CHAIR: Could you outline—and with all due respect for Mr Murphy, who is with us—the bushfire experience that he has? It has been put to me that there is a difference between fighting fires and running the fighting of a fire and skills in incident management and training. Are you satisfied—

Mr Corbell: Can I say that this is a public service appointment, and public service appointments are subject to a merit-based selection process. In this instance, as in all other instances, the duly composed panel, including members not of the emergency services, have concluded that the current appointee is the most suitable for appointment. I do not think it is appropriate that estimates committees get into the merits of a merit selection process, including the particulars of an individual. If you would like to see the specifics of the incumbent's previous experience, I am sure a CV or equivalent can be provided to you. But I have to express to you, Mr Chairman, some reservation at this forum being used to interrogate or try to second-guess or judge what is an in-confidence merit selection process conducted in accordance with the Public Sector Management Act.

THE CHAIR: I am not seeking to second-guess that at all. Mr Lane spoke about experience, and I sought to find out what experience existed.

Mr Corbell: I am very happy to provide you with a summary of the incumbent's relevant professional experience.

THE CHAIR: That is very kind. The questions are there because a number of people have asked me what is the experience, and I said I would find out. I have to say that perhaps the way we have dealt with the council and their role in helping selection processes in this way is unfortunate. I think we will have to see how it pans out. But if the provision of a CV is all we can get, we will have the CV. Thank you.

MR HINDER: Minister, the new emergency services facility in Bindubi Street in my electorate in Ginninderra is well underway. Can you give us an update of the progress in that facility and how it differs from previous facilities in delivery of services and response times?

Mr Corbell: This is part of the government's station relocation strategy work, Mr Hinder. The decision to establish a combined fire, rescue and ambulance facility at Aranda is part of the completion of stage 1 of works for the station relocation strategy. The other elements of that first stage have been, of course, the completion of the new west Belconnen Fire & Rescue facility and ambulance facility, and also the new south Tuggeranong Fire & Rescue facility, both of which are now operational.

Aranda is the third piece in that puzzle. It will relocate fire, rescue and ambulance services from Rae Street in the Belconnen town centre and place them instead at the intersection of two key access roads that have strong access to a range of arterial road links across the city. The corner of Bindubi Street and Belconnen Way enables fast access to a number of key arterial roads for responding emergency vehicles and is part of the broader strategy of strategic placement of emergency service facilities across the city.

This project is well and truly underway, as you would have seen from driving past it. We expect completion in late August and at the moment internal fit-out and concrete hardstand are the elements being completed. This will provide for the relocation of a number of Fire & Rescue appliances and ambulance appliances to that new station.

MR HINDER: Does it provide for future needs in terms of space and equipment for expansion should it be required?

Mr Corbell: These facilities are quite generous with the amount of space available, particularly for vehicles and the capacity for some sorts of vehicles to double park in the vehicle bays one behind the other. The advice to me is that Fire & Rescue are looking at what range of appliances they are proposing to locate there, not just in terms of the pumpers that are currently based at Rae Street but also other appliances that may be better suited for location at Aranda.

MR HINDER: I note that Rae Street has training facilities and those sorts of things. Will they also be collocated at this facility or are they spread elsewhere?

Mr Corbell: The old training centre on Rae Street is now decommissioned and has been for a number of years now, prior to your time in this place, Mr Hinder. But Fire & Rescue have relocated their training facilities to a joint emergency services training facility at Hume. That is now being used as the training facility for both Fire & Rescue and also for the other services as well. That occurred two or three years ago.

THE CHAIR: Minister, on page 28 of budget statement D, under “Property, plant and equipment”, there are two projects for ESA in “Works in progress”. The vehicle replacement program has about \$2 million a year for the four years. What vehicles are they replacing?

Mr Corbell: I will ask the commissioner to provide you with that detail, Mr Smyth.

Mr Lane: I have to remind myself, chair, of exactly where that is, but I have some of that information available. I can bring you up to speed with the replacements over the coming months: ACT Fire & Rescue, estimated delivery for one pumper as a replacement, December 2016; replacement vehicle for ACT RFS of a heavy tanker, July 2016; and a patient transport vehicle, August 2016. I think that is a replacement but, of course, as the minister has already highlighted, under this year’s budget there will be an additional capital item for an additional patient transporter vehicle which we will have to work through the planning of. There is the replacement of two intensive care ambulances. I will have to take on notice the details of the light units. We have an ACT RFS light unit coming into the fleet which, from memory, is an additional light unit, but I am trying to remember that one. There are also two additional light units as part of the strategic replacement within the ACT Rural Fire Service.

THE CHAIR: We have asked before in regard to high-level firefighting appliances. We have currently got one Bronto. How many weeks a year is that Bronto out of service?

Mr Lane: I will direct that question—if that is okay, minister—to the Chief Officer of Fire & Rescue.

Mr Brown: Since the major repair work was undertaken on the Bronto, it has not been out of service apart from some minor maintenance works. There were some

issues with the engine cooling system and we undertook an engine rebuild. As I said, since that time it has been in service.

THE CHAIR: The engine rebuild was the major repair, but to service the existing Bronto, how many days a year is it offline to carry out regular maintenance?

Mr Brown: I will have to take that on notice. I can definitely provide that information, but it is generally very minor repairs that are undertaken at the fleet maintenance workshops at Fairbairn. While those repairs are undertaken generally the appliance is not offline.

THE CHAIR: Each year for the past three years could you tell us how many days the Bronto has not been available?

Mr Brown: Again, I will take that on notice and provide that information to you.

THE CHAIR: Could you also tell us on those occasions whether a Bronto was borrowed from another service and was there full coverage in the ACT for each of those periods that it was offline?

Mr Brown: I can do that. During the engine rebuild obviously we borrowed a similar Bronto from the Melbourne Metropolitan Fire Brigade, trained our staff and that was in place for approximately four weeks while that work was undertaken.

THE CHAIR: What is the cost of a Bronto and how many officers do you need to crew it for full coverage?

Mr Brown: It is approximately \$1.5 million, and it requires two trained operators to drive and operate the machine.

THE CHAIR: For 24-7 coverage, how many additional staff is that?

Mr Brown: We need eight staff plus a relieving ratio of another four, so a total of 12 FTE.

THE CHAIR: It has been put to me that with a city that has now so many high-rise buildings and probably more on the way one Bronto is not enough; you undertake either firefighting activity or rescue activity; you cannot do two at the same time. Do we require an additional Bronto? The current Bronto is 45 metres?

Mr Brown: 44 metres.

THE CHAIR: A 44-metre lift. There are different sizes. I understand there is a 28 as well.

Mr Brown: There are various sizes.

THE CHAIR: Mid and high range. Given the changing nature of the city, when will it be appropriate to have a second Bronto and potentially even a third?

Mr Brown: The first thing to say about it is that just because we build a building within a city to 50 metres in height does not necessarily mean you need a 50-metre aerial appliance. Buildings are built to comply with the national construction code, and that means there should be adequate means for occupants to escape and also for firefighters to undertake internal firefighting operations.

The history of the use of aerial appliances like Brontos is that they are generally used for firefighting operations in large commercial premises like warehouses or retail units. They are very rarely used for rescue operations because firefighters rely on using the inbuilt fire protection in buildings rather than bringing all that capability with them because there are issues about access and getting those appliances close enough to buildings to perform effective rescues and so on.

In relation to whether we need additional aerial appliances, it is something we are continuing to monitor. We are looking at the proposed urban infill in the city and Northbourne precincts and what that means in terms of aerial access. We probably need a bit more information around what the access for large vehicles will be because that will then impact on the design of those vehicles. The Bronto is just one design; there are myriad designs which all have advantages and disadvantages in terms of access to buildings. That is something we have to weigh up.

THE CHAIR: With the commercial buildings, again, Hume and Mitchell and Fyshwick are ever-expanding and numerous new buildings are going up. We have had one Bronto for some time. In terms of commercial building, is one enough or do you need more?

Mr Brown: At this stage I believe one is enough, but it is something we will continue to monitor. It may be that at some point in the future we might need a second one and the design may be very different, as I said. But at this stage, given the use of the current Bronto, the number of times it has been deployed and the risk profile of the buildings across the built-up area, I do not believe we need a second Bronto.

THE CHAIR: The ESA urban search and rescue, chemical, biological, radiological and nuclear equipment replacement, where is that at? Is that upgrading the pod or is that a different set of equipment.

Mr Brown: That is the \$111,000 per year.

THE CHAIR: Yes.

Mr Brown: Last financial year we mentioned three decontamination pods. Two have been delivered and a further one is being constructed in Queensland and will be available soon. In the coming year we intend to use that money to purchase a laser-operated piece of equipment to determine movement in buildings. Currently our urban search and rescue firefighters use a theodolite which is a manual process and not as accurate, and we believe the new piece of equipment will be useful in structure firefighting as well as potential collapse situations.

THE CHAIR: Are all the pods currently up to date?

Mr Brown: Yes, they are.

THE CHAIR: I asked you last year about the hopper that had “Fire aware” on it, commissioner. Has the hopper been used much in the past 12 months?

Mr Lane: Yes, it has, chair.

THE CHAIR: Fantastic. What has it been used for?

Mr Lane: It gets multiple uses. It is fair to say it is not put to its best use in relation to the Canberra bushfire ready program, but I am very confident that we are much closer to that than ever before. We have seen through the engagement strategy, across RFS, SES and particularly ACT Fire & Rescue through their paid firefighting workforce and the CFUs that the intent of helping people clear rubbish or vegetation material from around their property is something that is starting to gain a lot of interest in terms of where we can help people in the more vulnerable space who might not be able to use it themselves.

With regard to its planned intent, we are still waiting for that. But in the meantime the Fire & Rescue skip has been made available and is used for other things like transporting car wrecks, training exercises, moving machinery and the like. It is being used, and I remain confident that one day I will be able to answer that we have been using it for the purpose for which it was originally purchased.

THE CHAIR: We all wait.

MR HINDER: A supplementary to Mr Brown: when you say movement “in” buildings with regard to that laser equipment, do you mean movement “of” buildings?

Mr Brown: Yes, movement of buildings. Sorry.

MR HINDER: When you first said it I thought there was some infrared thing going on looking for people inside.

Mr Brown: No.

MR HINDER: I understand now; it is so it does not collapse.

Mr Brown: Yes.

MR HINDER: There was reference in the media this week to a fire in Goulburn. The media reported that the territory’s equipment was involved. Does that happen often? I know that Fire & Rescue have a long, proud history of helping others nationally and internationally, but does that get billed back to New South Wales or Goulburn? How does that sort of assistance get accounted for?

Mr Brown: Currently we have a mutual aid agreement between ACT Fire & Rescue and Fire and Rescue New South Wales. You will find that ACT fire trucks are responding across the border to Queanbeyan and Yass not all the time but quite regularly. Similarly, appliances from Queanbeyan in particular may respond across

the border to help us at major incidents. The MOU predominantly covers responses to Queanbeyan and Yass. It is reasonably rare that we would respond as far as Goulburn but last night I received a request from the Fire and Rescue New South Wales area commander to provide the Bronto and a pumper to assist with a major structure fire in Auburn Street.

On considering that request and liaising with the commissioner and the minister's office, we decided that we could assist. But it is not a normal thing that we would respond that far away on a day-to-day basis. There currently are no cost recovery arrangements in the mutual aid agreement. It covers a range of things, not just response but also the use by Fire and Rescue New South Wales of the training facility at Hume for some of their local brigades in the southern region to undertake training, particularly on weekends, in a way that does not impact on training that is carried out by the ACT emergency services. But, no, there are no cost recovery arrangements at this time.

Mr Lane: If I can clarify, chair, that operates very well within the mutual aid agreement, which goes both ways, of course. But the other element is that we actually do apply cost recovery nationally for much larger disasters or other events. For example, in the last financial year we sent our specialist compressed air firefighting systems, operators and appliances to Melbourne, Victoria to assist with a large tyre fire there. We had people in Tasmania and people in Western Australia as well. When it kicks into those much bigger events, yes, we have a mutual system of cost recovery.

MR HINDER: Is that done under a memorandum of understanding?

Mr Lane: It is based at the national level with the commonwealth in relation to a high-level document that we have agreed to.

MR HINDER: I meant the local one.

Mr Lane: The local one?

Mr Brown: It is a mutual aid agreement.

Mr Lane: Yes.

MR HINDER: MOUs appear to be everywhere. They are much more prevalent than anyone ever thought.

THE CHAIR: Were we required to assist last night in Queanbeyan?

Mr Brown: Initially the request was to provide one of our pumpers to go to Queanbeyan to allow their crew and truck to go to Goulburn but, because the pumper in Queanbeyan is a rescue pumper and has rescue accreditation in New South Wales, it was decided not to move them on and we did not send a pump to Queanbeyan; or we sent one but we turned it around and it went back to its home station.

THE CHAIR: Do we backfill with the Queanbeyan crews who are responding? Do we backfill into Queanbeyan? Are we on stand-by?

Mr Brown: Can you just explain what you mean, sorry?

THE CHAIR: For instance, there was a fire in Goulburn last night took that out the Centrelink office and damaged the St Vincent de Paul office. While Queanbeyan are attending that fire, are we on call if there is second fire or to backfill their stations?

Mr Brown: Yes, sometimes we have done that. But generally the response time from Fyshwick, for example, is sufficient to cover that Queanbeyan area. More often the trucks from ACT are actually responding to incidents and working alongside their New South Wales counterparts.

THE CHAIR: Minister, because ESA is now part of JACS there are no employment levels for ESA. Could we have a breakdown of how many staff ESA has and how many staff there are in each of the services and in headquarters? This is for 2015-16 and the expected for 2016-17?

Mr Corbell: Yes, happy to provide that on notice.

THE CHAIR: Are there additional staff for 2016-17? Can we add this?

Mr Corbell: Yes, there are additional staff under a number of the initiatives that I have outlined. For example, there are additional call-taking staff for ambulance. There is additional front-line non-emergency patient transport staff for ambulance. There are others. I am sure my officials will assist. Yes, in total, my advice is that an additional 5.3 FTE in ESA in the coming financial year.

THE CHAIR: Currently, are all positions filled inside the organisation?

Mr Corbell: There is always a level of turnover in positions due to natural attrition. We will take that on notice and provide you a reconciliation, Mr Smyth.

THE CHAIR: In regard to the women in firefighting initiative and the training colleges, how many female firefighters have been recruited? Are there any training colleges in the coming financial year?

Mr Corbell: The recruitment campaign was commenced in November last year with a particular focus on supporting the engagement of women as candidates for that college. The campaign was successful in attracting women to apply. It increased the rate of female applicants by 500 per cent. Eighteen per cent of the applications received were from women and 25 of the successful applicants in that college were women. A total of 802 applications were received. So as you can see—

THE CHAIR: How many are in a college?

Mr Lane: There are four women; 25 got through various rounds and four made it to this particular college.

Mr Corbell: Out of?

Mr Lane: Out of whatever the final—sorry, there are 16 people in the college.

THE CHAIR: So a quarter were—it was 25 per cent; not 25?

Mr Corbell: Yes, I said 25 per cent. If I did not, I meant to say 25 per cent, yes.

THE CHAIR: Sounded just like 25. How many colleges will be conducted in the coming financial year?

Mr Lane: Firstly, we are going to get through this one that is currently underway. From that we will certainly take some advice in relation to when ACT Fire & Rescue consider we need to run another college.

THE CHAIR: Is there a number attached to the number of female firefighters that you would ideally like to have? How soon are we likely to achieve that?

Mr Corbell: More broadly, the objective is to have a workforce that over time reflects the diversity of the community as a whole. But that is a long-term aim. Clearly, with a workforce that is largely male it will take time for that transition to occur. But my expectation would be that as we move through each subsequent college, attention continues to be paid specifically to identifying and attracting suitable women applicants for assessments through that process and to make sure that they recognise that this is an opportunity for them to be involved as a firefighter and improve the diversity of our workforce.

THE CHAIR: In regards to the workforce, I understand that there are three categories of incident management—incident controllers. Could you tell us how many trained officers across all the services we have for categories 1, 2 and 3 controllers?

Mr Corbell: Yes, you always ask this question, Mr Smyth; so my directorate is well prepared.

THE CHAIR: I do. It has only taken some time.

Mr Corbell: No, it does not take them long at all. As at 22 June this year, the number of level 1, 2, and 3 incident controllers is as follows: level 1, 369; level 2, 25; level 3—beg your pardon; sorry, for level 1, 369 fire, 26 SES; level 2, 25 fire, 10 SES; level 3, 14 fire, five SES.

THE CHAIR: Is it possible to get a breakdown between Fire & Rescue and RFS?

Mr Corbell: Yes, I would have to take that on notice, but we can provide that.

THE CHAIR: Thanks, minister. The other big issue is reform inside the Ambulance Service and the ESA. Where are we at with each of those?

Mr Corbell: Overall work is progressing very well on this. I am very pleased to see the strong level of engagement and support of the ambulance workforce, the relevant unions and the ESA management to create and build a very strong culture that enhances professionalism within the Ambulance Service. I have to say that the work

done by my predecessor is very significant in this space. I am very pleased with the leadership that has been provided by the commissioner and the chief officer in particular in driving this reform agenda.

The fact that we now are getting very positive feedback from the union, from the union's members and from front-line ambulance officers is really starting to drive a very significant cultural reform which will be of benefit to the health of the organisation and its ability to do its job. In terms of the specifics, I will defer to the commissioner for some more detail.

Mr Lane: Thank you, minister. In relation to the blueprint for change, the key strategy is all about how do you improve workforce engagement across a very busy 24-7 workforce? That is the challenge that 24-7 workforces strike around the world in relation to communication. With the launch of the blueprint, it is all about professionalism of the workforce, as the minister has reinforced, and about eventually going to a system of registration of our paramedics very similar to what nurses have within the health profession. That is our ultimate goal. The workforce, the union and the employer are all aligned in terms of that view.

The first stage was a series of staff workshops. From that we developed four project working groups to establish the various areas that are going forward. What is really interesting when it comes to the areas that ACTAS management and I are interested in relating to how we provide better service delivery is that our views are very much aligned with what the workforce also thinks.

As we go forward, it is about how do we deliver our emergency services at the 000 call centre better? How do you make sure you have a paramedic to the appropriate tiering or an intensive care paramedic where it is required? In terms of where some of the growth is, whilst traumatic care is pretty stable—that is, the number of motor vehicle accidents, the trauma from workplace injuries is quite stable and certainly not growing; the acute care area is certainly growing.

Things like patient transport and the like are very important to us, which is why the additional funding in this year's budget is also welcomed in that space. Through the process we do hope to develop stronger engagement with all of our staff but also work towards the professionalism and the intended goal there through the blueprint.

THE CHAIR: How will we know when we are there?

Mr Lane: We will continue to work through it. At the national level there is also an alignment towards working towards professionalism as well. Not every state is fully across getting to that point but we are a strong advocate of that and working collectively on that with other health services. It is probably a couple of years away yet, at least, chair. But this is how you start, by building strong workforce engagement with the staff and engaging on how we can make positive change.

MR HINDER: My question is along the same lines but more in terms of individual career progression and development. Can you give us a rundown of what sort of training is (a) available and (b) required within each of the services? Is there a minimum level required or is it elective for people to decide to progress their skill sets

or their qualifications? How does that happen given the difficulties of the 24-7 workforce?

Mr Lane: It very much varies. The short answer is, yes, everyone is required to have a level of competency or qualification depending on whether you are a staff member or a volunteer. For the SES, they run a very good recruitment campaign and a really good college that goes through that process. We saw the graduation of some 30-odd SES volunteers only this past weekend. Rural Fire Service have a similar thing but do it based more upon the input of the brigades. Everyone is required to have a basic firefighter qualification. For ACT Fire & Rescue, we run a full recruitment college to bring people in and train them over about a 16-week—or eight-week—period before they can actually go.

Within our Ambulance Service we have transitioned away from vocational-based training for our paramedics and our intensive care paramedics to university qualifications. Sometimes our graduates are even coming through with double degrees in nursing and paramedicine. In all of those cases there is professional development available to the 24-7 workforce. In the case of the Ambulance Service we have regular in-service training, which usually means two days off shift per year, plus others from time to time, but a minimum of two to allow for clinical practice to be checked over and the like and to bring people up to speed. It is very much similar in terms of skills maintenance with ACT Fire & Rescue. There are ongoing programs. Most of it is done through our emergency services training facility at Hume, which is managed by a small team. It provides an ideal facility to bring all those people together to do that.

MR HINDER: Are there any exchange programs, either nationally or internationally, for people to get experience in the way that other forces around the world do what they do?

Mr Lane: We have in the past undertaken exchanges within Australia and from time to time we have also had people seconded internationally when the opportunity arises. It is something we are always looking at. We hope, with the support of the government, to make some future announcements about that later this year.

THE CHAIR: Commissioner, have there been any public interest disclosures made against the ESA in the past 12 months?

Mr Lane: I would have to take that on notice. We can certainly check that.

THE CHAIR: That is all right. Have there been any reports, either formal or informal, about bullying inside the agency in the past 12 months?

Mr Lane: I am getting a no. No, chair.

THE CHAIR: That is a good answer then. Minister, I understand Mr Lammers wants to make an opening statement. We might break now and allow the changeover of participants.

Short suspension.

THE CHAIR: Good afternoon, ladies and gentleman, and welcome back to the eighth day of public hearings of the Select Committee on Estimates 2016-2017. Please be aware that proceedings are being recorded and will be transcribed by Hansard and then published and that we are currently being broadcast as well as webstreamed. If you take a question on notice it would be useful if you could confirm that by saying, “We will take that question on notice.” Minister, would you like to make a brief opening statement?

Mr Corbell: No, thank you, Mr Chair.

THE CHAIR: Mr Lammers, as Chief Police Officer on your last estimates appearance we understand you would like to make an opening statement for estimates which, of course, will be a closing statement of your career. We are pleased to have you here and offer you this opportunity.

Mr Lammers: Thank you, chair. After a 34-year career as a police officer, I will be retiring from the Australian Federal Police at the end of this year. It has been an honour to serve as the Chief Police Officer in the ACT for these past three years and it has been a privilege to appear before the select committees each and every year. I have looked forward to sitting before you as the Chief Police Officer to showcase ACT Policing’s accomplishment: the men and women of ACT Policing who uphold and realise the government’s commitment to creating a safe and secure Australian Capital Territory.

My time as the Chief Police Officer has not been without its challenges. One of the most significant events of recent years was the murder of Curtis Cheng outside New South Wales Police headquarters in Parramatta. This incident sent ripples throughout all policing jurisdictions. I, with the other police commissioners, made a commitment to enhance our protective measures to ensure the safety and security of our members. As each state and territory government responded, so did the ACT government through the announcement of the making Canberra safer initiative. This response affirms the government’s commitment to ACT Policing and recognises that the safety of our police officers is as important as the safety of the broader community.

I have been part of the Canberra community since settling here and joining the AFP in 1982, starting my career as a constable right here at City Police Station. To be able to serve the community as its Chief Police Officer is a privilege afforded to few. Each year I work alongside nearly 1,000 dedicated men and women of ACT Policing and each and every day I see their commitment to protect and support the community—our community.

As I reflect on the past three years, there were many highlights during my time as the Chief Police Officer. I have seen ACT Policing emphasise the word “community” in community policing and invest considerable effort in areas that were traditionally considered outside normal policing. Coming to the attention of a police officer should not only happen when you have done something wrong. There is so much more to modern policing than just enforcing the letter of the law and I think we have shown that.

During my time we celebrated a decade of restorative justice here in the ACT. When I

first joined ACT Policing I was a strong advocate for restorative justice and my views have not changed. In fact, my belief has strengthened and deepened, seeing firsthand the almost revolutionary change in an offender's behaviour by bringing that offender face to face with his or her victim.

ACT Policing has helped our troubled youth make positive life choices to become worthwhile contributors to the ACT community. But I am a realist, and those who commit the most despicable of crimes, whose chance for rehabilitation is so slight and the risk to the community is so high, deserve a time in prison reflecting on their crimes.

In 2015 the Canberra community was shocked by three family violence related homicides. We had the high profile case of Tara Costigan, a young mother senselessly murdered by her former partner. As a police, we have a duty to do everything we can to stop family violence and to promote community safety. My decision last year to create the community safety and family violence teams has consolidated police resources to provide a single coordination point for family violence matters. The new team is already making sound progress and working closer with government and service providers.

In 2014 I directed a review into police pursuits conducted here in the ACT. This resulted in the implementation of new pursuits guidelines announced in March this year. The new guidelines reinforce my commitment and the government's commitment to zero harm and that a police officer's duty is to preserve life. With the government enacting strong laws we can mitigate the potential harm to the community and to our police while holding fleeing drivers to account for their behaviour. New laws now provide some of the toughest penalties in the country and I am absolutely convinced that fewer people will die on our roads because of these new pursuit policies.

Protecting the most vulnerable in our community is important. It was a privilege to serve on the Defence Abuse Response Taskforce and to support the royal commission into institutionalised child sex offences by establishing ACT Policing's own Operation Attest in February last year. Operation Attest's team has been investigating allegations of historical sexual assaults in Canberra and to date four men have faced the ACT Magistrates Court.

Social media plays an enormous part in our lives so ACT Policing has invested very heavily in developing social media capabilities. Using social media, ACT Policing engages with the community in ways not even conceived of just a few years ago. Using social media we have had outstanding operational success, for example, the location of an abducted 18-month-old baby just a short time ago. Proudly, ACT Policing was the first jurisdiction to hold a police Twitter forum.

The establishment of two additional outlaw motorcycle gangs in the ACT illustrates the foresight of ACT Policing in establishing Taskforce Nemesis in August 2014. The task force is a permanent and dedicated team of AFP criminal investigators and ACT detectives whose purpose is to monitor, disrupt, prosecute and thereby deter members of OMCGs involved in criminal activities such as drug trafficking, illegal firearms, money laundering, extortion and serious assaults. The task force has seen

some successes in disrupting and prosecuting OMCGs' overall criminal activities. If Canberra is to remain one of the safest cities in the world, additional laws are necessary to protect the community from the pervasive criminality of OMCGs.

ACT Policing investigated five homicides in 2015 and two in 2016. These investigations resulted in arrests and charges of either murder or being an accessory to murder. These are never easy crimes for police to investigate, but it is a testament to the tireless work, skill and dedication of ACT Policing that they were resolved so quickly.

The manufacture and supply of illicit drugs in our community has continued to receive considerable police attention. Last year ACT Policing seized over 1,200 cannabis plants with a street value of more than \$7 million. As the manufacture and distribution of methamphetamine, ice, continues to grow, so does ACT Policing's investigative response. Last year ACT Policing executed many search warrants uncovering clandestine laboratories, a large quantity of ice, and we continue to work hard to remove this harmful substance from our streets and homes.

During my time as Chief Police Officer I have worked towards supporting the government's strategic priorities and to help create a safe and secure ACT for us all. I thank the police minister, Simon Corbell, for his support over the past three years to both me and to the women and men of ACT Policing. We have worked well in partnership to make Canberra's community a better, safer place to live and to work. I congratulate the police minister as Australia's longest servicing police minister and longest servicing Attorney-General and I wish him well for the future.

Finally, I extend my thanks to this committee for indulging me here today so that I could make a rare opening statement, my final one before this select committee as Chief Police Officer for the ACT.

THE CHAIR: Thank you, Chief Police Officer, and thank you for your years of service. If we are indulging you, let us indulge you just one step more. Would there be one more thing you would change or put in place before you leave and one thing that you would do inside the service to make it more effective, if you could, because nobody can hold you to account after this?

Mr Lammers: There is always someone to hold you to account, chair. If there were laws that required serious consideration right here, right now it would be the laws that curtail the serious crimes committed by outlaw motorcycle gang members. I am on the record as saying that the ACT needs strong laws to protect its community. I know there has been some discussion around human rights and how these laws will contravene human rights, but my view is that human rights are for everybody, not simply for minorities and not simply for the most vulnerable in the community, although that is important.

My view is that stronger laws that protect the Canberra community are needed right now. It is true that we have three outlaw motorcycle groups in Canberra and around 45 members and that only one per cent of OMCG members are resident here in Canberra. I think it is necessary, before the one per cent becomes two per cent or five per cent or 10 per cent or the 45 grows to 450, to take action right now.

MR HANSON: I have a supplementary on that.

THE CHAIR: Yes, Mr Hanson.

MR HANSON: CPO, how long have you had that view?

Mr Lammers: I have had the view that we needed to manage outlaw motorcycle groups for almost as long as I have been in the ACT, which is 29 or 30 years.

MR HANSON: In terms of the need for legislative reform in that area, how long have you had that view?

Mr Lammers: When our intelligence told us some 2½ or three years ago that other states and territories were likely to see Canberra as a safe haven for outlaw motorcycle groups, it was necessary to take action. Therefore, we established Taskforce Nemesis to do exactly that: firstly, to crack down on the criminal behaviour of these groups but also to look at what was necessary for the future to prevent their growth and the pervasive way in which they infiltrate the community in ways that are criminal.

MR HANSON: My question was specifically about the legislative response. How long have you had that view?

Mr Lammers: Probably three years, since we started looking at the analysis and the intelligence around the growth of OMCGs and the need to do things that stopped their growth. We looked at operational capacity.

MR HANSON: When did you first provide that advice to government?

Mr Lammers: We looked at the policy capacity and we looked at laws.

MR HANSON: When did you first provide that advice to government that there was a requirement for changes to the legislation because of the influx of—

Mr Lammers: Mr Hanson, you test my memory, but I think it is more than a year ago—probably two years ago.

MR HANSON: Could you get that exact date?

Mr Lammers: Okay.

MR HANSON: Thank you.

THE CHAIR: The other question was this. Something did change inside ACT Policing. I will throw you my third. Something the community can do to make it better for the officers?

Mr Lammers: If I could change one thing within ACT Policing, and I think that police services around Australia and indeed around the world are grappling with this,

it would be to increase the diversity within our police services to equal the balance of not just men and women but different nationalities and different skill types in the sworn and the unsworn component with policing. I think that is reflective of the community's wishes to make us stronger and richer. Although I do not see that happening in my time, I know absolutely that it will happen in time.

THE CHAIR: I certainly hope it happens in your lifetime.

Mr Lammers: I think it will happen in my lifetime, just not in my time as Chief Police Officer.

THE CHAIR: I think we all would agree with that. And something the community can help officers out in the street with?

Mr Lammers: I think the community is becoming more and more aware over recent years of their own safety, their own protection. I think the national threat environment has done a lot to ensure that the community is aware of itself. I think the community could better protect itself in ways it has not done before, simple things and necessary things like locking up possessions and assets, taking more caution on the streets and certainly being more cautious on our roads.

THE CHAIR: Mr Hinder, a new question?

MR HINDER: Chief Police Officer, firstly, thank you for your service to the territory and all of your work here.

Mr Lammers: Thank you.

MR HINDER: It is much appreciated. In relation to the justice system, most of the evidence I have seen suggests that prevention is better than cure. Do you feel that police officers on the beat have enough ability to take some action on their own to try to divert perhaps young offenders from the justice system? Are there facilities in place for them to have some ownership of being able to divert young people from the justice system at that early stage rather than putting them into the system and letting the system do what it does? And have you seen that ability increase—providing that sort of interaction for regular constables on the beat to be able to think of the possibility of diversion rather than, I suppose, incarceration?

Mr Lammers: Mr Hinder, thank you for the question. ACT Policing has done a considerable amount over the years in diverting particularly young people away from the courts. I am on record as being an advocate for and a champion of restorative justice in our community. I was one of the first to practise restorative justice back in the 1990s when it first came into Canberra, because we saw a real opportunity to divert young people and young adults away from the courts when they first came in contact with the law and we knew that the lasting effects would be a betterment of our community if they did not get a taste of the court process. All of my police officers are trained in the benefits of restorative justice and diversion away from the courts.

When you use the expression “beats”, I take it that you include all police that work in a community policing context. All are acutely aware of the spectrum of needs

throughout the community at the lower end for the first offenders and the juvenile offenders. Even with first, second and third offences committed by some recidivists, there is an opportunity to turn their behaviour around before they become hardened criminals. We work and invest very heavily in the restorative justice process and the diversion process.

An example is found in our youth strategies. We work closely with the government to ensure that not only offenders, perpetrators, but their families are spoken to in a way that engenders a sense of belonging to the community, sometimes in a way that has never happened before. Everyone in the ACT, from the very first moment that they get exposure to our streets, is aware of the need of a scale of behaviour that deflects young offenders away from the courts.

Then, of course, as I said earlier, there are times when that behaviour becomes so acute and the crimes become so heinous that these types of processes are not the right place for these people and prison is the right place for these people. So we work in that entire spectrum. But we invest a lot and we have done a lot in the community to ensure a diversion away from the courts, working with children, working with their families before they even become young criminals. We are very successful at that. We have a very high rate of diverting young Aboriginal and Torres Strait Islander kids away from the justice system. In fact, we have a target of 100 per cent to reach to ensure that young Aboriginal offenders and Torres Strait Islander offenders have the opportunity of entering into programs before they touch our judicial system.

Mr Corbell: If I can just add to that, Mr Hinder, the government, through the policing agreement, and in particular the ministerial directions that I and my predecessor provide to the Chief Police Officer at the beginning of each financial year, have emphasised the importance of Policing taking a leadership role in the delivering of the objectives of the blueprint for youth justice. That is a whole-of-government strategy around diverting young people away from the criminal justice system and providing them with supports and alternatives to the path that has led them to engage with the police in the first place.

There are a number of key performance indicators that police have to meet around this direction when it comes to diversion of young people. The Chief Police Officer, for example, has mentioned his commitment and Policing's commitment to RJ. That is certainly reflected in the figures in terms of their performance. ACT Policing had a target for the last financial year of seeing at least 110 young people referred to RJ; they exceeded that target, with 113. Equally, in relation to the percentage of eligible Aboriginal and Torres Strait Islander young people referred to RJ, as the Chief Police Officer has mentioned, ACT Policing referred 94.7 per cent of Indigenous young people to RJ against the target of 95 per cent. So it is a very strong commitment to RJ, and that is very welcome.

One another initiative that is worth mentioning in particular is the Canberra Police Community Youth Club pilot program for recidivist young people. I know you would have a particular interest in this given your involvement with the PCYC in the past.

MR HINDER: There goes my supplementary.

Mr Corbell: Yes. This new program is designed again to address recidivist offending by young people, particularly in relation to property crime. It is being led by CPCYC and is targeting 14 to 17-year-olds who are repeat property offenders who regularly end up involved with police. ACT Policing's youth liaison officers will nominate recidivist offenders to participate in the program. Once selected, they go through a three-phase program, including a 12-week intensive program and then a transition phase. It is about identifying what support needs to be provided—whether it be around general life skills, job training, skills development for employment or personal development—and also interventions and therapeutic help around issues such as violence, for example. There is some really valuable, intensive, purpose-built service provision to young people there. I will be very interested to see the outcomes. You can see that we do certainly have a police service that is very focused on keeping young people away from further engagement with the police if that can be achieved.

Mr Lammers: Mr Hinder, can I add to that also our significant in-kind and financial contribution to programs run by EveryMan Australia, Menslink and the Domestic Violence Crisis Service, whom we work with very closely. It is not just about stopping recidivism and criminality in adults; it is specifically targeted at our youth.

MR HINDER: Thanks.

MR HANSON: Can we go to the issue of the leaking of sensitive police material from the former police minister's office to the CFMEU that led to her and her chief of staff either resigning or standing down. Minister, when this matter was under investigation in December last year, on 18 December last year you said in the media:

What occurred over the last couple of days was quite unprecedented.

These are serious, serious issues, and they go beyond the issues that have been reported in the media to date.

This is not about a member of a minister's staff relaying to a stakeholder that their concerns had been raised ... these matters go beyond that.

The reporting we've seen over the past 48 hours is not telling the full story, and the reason for that is that the police evaluation is ongoing.

We need to wait for police to do their job, to do it independently and to do it rigorously.

My understanding is that these police matters are now finalised and that they have been referred to the Chief Minister in terms of the leaking of sensitive police information. Minister, both you and the Chief Minister said in December last year that there were other serious, serious matters that were separate. Were those matters that were being investigated by police separate issues? Were they matters that were internal? What were they?

Mr Corbell: It is not for me to disclose in-confidence advice that is provided to me by the Chief Police Officer and I would simply indicate that the advice to me from the Chief Police Officer, as he has indicated publicly, is that those matters are now finalised.

MR HANSON: Were the serious, serious issues that go beyond the issue involving Ms Burch and the leaking of sensitive police information matters that were being investigated by police or were they not being investigated by police?

Mr Corbell: They were all being investigated by police and, as the Chief Police Officer has indicated in his public statement earlier this year, those matters have now been finalised.

MR HANSON: What were they? You said publicly at the time that we would be advised what those matters related to at the conclusion of police investigations or evaluation of the matters. Can you or the Chief Police Officer give some appraisal about what happened? We have a situation where a minister's office was investigated. As a result it appears that a minister has been stood down, a chief of staff has been stood down. You have described these as serious, unprecedented issues. We know about the leaking of police information to the CFMEU. What are the other issues? Given that you said you would tell us, once we alluded to the fact that you did say you would do so when the investigations were over, can you at least give us an indication about what these matters were that led to a minister having to stand down?

Mr Corbell: I am not at liberty to disclose matters that are provided in confidence to me by the police because they relate to their own investigations into these matters. The police undertook an evaluation and an assessment of a range of concerns that they had in relation to these matters. They ultimately concluded their view on those matters, as the Chief Police Officer has advised, and it is not for me to disclose those matters. Indeed, in a number of respects I am not able to do so in any event because of legal requirements. But what I would say is that the issues there were serious and the Chief Minister has made a number of comments about the issues involving the former minister and the reasons behind her decision to step down. I have nothing further to add on those.

MR HANSON: Is the CPO able to give an explanation? Are you able to provide this committee with an understanding of the issues that were separate, serious and unprecedented and that were under an evaluation or investigation? What on earth was it?

Mr Lammers: I am on the public record as having said a number of times that at the conclusion of the evaluation ACT Policing detectives had determined that there was insufficient evidence to support criminal charges. However there were issues of conduct with respect to members of Ms Burch's office that were referred by me to the Chief Minister. I am unable to tell you because I am precluded by law from telling you the nature of those allegations and in fact the content of those allegations.

MR HANSON: With regard to the issues relating to Ms Burch's office—and certainly we understand the leaking of sensitive information to the CFMEU but there are, by the sounds of it, other issues at play—are there any outstanding or ongoing matters with relation to that matter?

Mr Lammers: The question is directed at me?

MR HANSON: Yes.

Mr Lammers: Our evaluation is complete. The statement I have already made a number of times is that no criminal charges would be preferred. Matters of conduct were referred to the Chief Minister. ACT Policing considers this investigation or the evaluation of these matters to be complete.

MR HANSON: How did this come to light in the first place? How did the knowledge that the minister's office or an individual in the minister's office or perhaps two provided this sensitive information to the CFMEU come to light? How did you become aware of it and how did the public become aware of it?

Mr Lammers: The public became aware of the issues following an article that was published in the *Australian Financial Review* where it was clear that the journalist had received information from someone about a conversation that had taken place between the minister and me which I would have considered to be a confidential conversation, and that information was passed to a journalist at the *Financial Review*. After that story was published it was incumbent on ACT Policing to determine whether or not those things that were published in that story were both accurate and whether or not the conduct of passing information in the way in which it was passed constituted criminal offences, and that was the subject of the evaluation.

MR HANSON: Were you aware of the fact that there had been this, I guess, transmission of that conversation that you had with the minister to the CFMEU? Were you aware that that had occurred before it was litigated in the media?

Mr Lammers: Yes I was aware.

MR HANSON: Did you take any action on that matter before it became public knowledge?

Mr Lammers: No. I was precluded by law from discussing any matters relevant to that.

MR HANSON: Once it became public knowledge in the public domain you felt that that situation had changed?

Mr Lammers: We felt that there was sufficient information that had been published that warranted an exploration of whether or not any criminality now attached to that information passing to a journalist at the *Financial Review*.

MR HANSON: Has there been an investigation into how that information that appears to have been part of a police investigation went to a journalist?

Mr Lammers: There was an examination by ACT Policing as to whether or not any of the information in that article came from information held by police. That examination by ACT criminal investigations found that there was no direct correlation between the information that was published in that article on 15 December 2015 and any information held by police. The examination further found that the article could be considered to be a generic account of what was discussed in a conversation

between Ms Burch and me during one of our confidential meetings.

MR HANSON: The information that was passed to the CFMEU was, as I understand, relating to ongoing investigations into that organisation?

Mr Lammers: I do not know whether it was or whether it was not. All I had was that information was passed from one person to another person and there had been some speculation that that was a result of a leak.

MR HANSON: Have you seen the transcript of the conversation between the individual in Ms Burch's office and the CFMEU?

Mr Lammers: The telephone interception act specifically precludes me talking about anything relevant to telephone intercepts, be it either telephone intercepts subject of an investigation or the existence of telephone intercepts and transcripts generally.

MR HANSON: So you cannot say whether you have seen that transcript or not?

Mr Lammers: What I am saying is that the act precludes me talking about it.

MR HANSON: Are there any lessons learned out of this that you think can be implemented either within the Assembly or within ministerial staff or within your own organisation to make sure we do not have a repeat of this situation?

Mr Corbell: I will defer to the CPO in a moment but if I may I will simply make the point that the CPO has in his report on this matter given a number of advices to the Chief Minister around the training of staff and the importance of reminding and instilling in staff their understanding of the importance of handling in an appropriate manner certain information that is sensitive. The Chief Minister has referred those matters to the Head of Service and appropriate steps are being taken in relation to those matters. The circumstances of this case are a timely reminder of the importance of holding and managing information carefully and appropriately and certainly I know the Chief Minister is taking very seriously the key elements of the matters the Chief Police Officer has raised with the government. I will defer to the CPO on any other matters he feels he wishes to bring to your attention.

Mr Lammers: I think the minister has pretty much covered all of that. A series of recommendations was made and it is a matter for the Chief Minister whether or not they are followed. But they were certainly general suggestions, given Australia's heightened threat environment, of the sorts of things that can be done to help protect people within a building such as the Legislative Assembly.

MR HANSON: Finally, are you concerned that the information that was provided from Ms Burch's office to the CFMEU in any way jeopardised ongoing investigations into that organisation?

Mr Lammers: There are two questions there. Firstly, am I concerned? At a time that it was public knowledge that the royal commission was investigating activities of the CFMEU in particular and from an ACT context, the ACT component of the CFMEU, I would not have considered it appropriate for any information that passed between

the then minister and me to have been provided in any way to a person whom we were investigating at the time.

MR HANSON: Are you aware if that information that was passed jeopardised or had an impact on any investigations?

Mr Lammers: Once again, you are referring to information that I cannot talk about because I am precluded by several laws from speaking that information and the way in which it was obtained.

MR HINDER: Supplementary:

THE CHAIR: Certainly.

MR HINDER: In relation to this, why would there be any transcript?

Mr Lammers: There has been a lot of speculation that there was a leak, that there was a recording of some sort and that there was a transcript. We have no evidence to suggest any of that. As I said, it is speculation that there was a transcript of some type.

MR HINDER: And if there was a transcript, why would the *Financial Review* have access to it?

Mr Lammers: That is a matter for the *Financial Review*.

MR HINDER: Mr Hanson seems to know about a transcript.

Mr Lammers: That is a matter for the *Financial Review*, but what I can say is that the information that came to the *Financial Review* did not come from ACT Policing, nor did it come from the AFP.

MR HINDER: Do you know if anybody has investigated how that information got to the *Financial Review*?

Mr Lammers: If we were to investigate how every piece of information got to the media, we would be doing nothing else.

MR HANSON: This is a somewhat exceptional case though, is it not? This is a piece of information that has led to a minister and a chief of staff resigning. It is a pretty extraordinary situation. I would not have thought this was just a routine matter, to be frank.

Mr Lammers: No, which is why I said earlier that an examination was conducted by ACT Policing detectives to see whether or not that information that was published in the *Financial Review* bore any resemblance to information that was held by police, and ACT criminal investigations determined that there was no correlation. So nothing more needed to be done.

MR HANSON: I will wrap it up here but I just want to confirm that there were two issues. One related to the information. There was another issue, the serious and

unprecedented one, and that serious and unprecedented issue remains unknown?

Mr Corbell: No. Let me be very clear about this. That is not correct. Let me be very clear about the use of my term “serious and unprecedented”, because those are my words that you are quoting. I have been very clear about this on a number of occasions but for the record I will state it again. When I used the term “serious and unprecedented” I was referring to the fact that there was a police evaluation occurring in relation to the conduct of some individuals in the then police minister’s office. That was what I was referring to: the fact that it was occurring was serious and unprecedented. Anyone who seeks to construe my words in any other way is misrepresenting me and what I was trying to communicate on that day. I have said that on a number of occasions and I state it again for the record today.

THE CHAIR: Just to close, and then I will go to a new question, you mentioned that the Chief Minister had referred issues to the Head of Service. Does that mean staff other than political staffers in the minister’s office, ie, departmental staff were involved?

Mr Corbell: No it does not mean that. The Head of Service is responsible for providing support to the ACT executive in terms of training of the staff of the executive, and it is appropriate that he refer the matter to her.

THE CHAIR: On page 13 of budget paper D is the output class that covers ACT Policing. The increase in total costs for the year is a half of one per cent. Even with CPI at one per cent, that is a cut in real terms. Why has it only been increased by a half of one per cent?

Mr Corbell: Could you restate which page you are on?

THE CHAIR: Page 13, table 15, EBT 1, ACT Policing.

Mr Hayward: The reflection there is the impact of the decisions by government to provide new initiatives amounting to some \$2.2 million for the making Canberra even safer, protecting ACT Policing and the safer families, stronger support for family violence. That was mapped off against the final tranche of the general savings measure there for 2016-17. The general savings measurement has been in place for the past four years. Its final tranche takes effect from 2016-17.

THE CHAIR: If you take the \$2.2 million of new initiatives off the 2016-17 budget, you have actually got a number that is less than the 2015-16 outcome. What services will be reduced as a consequence?

Mr Hayward: To adjust the general savings measure, we undertook savings across a range of areas, predominantly through careful targeting of our supplier expenses, reducing our FBT liability and a couple of reductions in staffing costs by reorganising the way certain services are delivered, but there was no reduction in staffing for those services and a reduction of one staff member out of our corporate services area.

Mr Lammers: I will just add to that. For the 2016-17 financial year, which is when this takes effect—I am talking about the next year—the net effect of the general

savings measure will be four FTE for ACT Policing but I would balance that against a requirement under our purchase agreement to hold an average of 932 FTE for the year. In this last year we managed to exceed that 932 FTE by quite a lot. We had 965 FTE. By using smarter policing techniques, by reallocating some line resources in terms of their leadership, we are able to achieve a greater FTE capacity than what we are actually funded for.

THE CHAIR: And will you be able to maintain the 965 for the coming year?

Mr Lammers: I am confident of two things: as we have done in the past four years, front-line policing will not be affected by this measure—and the measure ends at the end of this financial year—and we will be able to maintain as high a level of police service as we have over previous years.

MR HINDER: My question relates again to the safer families package, minister. At page 118 of budget paper 3, there is \$281,000 in the next year for safer families, stronger police, and a court for family violence victims and then \$1.18 million over the four outyears. How will that assist victims of domestic violence?

Mr Corbell: Mr Hinder, we referred to these matters earlier today during the Attorney-General portfolio output classes but, to reiterate, the funding provides for two additional full-time equivalent personnel in ACT Policing to provide advice, training and capability to enable police to assist victims who apply for domestic violence orders. This will create a specific role for police in assisting victims accessing the civil process relating to DVOs and in the criminal justice system in relation to investigating what are at present unreported domestic violence crimes.

Under the Domestic Violence and Protection Order Act 2008 police are able to assist an applicant to apply for an interim DVO pursuant to section 18(2) of that act. This initiative will directly increase the capability and resourcing within ACT Policing to respond to family violence by extending to a pro-intervention model and enabling police to assist a victim, particularly after hours, to obtain a DVO in a timely way. It will assist victims who are vulnerable or in fear of their own safety or that of their family and will allow police to take action in a timely way and in a way where they can seize the moment in terms of the willingness of the victim to get a protection order and have that assist them down the track.

That is the purpose of the funding. Obviously there has been discussion this morning about what this will mean for the workload of the courts. That is a matter, as I have indicated previously, that the government will keep under close watch, to see what the lived experience is of this initiative and whether or not that brings further resourcing requirements to the government's attention in relation to the courts.

MR HANSON: CPO, I heard you on 666 ABC with Adam Shirley on the day you announced you would be moving on at the end of year. You talked about a number of issues, and one of them was pursuits. You mentioned in that interview that you had commissioned an internal or external or an independent—

Mr Lammers: Internal review, Mr Hanson.

MR HANSON: An internal review of pursuits policy. You received that and then decided you did not disagree with it but equally did not agree with it. The original review, is there an available copy of that?

Mr Lammers: Two things there, Mr Hanson; firstly, it was an internal review. I did not disagree with the recommendations of the review; in fact, many of the recommendations were sound with respect to policy changes that could be recommended to government for legislative changes. I am pleased to say that many of those legislative changes have been accepted and they are now enacted.

With respect to the report itself, I have said several times that it will be a publicly available report. I anticipate that within the next few weeks that report will be publicly available. In some respects it has been overtaken by the laws that were enacted recently and the implementation of my new pursuits policy. But it speaks to an additional tranche of work that helps make our roads safer through some legislative reform. I would be happy to make that report available in the coming weeks.

MR HANSON: What is the delay in making that available? I assume it has been finalised. We have the new laws that have been brought in. What is the delay in making that report available?

Mr Lammers: A portion of the report was used to inform the construction of the new laws. There were several other parts within the report where we needed to make sure the legislative basis for which we were arguing was sound. That has now been completed. We referred also to the views of other states and territories on pursuits. It is professional courtesy to ensure that those states and territories are aware of what we are writing about them, so that has taken some time to work through. As I said, in the coming weeks that report will be made public.

MR HANSON: Sure, and the report will not be redacted? It will be the full report as it was presented to you?

Mr Lammers: I saw the final draft of the report last Friday and I am satisfied it is of a form that can be released. There will be one slight redaction in the report, but I think you will find it will be 20 words out of one paragraph that specifically talks about police methodology that I did not want in the report, but that is all. Otherwise it will be released in its entirety.

THE CHAIR: To follow on from the previous questions on the numbers, the efficiency dividend, what has the effect been across the four years on AFP ACT?

Mr Corbell: In what sense? In the dollar sense?

THE CHAIR: Savings, performance, job losses, reduced service.

Mr Corbell: The cumulative effect over the four-year period is \$6.214 million.

THE CHAIR: That is the dollars. Were there any job losses as a consequence of that?

Mr Lammers: Several members of ACT Policing were relocated, some of their roles

were redefined and some of them have left the organisation through voluntary redundancy processes. But the capacity for ACT Policing to provide both front-line services and investigative services was not in any way diminished. In fact, over the past four years with initiatives that the government has put forward, like the road safety operation team, domestic and family violence input and other measures, we have actually grown in strength.

We have seen an increase in our beat police over the past few years. They spend much more time now around the hospitality districts, particularly the CBD, in ensuring the safety of people, so policing has not been diminished. The fact we have been able to manage our FTE—full time equivalent—staffing levels, which will exceed the 932 that the purchase agreement provides, is indicative of the way in which policing resources in the ACT have been managed.

Mr Corbell: To provide some additional context around that, Mr Smyth, for example, since 2013-14 there have been a number of initiatives to provide additional funding to ACT Policing over and above the base allocation. That includes \$5 million over four years, as the Chief Police Officer has said, to expand ACT Policing's road safety operations team to put more traffic police on the road. There has been \$3.46 million over four years to supplement funding required by ACT Policing to utilise their enabling services—forensic and other enabling services—that support policing operations. A further \$3.132 million is provided in 2016-17 for the security measures that you will see in this year's budget, and another \$1.180 million for the domestic violence initiatives we have just been talking about. Overall, that is over \$12 million worth of additional funding over that period.

THE CHAIR: But it was reduced by \$6.2 million. You spoke of redundancies. How many redundancies occurred as a result of the efficiency dividend?

Mr Hayward: In terms of voluntary redundancies directly linked to the general savings measure, there were two last year and there is one in the upcoming year.

THE CHAIR: You said there is no loss of front-line services, but were any officers lost as a consequence of the dividend?

Mr Lammers: No, there were no officers lost.

THE CHAIR: Operational?

Mr Lammers: Nor was there a dilution of front-line services.

THE CHAIR: I appreciate that. What about operational staff, as in the direct backup staff?

Mr Lammers: No operational staff were lost.

THE CHAIR: Administrative staff?

Mr Lammers: Some administrative staff and some non-operational staff.

THE CHAIR: How many administrative and non-operational staff were lost?

Mr Hayward: Some 24 people in total across the four years.

THE CHAIR: They were non-sworn officers or civilians?

Mr Hayward: They were predominantly unsworn, and none of them were in front-line operational positions.

THE CHAIR: How many sworn were lost?

Mr Hayward: I have to take that on notice; I do not have that specific detail in front of me of how many sworn versus unsworn. As I said, they were predominantly unsworn.

THE CHAIR: Mr Hinder, a new question.

MS BURCH: Before you do that—

THE CHAIR: No, this is not the place for statements; I will get some advice and come back to you. Mr Hinder has a new question.

MS BURCH: It is a question. I have a question.

THE CHAIR: It had better be a question in that regard.

MR HINDER: Minister, the \$3.13 million you spoke of in the last answer, the Chief Police Officer mentioned the tragic murder of Curtis Cheng and the territory government's response to that with protecting ACT police. There is a budget measure for the \$3.13 million in that. Can you tell us how will protect front-line officers?

Mr Corbell: Clearly this is an emerging issue that concerns police services across the country. The murder of Curtis Cheng and the targeting of operational police in other circumstances during ant-terrorism-related operations in Victoria, for example, highlight the vulnerability of police in the new threat environment. This funding is designed to address two particular issues. The first is the immediate personal safety of police officers. The government has determined that the provision of appropriate personal protective equipment for police officers is of the highest priority. This will mean that police who are engaged in their duties day to day will have a higher level of personal protection in terms of the clothing and protective equipment they are able to wear.

So \$2.030 million over four years will be to provide for protective vests for ACT Policing personnel. That is consistent with the approach being adopted by the AFP nationally that is also rolling out similar levels of protection for their personnel. Indeed, it is consistent with the approach being adopted by police services around the country.

It is a matter of regret to me that we live in a community where police are seen as a target for radicalised extremist views and as some sort of high-profile target for

symbolic attacks that can be potentially fatal. Nevertheless, this needs to be done to protect the safety of police in the ACT, so that is being rolled out.

The second element is in relation to provision of funding for protective services officers. There is a need to provide an enhanced level of security at certain ACT Policing facilities because the facilities themselves—stations and centres and so on—are also seen potentially as targets by people with radicalised and extremist views because police are seen as symbols of authority and therefore high-profile targets. Those additional PSOs are again consistent with the approach being adopted by the Australian Federal Police and other police services around the country.

I should add, Mr Hinder, that the government will also be giving consideration to and working with ACT Policing around the allocation of existing capital upgrade funding to support the improvement of safety for police stations in the ACT where they need to be hardened to provide additional protection from radicalised behaviour. We continue to work with ACT Policing on how we can allocate elements of the capital upgrade budget to provide for enhancements over time at those facilities.

Clearly this is an issue that is quite problematic. Some of our police stations simply are not designed to anticipate the motivations of domestic terror effectively. We need to start taking that into account in the design of our stations, and that is what we are working very closely with ACT Policing on.

MR HINDER: Is there any other equipment that you are aware of that ACT Policing might be looking to procure for their own protection in the future years?

Mr Corbell: I have been advised by ACT Policing that they are looking at a number of other measures. They keep this issue under close watch and review. Clearly there will, regrettably, be a need for consideration to be given and for discussion to be had in our community about the level of protection police require.

This is particularly important in the Canberra context. Obviously the Australian Federal Police have their national presence here in Canberra, a very high-profile building in Barton in proximity to Parliament House. Being located here in the national capital, along with the fact that the AFP is a very effective policing agency internationally in targeting domestic terrorism-motivated-type activity, means they will remain a target. Police on the street in Canberra, therefore, regrettably remain a potential target as a result.

I will defer to the CPO if there are any matters he wishes to highlight around current thinking on this issue.

Mr Lammers: We are constantly examining the threat environment, both as it affects the community and police officers themselves. Although it is horrible that we have had to come to this, the use of protective vests will make us focus on what more we need to do to protect ourselves. The better police can protect ourselves, the better service we can provide to the community.

THE CHAIR: Our time is at an end. The committee is going to have a private discussion when we finish. Mr Lammers, thank you for your years of service. What is

the name of the boat?

Mr Lammers: I have not named it yet, chair.

THE CHAIR: There is a competition for all service police officers who know Mr Lammers as to what he should call his boat, which he is obviously going to enjoy in his retirement.

Sitting suspended from 3.30 to 3.59 pm.

Appearances:

Rattenbury, Mr Shane, Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety

Justice and Community Safety Directorate

Pryce, Mr David, Acting Director-General

Mitcherson, Mrs Bernadette, Acting Deputy Director-General, Community Safety

Field, Ms Julie, Acting Deputy Director-General, Justice and Coordinator-General for Domestic and Family Violence

Chief Minister, Treasury and Economic Development Directorate

Snowden, Mr David, Chief Operating Officer, Access Canberra

Simmons, Mr Craig, Director, Regulatory Compliance, Access Canberra

THE CHAIR: Good afternoon, ladies and gentleman and welcome to the final hearing of the day of the Select Committee on Estimates 2016-2017. We are looking at expenditure in budget statement D, in particular output class 2 and subclass 2.1, Justice and Community Safety, Corrections, and then Justice and Community Safety relating to transport and other regulatory areas.

Please be aware that proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed. If a question is taken on notice, it would be great if you could use words like, "I will take that question on notice." For those who are at the table and those who come to the table, in front of you is the pink card with the privilege statement on it. Could you please indicate for the committee that you have read and understand the implications of privilege.

Mr Rattenbury: Yes.

THE CHAIR: Thank you. The minister has indicated he does not wish to make an opening statement; so we will go straight to questions and I will defer to Mr Wall.

Mr Rattenbury: Good afternoon.

MR WALL: Good afternoon, minister. I will start with the article that was published in today's *Canberra Times*. The headline of the article was "Official rebuked over prison letters." It relates to letters that Prisoners Aid ACT had received from, I guess, staff within your department.

Mr Rattenbury: Correct.

MR WALL: I was wondering what the impetus was for such a senior corrections officer and corrections figure to be writing such letters to a community organisation?

Mr Rattenbury: There was a hearing of the justice and community safety committee in late May, I think. Sorry, I have forgotten the date but there was a hearing of the

committee considering the Auditor-General's report into rehabilitation at the AMC. Prisoners Aid appeared before that committee. They gave a number of pieces of evidence that Corrective Services felt were incorrect or out of context. They wanted to contest those points.

Corrective Services took two actions: one was to write to the committee to seek to correct the record, which is the appropriate manner. They also sent a letter directly to Prisoners Aid. That was a different letter to the one that went to the committee and it did contain some language that, on reflection, was inappropriate I think in terms of it being probably overly—I think there was frustration from Corrective Services and that came through in the letter.

That is why I have written to Prisoners Aid to be very clear that whilst we should be able to debate ideas and we do disagree with some of the evidence that they gave, the tone of the letter was inappropriate. I wanted to be very clear to the organisation that they should feel free to put their view as they see fit because that is an important thing for non-government organisations to be able to do.

MR WALL: I have not seen the letter that was sent to the committee. I am not privy to that. Certainly I have been provided with a copy by Prisoners Aid of the letter that they received from the department. I would say that the language would equate to bullying. It is quite forthright. I think it is also quite concerning, I guess, as to the attitude that the staff within Corrective Services might have toward what their role is.

I refer to terms, to lines, such as, "It was reckless and it undermines the confidence of members of the Assembly in a government agency providing important services to the community". Is it the primary concern of staff within Corrective Services to make sure that we, in this place, are not aware of what goes on on a daily basis so that there is, I guess, an air of confidence in what Corrective Services is doing?

Mr Rattenbury: No, I do not think that is the case. As I said, I have been very up-front in indicating that the government's position is that we do not support that approach. I think the letter was unfortunate. There has been a very significant discussion between me and the directorate about the tone of that letter. I do not think it is symptomatic of the relationship between Corrective Services and community organisations.

We have over 100 community organisations that are partners with Corrective Services through the through-care program. All of these organisations have extensive access to the AMC and to Corrective Services staff. Whilst I think this letter was inappropriate and the language was far, far stronger than it should have been, I see this as an isolated incident rather than symptomatic of the relationship between Corrective Services and community organisations.

MR WALL: Given that the role that this individual occupies is, I guess, quite a senior role within Corrective Services, what actions or steps have been taken to redress this incident?

Mr Rattenbury: Those matters lie with the Director-General. It is not the minister's role to deal with individual staff but the broad nature is that there has been counselling

of staff involved. Certainly the Director-General is considering issues of training in terms of working with our ministerial support unit to outline to directorate staff the role of committees, the role of NGOs and issues of parliamentary privilege that apply.

MR WALL: You are quoted in the media article as saying that the member responsible might be disciplined or trained. So disciplined is now off the table and training is the path forward?

Mr Rattenbury: Well, counselling is a form of discipline.

MR WALL: So it has been a formal counselling process.

Mr Rattenbury: That is a matter for the Director-General.

Mr Pryce: Obviously we have had discussions on this with the minister and I understand that the minister is going to write to me formally about that. Then in accord with our normal employment arrangements the matter will be considered. We do not use the term “disciplinary” so much but it is a disciplinary type of process. Then appropriate action will be taken with the officers, which may include counselling, may include training, may include also just a formal record on, I guess their personnel file.

MR WALL: Minister, you also stated in the article that the evidence that Prisoners Aid gave to the Assembly committee will not have an impact on the government’s relationship with Prisoners Aid moving forward. Is that correct?

Mr Rattenbury: Yes.

MR WALL: Could I draw your attention to a letter that actually, you, Ms Mitcherson had written to Prisoners Aid earlier this year in which you said in one of the closing paragraphs, “ACT Corrective Services staff have been advised to utilise Prisoners Aid as an agency of last resort.” That was off the back of a couple of issues that did arise with Prisoners Aid. But the language is coming from, then, the executive director’s pen saying that Prisoners Aid is to be used as “an agency of last resort”. Why would that then be the case? Is the decision to continue dealing with Prisoners Aid as if had nothing happened, as if nothing had happened in the previous weeks or as if nothing had happened in the previous months?

Mr Rattenbury: You obviously do not have the full context of that letter here but I am advised that that was in the context of issues around the use of through care. We have got a large number of partner organisations. It particularly applies to prisoners who are coming out on remand where through care does not apply to prisoners who are on remand. So there is a clear partnership where Prisoners Aid particularly pick up prisoners who are on remand and assist them, because they get released in ways that are—just bear with me.

Mrs Mitcherson: For the client coming out on through care, as you know, all sentenced men are eligible and all women, remand or sentenced. So as part of preparation for their release and as part of the preparing, we have an assisted release to community which includes transport—whether it is family or whatever.

We have asked Prisoners Aid to concentrate on remandees coming out because sometimes we get very short notice and we see that has been a critical role. They are often in court and there are volunteers at the centre. So in terms of last resort it is around the transport issue when we cannot find someone in relation to—so it is part of preparing them for through care. It is very person-centric.

We work with them about the agency with the most profile for them in terms of coming out of custody for the first few weeks or they might even be allocated to a St Vincent de Paul intensive case worker for the first six weeks. They are allocated through that process. If they have come through the Solaris program, it could be a Solaris program worker who is their worker. It is for those on through care where we cannot find someone through the normal processes in through care.

We have asked Prisoners Aid to concentrate on remandees who do not have the benefit of through care and sometimes do not have accommodation either. So we are doing that sort of short-term shuffle very quickly. It was in that context, I recall. It is a while since—I have not got it in front of me but I recall that was an issue.

MR WALL: I understand that. Are the issues relating to the use of Prisoners Aid related to their resourcing or do you believe that Prisoners Aid is adequately resourced for the work that they do?

Mrs Mitcherson: They get funding from a couple of sources. We provide some funds and Community Services do. I am not sure about their own governance in terms of fundraising. We find the volunteers from Prisoners Aid particularly helpful. The volunteers are fantastic from our point of view. They have got visits every day. I am not aware of any shortage of visitors. The discussions I have had with Prisoners Aid over the past couple of years—we have not had any for a while in terms of funding; we did increase it, I think, on a CPI level. I made a decision a couple of years ago to transfer those funds to CSD where the grants come from anyway.

That is provided by CSD but we do a transfer of money across. I think it is appropriate that all the grants come from the one agency because Corrective Services is not really an agency that does grants, if you know what I mean. That was more about terms of probity and sorting that out. But I have not had any discussions recently about funding at all.

THE CHAIR: Mr Hinder, a new question?

MR HINDER: Thank you, chair. Are we ranging over all the—

THE CHAIR: The next hour is; in the time available to us, this is Corrective Services, because I assume that is all the staff you have here?

Mr Rattenbury: Yes, I do not have the staff from Consumer Affairs or any of those areas just yet.

THE CHAIR: Just corrections.

MR HINDER: Minister, the Corrective Services budget for 2016-17 increases by \$5.5 million. Can you give us some indication as to how that will serve to improve the services provided by Corrective Services?

Mr Rattenbury: Yes, certainly. In terms of Corrective Services, there are a number of new initiatives that are in place. Some of them are simply related to the recurrent spend and there are some that are capital spend, as is obvious in the budget on most occasions. In terms of capital, we see a particular expenditure on a new offender management system; so an IT focus. Our experience is that our databases within Corrective Services are dated and they are not providing us with the level of insight and capability that we would hope for.

We have also got a capital spend to replace Corrective Services's analogue radio system with a digital radio network, which will connect to the territory's radio network. Again, that will ensure that our staff have the latest technology there.

In terms of recurrent expenditure, there is funding to continue the extended through-care program for another year. The reason that that is only one year of funding is that, while we find the through-care program highly successful—we are having relatively a low return to custody rate—it is currently undergoing evaluation. There is a formal evaluation process in place. That will come in this year. So the budget cabinet decision was, of course, that we should wait to make further funding decisions beyond that over through care.

In terms of other recurrent expenditure, this year will see the expansion of the AMC facilities and the beginning of industry in the facility. We will particularly be providing money for the rollout of the laundry program. I would be happy to talk about that in more detail. There is also additional spending relating to the community corrections areas where we have made an enhancement with the intensive correctional process. That is a broad overview of the increase in expenditure.

MR HINDER: Thanks.

MR WALL: There was another important media report recently of a woman who was on bail who was detected trying to smuggle drugs or contraband into the prison. How was that incident detected?

Mrs Mitcherson: Thank you for the question. I think you are referring to the incident on the weekend?

MR WALL: Yes.

Mrs Mitcherson: Our staff had intel that we thought there was going to be a drop of some type of contraband. The intel came from various sources, telephone intercepts and other. You went through our visits area; now we have cameras that can zoom in. The woman in question was seen to pass something to a prisoner. There was something else put in an open chip bag. I am just trying to make sure I get this correct. The prisoner was searched on the way out. They did get some contraband, which I think was drugs. The chip bag had a mobile phone. The woman was escorted out of visits and admitted to the offence. We called the AFP, and we were very pleased that

the AFP attended and charges were laid. It was a result of intel and very good work from the officers in detecting and watching. We intercepted, as I say, some drugs and a mobile phone.

MR WALL: How is it that particularly the mobile phone is able to get through the screening point that all visitors must go through?

Mrs Mitcherson: There is the metal detector, but they are not all metal, if you know what I mean. They are quite plastic. In fact, recently we had one that came through that was as big as a cigarette lighter and was just about all plastic, so it will not pick it up. We do have a handheld mobile detector that we use on occasion. It is called a CEIA magneto-static detector. We do use it on occasion, but it does a lot of false positives because it picks up ferrous based stuff in clothing which is magnetised. Sometimes people actually magnetise clothing on purpose. So that handheld is not the best in the world. We have had some demonstrations of radiofrequency devices in the jail; we have tested them, but they have not been successful. Like all jurisdictions, we share this information and test them.

So really they can go through quite easily. We cannot search someone—take their handbag off them and put things into the lockers. To get through the metal detector you have got to take belts off. If I get through, I will take my shoes off and put them through. If you are concealing something internally or if it is predominantly plastic, it will not get picked up going through. That is why you have a number of different ways of doing it.

MR WALL: How many visitors or people are permitted to enter the secure area of the AMC without passing through the screening point?

Mrs Mitcherson: It depends. Visitors coming through to see prisoners—none at all. Some people do have exemptions; they might have a prosthesis that is metal or a pacemaker. Mr Taylor is not here at the moment, but he would get a medical advice that would be submitted for an exemption. We would have exemptions in that regard. If I have a visitor coming in who is a one-off visitor that we are escorting, we would want to put them through the 100 points. But if someone does come through and is not screened through that process because they might have a metal prosthesis, all their other documents go through the x-ray machine. And we have a handheld metal detector as well: standing on a box, hands out, and the metal detector goes around. So there are a number of different ways.

MR WALL: As a point, every person entering the AMC should pass through that screening?

Mrs Mitcherson: Generally. I am not going to say every single person, because there are medical exemptions and there might be one-off visitors who come in once a year or once ever and would not go through a 100 points process. But anyone visiting a detainee to go through the visits process, absolutely, except with the exemptions.

MR WALL: With contraband, particularly drugs or illicit substances, entering into the secure area, has Corrective Services done any work to ascertain what a baseline of the amount of contraband entering the prison might be?

Mrs Mitcherson: I think it is a bit hard to determine a baseline. We have done a number of things. As you see a gap, you try to review what we can do for that gap. We put up a few more internal fences, which we think has reduced the number of things coming over the fence. As you know, that is one of the standard ways of getting contraband into jails across the country, throwing things over the fence. We think that has reduced a bit with our increasing a few more fences.

Again, when people secrete items on their person, it is very difficult. We do not have a system of strip-searching every detainee when they exit visits. That would be normal practice for many medium and maximum security jails, but if we did that for every medium and maximum security prisoner, they would probably put pressure on minimum security detainees and standover. It is trying to balance between having a system where you want to encourage families to visit and have relationships with families and not be too draconian, but we also try to reduce the introduction. Staff do a good job on intel in terms of phone calls and trying to understand who is coming in and associations.

MR WALL: I guess the fact that contraband continues to enter the jail is a significant frustration for most of the community. I have had—

Mr Rattenbury: I don't reckon most of the community thinks about it, but there you go.

MR WALL: I think it—

Mr Rattenbury: It is like any jail on the planet. Any jail on the planet has contraband in it. Let us just put this in a realistic context.

MR WALL: Yes; let us put it in perspective. Where I want to go now is the flip side of this issue, which is what happens to the family, the friends and the relatives on the outside whilst a loved one is on the inside and continues to feed that addiction. I have had a couple of reports from social workers visiting the jail about concern amongst family relating to drug debts. What work does Corrective Services do to police this issue? Obviously, it is not wholly in your jurisdiction, but certainly the fact that the intel that Corrective Services gather and the feedback that Corrective Services get would in large part be able to identify the sources of contraband entering the jail is a friction point of major concern for family members on the outside.

Mrs Mitcherson: Corrections staff, including at Mr Taylor's level, take phone calls from family members who have intel in relation to pressure. We get those phone calls on a semi-regular basis. We treat that with the utmost confidence, to protect the person making the call, often without their relative even knowing they are making the call. We monitor moneys in terms of people's buy-up if someone has stuff in their cell they should not have and we know they have not been able to buy it. There is all that information that is fed back to intel.

I think it is fair to say that the officers might know that if a particular person might come to jail, you might expect a bit more activity, because generally the ones who are trying to bring the gear in to make money are well known. But they are very clever.

They do not generally do it themselves: they will put pressure on someone else; they will pass it; and it will get passed three or four times. So all the information together provides the kind of intel—the inception that we had on the weekend where we got some drugs and a phone. There are many examples of that happening.

Again, we put all the information together. We treat it confidentially. Sometimes detainees in custody will give the staff confidential information and, again, we have to use that information in a way that protects them. It is very complex; it is very difficult. I think it would be fair to say that all jurisdictions across the country—and we meet regularly with our colleagues from New Zealand, as well—grapple with this issue.

MR WALL: What intelligence does Corrective Services have on the monetary value of contraband inside the AMC compared to street value?

Mrs Mitcherson: I think it would be much higher than the street, probably; I would have to—

MR WALL: Are we talking two, three or four times the rate or a couple of dollars?

Mrs Mitcherson: I would have to take that on notice or ask Mr Rushton. Do you have that information? No, we do not know.

MR WALL: Thank you, chair.

THE CHAIR: You do not buy in that market, do you?

Mrs Mitcherson: Clearly we do have to worry. When we intercept something in a big package and maybe we know that the person whom we have intercepted it from is being pressurised by someone else, we worry about that person then, too. We then have to think about where they are living, what unit they are in, what the level of payback is. Our staff are alert to watch for all that kind of stuff, because we know that someone else who has probably been the patsy to bring it in is now going to be in trouble. We have even had people go on protection after we have caught them with gear because they were supposed to bring it in for someone else. It is not an unusual scenario for someone to ask to move their location because they have not brought something in they should have or they have not been able to pay a debt.

THE CHAIR: On page 5 of budget statement D, where the strategic objectives for the directorates start, the only part that even seems to relate to corrections is in strategic objective 2, a safe community, number of escapes or absconds per 100 detainees. I notice it is at 0.26 per cent.

Mrs Mitcherson: It is 0.26, yes.

THE CHAIR: It is hardly a strategic indicator—how corrections is operating and how it keeps the community safe. Obviously keeping people inside is the objective, but surely the objective of being in is reform, and to be corrected, as it were. Why is there not a more positive strategic objective for corrections in this statement?

Mr Rattenbury: That is actually a fair question, Mr Smyth, and I agree with you that

we should have some like that. We had been planning to make some changes this year, but having had an escape this year, I did not want to remove the escape indicator—which I do not think is a very useful one—because you can imagine the perception that would have gone around if we had removed it in the year we had our first ever escape. So we left that one there. But I am keen to bring some additional ones on in the next budget.

THE CHAIR: Reduction of recidivism, parolees and people undertaking programs—something that says that long term we have a view to correcting people rather than just confining them.

Mr Rattenbury: Yes.

THE CHAIR: On page 18, under the accountability indicators—community corrections orders are for those outside prison?

Mrs Mitcherson: Yes.

THE CHAIR: The only one for the prison is the cost per day for a detainee, and that is across all classes of detainee. Are there some more useful indicators of what you are trying achieve that could be included there?

Mrs Mitcherson: As the minister has indicated, we have been in discussion about some more useful indicators. We have been looking at recidivism as an indicator; we do report that in the annual report each year, prior to the ROGS. We are looking at it in that regard.

In terms of programs, jurisdictions have generally been discussing this, because programs are provided differently in different jurisdictions and there are different ways of measuring, counting and difference. From a national point of view, it is very hard to have a situation where you compare apples with apples, but in terms of how many complete a program, again we do not have a very sophisticated IT system. As you would know, we went to public tender earlier this year, and we are currently in negotiation with an operator. Going forward, when we have some basics right, we might be able to get better data that we can search and report on in terms of program attendance and education attendance—those kinds of things. But we have been actively looking at this and reflecting in the agency about how we could better reflect that.

THE CHAIR: In regard to indicator b, the table was 265, the outcome for the year is estimated at 290 and the explanation is that that reflects the impact of the additional accommodation. I could understand if the gross number went up, but surely the average is not affected by that. In what way was the average affected by that?

Mrs Mitcherson: Our staffing was increased because we had two more units in relation to that. Generally, when you have an increase in numbers, or often, the cost per day does go down. It was trending down because of going up in numbers, but then we also had an increase in recurrent costs because we have staff in those areas as well.

THE CHAIR: That leads then to a question about the additional accommodation. We

put in extra accommodation but we have not increased the size of anything else—so the hospital ward, the kitchen or those other areas that are necessary for the good functioning of a jail. Is that having an impact?

Mrs Mitcherson: We did try to consider, in the accommodation areas, some extra spaces. That is why we have a program: each unit has its own program space and also an interview room. Our interview rooms are getting looked at in the general program space. Plus we wanted to be able to bring programs to the unit to stop the movements around the jail. That part has been quite successful. We also have a couple of extra stations in the offices area so we can embed our custodial and non-custodial staff together. I have to say that, in the ACT, the relationships between custody staff and non-custody staff are very good. That is probably unusual, from my experience in the bigger jurisdictions, where there is much more of a demarcation. The laundry expansion that we are doing will double our laundry capacity. And there is the bakery that we are building. We do some baked goods in the kitchen anyway; this will allow some further development of that area and help with that expansion of numbers.

Mr Rattenbury: In addition to that, Mr Smyth, as Mrs Mitcherson touched on, if we had not undertaken the expansion of the laundry we would have started outsourcing some of our work later in the year. The other thing that you may note—just in the vein of your question—is that over in the health part of the budget there is actually an increase of resources to justice health to reflect the—

THE CHAIR: There are extra staff, but are there extra actual physical beds, given that you have got more prisoners or the capacity for more prisoners?

Mrs Mitcherson: If I may answer that question, one of the issues of not having the beds was that we had to use what I call non-operational beds for beds: beds in the health ward, beds in the management unit and beds in the crisis support unit which we do not count as beds. Because we did not have enough beds, people were living in areas where they did not need to. Those areas are kind of freed up now in terms of not having to use the beds. So it has helped us. For example, we have also done a lot of work in areas like the CSU, where, as you recall, we were overflowing. We had five in there today, actually.

THE CHAIR: Just for the record—CSU?

Mrs Mitcherson: Crisis support unit. I beg your pardon. In the health ward, I think we have two beds used out of four at the moment. So we have some space in those areas which we did not have before because we had nowhere else to put people, if that makes sense. Providing the accommodation has actually freed up some particular areas that are specialist.

THE CHAIR: If your laundry is under pressure, for instance, is the kitchen area under pressure? Are there adequate storage and preparation areas?

Mrs Mitcherson: It is fair to say that we have put in a new freezer area this year—I believe it was a freezer—and another bit of storage area for dry goods. The bakery will certainly help. We did baked goods in the current area, but it was getting very constrained. We do have excellent catering staff and very good catering managers.

They work very well; it is one of the best kitchens I have been in, and I have been in a lot. But the bakery will really help them in that we can move the baked goods out and probably even the sandwiches to that area, so that will free them up a bit more.

MS BURCH: Just—

MR HINDER: A supplementary?

THE CHAIR: Two supplementaries?

MS BURCH: Yes, and a supp.

THE CHAIR: Mr Hinder and then Ms Burch. And then a new question, Mr Hinder.

MR HINDER: I agree with the chair that more indicators would be useful to us—perhaps vocational secondary literacy and perhaps tertiary education. Would I be right in saying that that is made difficult by the fact that you have very high numbers of relatively short-term detainees? It must make getting them into any sort of routine program pretty difficult.

Mrs Mitcherson: It is. This financial year we are running at 45 per cent of receptions doing 30 days or less. In 30 days or less all we can do is what I call detox, feed and maybe immunise. There is not a lot that we can do there and they are generally sorting out bail and court matters. The majority of those would be remand, but some would get time served. If you go above the 30 days, we have a lot of sentences that are under six months. I am not saying we want people in for longer, but when people are doing very short sentences or very short turnarounds there is not a lot we can do to impact on their offending. We can just try to look after some of the infrastructure of life issues in terms of having maybe somewhere to live when they get out. It does impact, though, the short sentences.

MS BURCH: Going back to the indicators on page 18, indicator a—the completion of the community correction orders—can you just explain the footnote? The footnote seems to be saying that over a longer period you have a more realistic expectation or evidence. Can you explain what that is? Is that target right or should we be expecting more? With the changes in the different options, will that again change—if that makes sense?

Mrs Mitcherson: As to the second one, the community corrections repatriation orders, it is the first time we have done that this year and we were not really sure. We have now looked at the mid-point across the country in terms of completion of community service orders, which would be about 60. We are giving ourselves 60 over the next three years and we will reassess.

We have also done quite a lot of work on reviewing the whole community service program and procedures. We have tightened up on our compliance and breaches. Certainly some jurisdictions have much higher completion rates. In New South Wales, for example, the completion rate from a community service order would be around 80 per cent. The difference there is that if you do not complete your order and you breach, you go to jail. There is a different level of hierarchy. There is much greater

potential for a client to finish their orders because they do not want to go to jail. Here they do not have that same sort of carrot and stick. Even though we report in ROGS, we are not always reporting apples with apples about why things happen. We are going to go for the 60 and see how we go in relation to that.

MS BURCH: And the 80 for the community corrections supervision orders?

Mrs Mitcherson: We are pretty happy to hang around the 35, 80 mark there. Again, things change—policing changes, policies change—so it is always with the historical information and what might be changed from a policy point of view that, going forward, you try to make the judgement again.

MS BURCH: Where do the intensive community orders sit? Is that the right terminology?

Mrs Mitcherson: Yes, it is. An intensive community order is not sitting there at all. They commenced on 1 March. At the moment community corrections staff and corrections are keeping data on that which we will feed into an evaluation framework which another part of JACS—LPP—will evaluate. I would expect at some point there might be an indicator in relation to an ICO, but we only started on 1 March this year.

MS BURCH: I think Mr Hinder asked about the budget line regarding extended through care around the residents being supported as they transition into exit. Is a similar approach being done with community-based orders because those folk would have challenges and disconnections and would benefit from a wraparound support program too at times—perhaps not, but perhaps yes?

Mrs Mitcherson: There is a range of community orders. Whenever anyone is on an order we do a level of risk and measure their risk. It goes from low, medium, high to another couple of high ones. It is indicated from all the research that if someone comes into the justice system on maybe a first offence, for example, and their risk is very low, a light touch is the best way to go there because you do not want to contaminate them with being engaged in a system where they do not need to be.

For those that are a medium or high risk we have a higher level of supervision from the community corrections officers. It may include managing their conditions, which may be conditions from the court from a community order, or they may have been released from jail on parole or on a good behaviour order. So it depends on where they sit on the level of risk and what their conditions are. For example, someone being released on parole who is a serious sex offender will be managed quite differently than someone in the community who is a first round drink-drive, DUI, which we would probably put on a sober driver course and have minimum input. Again, it would depend on what their offence is, what their history is and how they have complied in the past. Sometimes how someone has behaved in the past is a good indicator going forward.

All our staff are trained in motivational interviewing, so we want people to complete their orders. We want them to be engaged and we want them to do well. It is an administrative burden, apart from anything else, having to deal with a breach, so we would prefer not to have to do them. Depending on the clients themselves, the

supervision levels will change. We run programs in the community and we also refer to other organisations in the community that they may wish to stay involved with like Relationships Australia, the Canberra Men's Centre and other organisations as well.

MS BURCH: Through care is one more year. Is that just to bed down what the program may look like in the longer term?

Mr Rattenbury: I was saying earlier that we have a formal evaluation that is due this calendar year. The reason for the one year of funding is to allow for that to come in and then if any adjustment needs to be made that will be reconsidered in next year's budget process.

MS BURCH: The community groups remain committed to working in partnership through that program?

Mrs Mitcherson: Absolutely.

Mr Rattenbury: Well over 100 community groups have played various partnership roles. There is always room for improvement and we must never be complacent, but there is, I think, a very strong level of support. Certainly the return to custody rate at around 18 per cent for those who enter into through care is extremely positive compared to our longer term recidivism rate, which has been in the low 40s and has dropped to the high 30s in the past couple of years. It is very positive at this stage.

Mrs Mitcherson: The national average, I think, for recidivism is around 42 or 43 per cent.

THE CHAIR: And ours?

Mrs Mitcherson: Currently it is about 38.1, I think, at the last ROGS. We were at 46 a few years ago. We are pretty pleased to be well under.

THE CHAIR: If you had that in a strategic indicator you would be looking really good right now.

Mr Rattenbury: Exactly. If only we had thought of that two years ago.

THE CHAIR: Perhaps we will go to Mr Hinder's new question after a broad-ranging sup and then Ms Burch.

MR HINDER: Thank you, chair. My question is about prison industries. You have already touched on it a little. I may have watched too many American movies, but a while back when I last had to order a set of number plates from the registry here they told me they were being manufactured in Western Australia or somewhere. I understand that there is a laundry and shortly a bakery—

Mrs Mitcherson: A bakery.

Mr Rattenbury: That is right.

MR HINDER: Can you give us an update on that and how that is going to work? How many detainees will be engaged with that? Are there any other prison industries on the horizon?

Mr Rattenbury: I am really pleased that through the savings we were able to make through the accommodation expansion project we have been able to put that money into boosting our prison industries. This is something that the government is very committed to and, certainly, I think it is very important. It particularly addresses some of the issues raised in the Auditor-General's report that we were discussing earlier. Overall, one of the key pieces of feedback out of the jail is that people are bored. Certainly, while we offer the highest rate of programs and training in the country, I think hands-on practical prison industry work is great for our cohort of detainees as well.

In terms of the specifics, the laundry is due to come on line at the start of next calendar year. The works will be completed late this calendar year and then there will be a getting ready phase. We expect 12 full-time equivalent detainee jobs in that laundry, which would be 10 detainees for one six-hour shift per day six days a week. That is quite a substantial increase in jobs available in the jail.

As is flagged, the next thing to come on stream will be the bakery. Overall, between the two projects we expect about 50 additional work positions. We have a range of other jobs going on in the jail already right across to the kitchen, horticulture, cleaning roles and various other bits and pieces. In terms of other industries down the line, I guess the approach at this point has been to be slow and steady. With the turnover that we were discussing earlier, having the right group of detainees to work in the industries is very important. I want to make sure that the ones that we are running now or that we are getting going operate really successfully, and then we can look at expanding into other areas.

MR HINDER: Do they currently grow any of their own vegetables? I understand there is probably a high level of horticulture skills within the cohort.

Mrs Mitcherson: Our horticulturalist is very passionate in that area. Last time I visited there was quite a lot growing. I would say that now we are getting into the cold season there is probably not much there because they do not have a big greenhouse. But in the past they have grown things—not enough to save us on the grocery bill, but enough to put back into the kitchen and to teach them skills—not as an industry, though.

THE CHAIR: Ms Burch, a new question.

MS BURCH: I think Mr Hinder touched on vocational skills, and we hear about skill shortages and a reduction in vocational training. With these industries that you can promote and have in-house, are there opportunities—it goes back to through care and those that are looking for release—for any of the residents to go out on job experience, to work and to have that connection?

Mrs Mitcherson: Yes, there are a couple of connections. We already run some certificates that are linked to industry. We have a kitchen now with hospitality

certificates and other certificates. There are about 20-odd different certificates that we run through our education program. We also have a paid work release program. We have in the past engaged with service providers to come in and help job search skills.

One of the comments I would make is that, while there has been commentary about the numbers of prisoners going up, our imprisonment rate is still about the lowest in the country, which means that those who are coming into custody are generally medium to high risk. Unfortunately, to be really frank, many of them have not experienced any kind of work at all. For the group that come in that have committed crimes that have work in the background we generally have no trouble getting them work when they are getting out or before they get out.

In relation to the group that may have three or four generations of not having people in their lives to help them get jobs, sometimes just to get them up to go to a program and concentrate for a couple of hours is a bonus. We are working on linking vocational training. We are constantly looking at different ways to do that and enhance it, and we have a big focus on literacy and numeracy.

Everyone who comes out who wants one will come out with a white card in occ health and safety and those basic tickets that will get them basic jobs. We have had some success in that area. We do not have a big manufacturing base like the big jurisdictions, so that middle-level job is hard to get. I have to say that probably in the five areas of through care the one that we concentrate on and the one that causes us the most angst and the one we put a lot of effort into is employment—those with entrenched behaviours or who are from families where there has just not been a history of work.

MS BURCH: Does one training provider come in to do multiple training?

Mrs Mitcherson: We have a contract with Auswide. It is now Campbell Page. I am constantly impressed with the staff who do that work for us. They are very passionate and interested. As I say, they impress me every time I go through that area. They are also very responsive to changes that we want to make in relation to a different emphasis on different programs. We have one provider. We have had very little attrition in the staff, so there is a good consistency. They know the detainees and, as I say, they are very impressive.

MS BURCH: A final question, because I am conscious of the time, regarding those who are interested in training. You made mention of basic numeracy and literacy. So you would go back to tors, so to speak, and do an assessment of their core skills and build up their foundations?

Mrs Mitcherson: Everyone who comes into custody has an assessment of their core skills and has an individual learning plan. Everyone who is sentenced has that.

THE CHAIR: Mr Wall, a last question, requiring an answer of 10 words or fewer.

MR WALL: With the prison industries, I notice that the tender process has just been undertaken for the buy-ups at the AMC and I notice that Corrective Services Industries New South Wales has submitted a tender. Has there been any work or

evaluation done on whether or not that kind of work can be done as an industry in the AMC as it is done in other jurisdictions?

Mrs Mitcherson: I do not want to discuss the tender process, and you probably know a little more than I, in terms of—

THE CHAIR: This is more than 10 words.

Mrs Mitcherson: But it is a big industry in New South Wales: big storage facilities and big warehouse facilities. We might get a couple of detainees employed through that process but it would not be on the same scale as the large jurisdictions. But there is some capacity for a couple of jobs around admin, perhaps.

THE CHAIR: We have to leave it there. The rest can go on notice. We now call the Minister for Justice and Consumer Affairs. Are we going to do the Minister for Road Safety at the same time?

Mr Rattenbury: I am relaxed. However you would like to—

THE CHAIR: Why not bring them all in?

Mr Rattenbury: Yes.

THE CHAIR: We will change staff quickly. Thank you to the Minister for Justice and Consumer Affairs and Minister for Road Safety for your appearance today. There are not output classes that cover these areas. Members, there is a list of the issues within the responsibilities. Perhaps we will concentrate on those. Minister, fair trading policy relates to things like fuel prices, a perennial in the ACT?

Mr Rattenbury: Yes.

THE CHAIR: What have you or the department done to ensure that we paid fair fuel prices in the ACT in the past year and will pay them in the coming year?

Mr Rattenbury: This continues to be a source of frustration I think for many people in the ACT. There is work being undertaken at a number of levels. Certainly members may recall a recent press release from the Chief Minister. He has met with the chair of the ACCC, Rod Simms, to discuss measures to take pressure off Canberra drivers who do seem to face disproportionately high petrol prices compared to drivers in other parts of the country. That level of work is ongoing.

In terms of other developments, I can let the committee know that Informed Sources (Australia) has recently released its real-time petrol price information and has also released a smartphone app which shows real-time petrol prices. The application is called motormouth, and it does include a map of the ACT and allows users to select petrol stations to compare their prices. This app includes information on when the price was last updated, and it is free to use. So that is something that is out there.

Secondly, in March 2016 the New South Wales parliament passed amendments to the Fair Trading Act to provide for the establishment of a scheme for the publication of

service station petrol prices on an ongoing and up-to-date basis. It is expected that the New South Wales online fuel price board will commence operating by the end of July. That was the anticipated date. It is expected that will be called fuel check.

I can let the committee know that at a consumer affairs ministers meeting earlier this year I had a specific discussion with the New South Wales minister for consumer affairs about whether the ACT might tap into that program. With New South Wales doing it, for us to join is obviously very simple, and many of our consumers, of course, cross the border.

The directorate is currently working with the New South Wales government to look at whether we might join that program as well. That may require legislative change in the ACT. If it does, we will do that as quickly as we can, but we may be interrupted by the end of the term. But we will continue to work on that. Certainly New South Wales are very generous and very open to us working with them, because obviously they are setting up a scheme right across their jurisdiction and it is very little to add us onto it.

MR HINDER: As a supplementary on your question, the ACCC appears to be reasonably toothless around this pricing. You have a very small group of originators of the product, petrol, and it appears to be something that I would assume conflicts with every piece of fair trading legislation in the country. Am I just a sceptic?

Mr Rattenbury: I am reluctant to make commentary on the ACCC's capability. It is a while since I have looked at their legislation. We have seen some improved competition with the arrival of Costco and Metro Petroleum in the Majura Park and Fyshwick areas. That has provided some degree of competition but you are right: the large duopoly of supermarkets has exerted a lot of influence in this space. We have seen the demise of many independent retailers. I think of the Weston Creek area. When I first moved there in the early 1990s there were many service stations dotted around the suburb, and now we are down to a point where we only have one, at Cooleman Court. Of course, a site is being released on Cotter Road for an additional service station, as much to meet the demand. We get a queue at the door at Cooleman Court at many hours of the week. But we have seen a shift in the market. I think that is problematic, particularly for Canberra.

THE CHAIR: A substantive question.

MR HINDER: In regard to the Infinity cables that were recalled, do you have any update on what has occurred in the ACT? I saw some media around the alarmingly low rate of recall across the country.

Mr Rattenbury: I will hand straight over to Mr Snowden because I know he is all over this and he will give you the best update.

Mr Snowden: Thank you for that question. The issue around Infinity cables is a difficult issue. It has been principally handled by the ACCC, given the national issue. It is one where we have got, from data provided by the ACCC, approximately 162 kilometres of cable that has been sold in the ACT. We have not been able to identify exactly where all that cable is.

We have embarked on a number of campaigns to try to identify where the cable is situated, and that has been through consumer campaigns in raising the level of awareness during the period in which the cable was imported and potentially distributed in the ACT and also directly with electrical suppliers and electricians in the ACT.

MR HINDER: Do we know how much of the 162 kilometres has been identified? What is the process for retrofit?

Mr Snowden: That is where the difficulty lies. We have advice that approximately 18 kilometres has been identified in the ACT where we know it is in situ. About four of that has been remediated to this extent, and another 10 is on the table to be remediated in the not too distant future. But we really do not have a good handle on where the rest of it is. It could be under slab; it could be in roof; it could be in wall cavities; it could be tied up with other cable. It may well have been used in relation to other electrical product in fitting out a house or other construction sites. But we are not the only jurisdiction with this vexed issue. There are a number of other jurisdictions that have got the same problem, and we have been working with the ACCC over the course of the past couple of years to highlight the problems.

Some of the advice we have got is that it is not overly dangerous if it is left in situ. The danger appears to be when it is in areas where it could be exposed to high heat volume where the cable may become brittle very quickly. Electrical retailers, electrical suppliers, have been advised of this. But we, unfortunately, are not getting the traction we think is required.

In the commonwealth sphere the issue around defective building products has attracted the attention of the Senate. In fact, there was a Senate inquiry in relation to defective building products. That report was due to be released the day after the federal parliament went into caretaker mode. It has now been pushed back until September 2016. I am sure we will be able to get some more instructive advice from that report about where the ACCC may want to take this matter in the future.

MR HINDER: How many fires have been caused by this? I am assuming it came to the attention of somebody by the fire brigade finding this defect.

Mr Snowden: We have not got any reports of any fires in the ACT. Certainly we have worked with the emergency services, again, to highlight the dangers around Infinity. I know the commissioner for fire services, in fact, made some public statements alerting people to the fact that they need to be proactive and have a look in their house to see whether Infinity cabling has been used. It is a very small window that it has been used in. We understand it was imported over a period of about three years, and it has not been used since about 2013.

MR HINDER: Any idea what 165 kilometres equates to in the average house?

Mr Snowden: No. I am sorry, I do not know exactly how many metres of that cable would be used in the average house.

Mr Rattenbury: To give you a sense of it, in terms of numbers, Mr Hinder, we have been advised that it has been removed from 203 Canberra homes.

THE CHAIR: And that is part of the four kilometres?

Mr Snowden: Yes.

Mr Rattenbury: That gives you some sense of the scale. It has also been used in lighting towers on sportsgrounds in the territory, for example. You can imagine a fair bit more gets used in a lighting tower. But they are the sorts of locations we are talking about in addition to the examples Mr Snowden gave earlier.

MS BURCH: As a supp on that, you made mention of not getting the traction to withdraw. Is that because the suppliers were not aware they were selling it or the sparkies were not aware they were putting it in houses, or is there a tension that they feel they do not want to put their hands up because of consequences? If there was a bit of an amnesty you could go out and say, "It's okay, just let us know where it is and we'll fix it for you."

Mr Snowden: There is a bit of all of that. Yes, some suppliers were not aware but, certainly, there are some very small electricians that have used it and are very concerned about the consequences. At the end of the day, the way that the consumer regime works, ultimately they would be liable for rectification. That could force them out of business.

MS BURCH: But if they used the product with the right intent and they thought they had a legal product, so to speak, that puts the tradies in an awkward spot, or am I misreading it?

Mr Snowden: Yes it does. And that is why we think there has been some apprehension about the buy-in.

MS BURCH: Is there anything we can work through to resolve that? Ultimately we want tradies to do the right thing. We want households to be safe. But there seems to be this stand-off at 20 paces.

Mr Snowden: That is right. It is a national issue. One of the things we have been, of course, working with the ACCC on in relation to this matter is: what is going to be the best outcome for consumers? I think all the jurisdictions are starting to become particularly frustrated with the lack of take-up. Certainly some more positive action needs to be taken in relation to the remediation of Infinity cabling.

THE CHAIR: Who supplies Infinity?

Mr Snowden: Who supplied?

THE CHAIR: Yes. Who was the supplier? Was it manufactured in Australia?

Mr Snowden: The suppliers went into liquidation. It was Olsten electrical cables. They went into liquidation shortly after it was identified.

MR HINDER: Did the liability insurer go into liquidation?

Mr Snowden: No I do not believe that to be the case.

THE CHAIR: Ms Burch, a new question.

MS BURCH: Two completely different areas—retirement villages and eggs. Does everyone understand the definition of “free-range eggs” and do what they need to do? Everyone knows what free range is—free-range barn, free-range paddock, free-range grass, free-range—whatever the multiples of free range are?

Mr Rattenbury: The answer is yes and no.

MS BURCH: I am glad to have the clarity, Mr Rattenbury.

Mr Rattenbury: Exactly. The answer is yes in the formal sense in that at the most recent consumer affairs ministers meeting there was agreement on a definition of “free-range eggs”. That agreement was basically that it sets a maximum outdoor stocking density of 10,000 hens per hectare. That was the agreement that the jurisdictions could come to. It would be fair to say that that is hotly contested by a range of consumer and community organisations who believe the appropriate standard is 1,500 birds per hectare. That is the position the ACT also took. I represented the government at that meeting and I argued for the 1,500 birds per hectare, but the rest of the federation preferred 10,000 birds per hectare.

This means that there will now be a standard definition. Under the new rules, producers will be required to state on the box their stocking density. What we are going to see—and this is where I say no—is campaigning by community organisations who will be encouraging consumers to buy only eggs that are 1,500 or less. We are seeing some producers making that case as well. We have seen, interestingly, TV ads recently about how different companies position themselves in different ways. Formally there is now a definition that has been signed off by all jurisdictions.

MS BURCH: The density rate will be on the packs?

Mr Rattenbury: Yes. If a farm happens to do 1,500 birds per hectare it will say so. If it does 10,000 birds, it will say so. Some of it will become consumer awareness from this point on.

MS BURCH: Are we all done with eggs?

Mr Rattenbury: Did you want to do retirement villages?

MS BURCH: Yes. I do not know if other members have been approached on retirement villages. There is still some correspondence coming through. Are you continuing to meet with different residents of retirement villages and work through the Retirement Villages Act changes and relieve their concerns?

Mr Rattenbury: Yes, we are. The legislation required a review process and we started that work last year. I gave a statement to the Assembly at the time. We went through a very extensive consultation process. I might say I really appreciate the work that the community organisations put in—the Retirement Village Residents Association, the Law Society: a range of the providers. It was a very effective consultation process. There were a lot of individuals as well.

What came out of that was a big list of things that needed to be updated. The general feedback was that the act is working quite well but there is a bunch of what colloquially might be called “tweaks” that need to be made. There were, however, a number of more substantive issues. I got some strong feedback that people wanted to see a lot of it moved through. We ended up splitting it into two tranches. The legislation that went through the Assembly recently was the first tranche. They were essentially the easy issues, the ones that were relatively straightforward and relatively simple to draft et cetera.

There were a number of substantive issues that we put aside. One that comes to mind specifically was the issue of whether we allow rentals in retirement villages. This is quite a contentious issue across the community. There is a sense that it would improve affordability to allow for rentals, but many residents are concerned that having rentals will diminish their villages, if I might put it tactfully.

Another issue was that we have two villages—and this where I think members are still getting some correspondence—that are covered by both Unit Titles Act and the Retirement Villages Act. They find that very unsatisfactory because they have two sets of books to do and two annual general meetings. Because that will require a lot of drafting that was deferred to the second tranche as well.

During the passage of the current legislation an issue of the definition of capital items came up. At the last minute we got, frankly, some people quite wound up about the definitional issues. That is why I removed those from the legislative process and put them into the second phase. Overall, this has gone quite well. It is quite important that we get it right, so it seemed easier to defer it and continue the discussion.

THE CHAIR: With regard to regulatory compliance, how do we measure compliance, and what is the process for ensuring that those who should comply with a regulation do so?

Mr Snowden: Your question relates to fair trading law, Australian consumer law?

THE CHAIR: To all the areas that relate there. I notice in Access Canberra, output class 3.1, there are no accountability indicators in regard to that.

Mr Snowden: In relation to our compliance measurements, we have an inspectorial program. We conduct, in terms of our indicators, in the order of 90,000 inspections per year. We measure the rate of compliance at the time of inspection. What we are finding across most of our programs is that there is generally a very high level of compliance. As I think I have mentioned previously to the committee, the Access Canberra compliance philosophy is one of engage, educate and enforce. We provide much of our resource base up-front to working with industry to ensure that they are

compliant from the get go.

THE CHAIR: How many inspectors are there?

Mr Snowden: Inspectors within Access Canberra?

THE CHAIR: Yes.

Mr Snowden: To be exact, I would have to take it on notice. It would be somewhere between 150 and 180. That is across the breadth of Access Canberra's portfolio responsibilities.

Mr Rattenbury: In addition to that, there would be TAMS rangers and a range of other people in other directorates who have those sorts of compliance responsibilities as well, I assume.

Mr Snowden: That is correct, minister.

THE CHAIR: It is the 180 inspectors who conduct the 95,000 inspections a year?

Mr Snowden: Correct.

THE CHAIR: Is there a breakdown of the 95,000 inspections?

Mr Snowden: I think that question was posed in the Access Canberra estimates, and we are providing a response to that.

Mr Rattenbury: If not, Mr Smyth, we will take it on notice here.

Mr Snowden: I am happy to do that, but I think we have already got it.

THE CHAIR: I am just fishing here to see if we cannot get Mr Simmons to the table. He is sitting in the back row over there. He has been here three days and he has managed to avoid saying a word, which is unlike him in estimates. Is it going to remain at that or are you going to seek advice?

Mr Rattenbury: Even if Mr Simmons were to come to the table with his vast experience and knowledge I do not believe he would be able to remember that straight out, so we will take it on notice.

THE CHAIR: I will pass to Mr Hinder, then.

MR HINDER: Can we go back to the Infinity cable—not necessarily the Infinity cable but more generally around imported products. I understand that was Chinese or Asian of some description. When I was in the automotive industry, everybody was aware of the very heavy regime of testing for motor vehicles before you could import a motor vehicle. My understanding back then was that once you imported replacement parts, there was nowhere near any sort of testing around reliability, safety or any of those things round those components. At least in theory, you could virtually import a car in pieces that had passed none of those tests. Is there now any sort of regime—at a

federal level perhaps would be the sensible spot—to have some sort of structure around that?

Mr Snowden: Mr Hinder, there was and there is a regime in place. The understanding that I have is that the Olsent product passed that compliance regime at first pass and subsequently the product that was imported into Australia was noncompliant. This might be a good opportunity to ask Mr Simmons to come to the table, given his vast experience in the electrical product range from his experience in ETD.

THE CHAIR: You may have just got the chair's award for the day, Mr Snowden.

MR HINDER: It appears Mr Simmons is so confident he did not even pick up his name tag on the way in.

Mr Simmons: Good afternoon. How can I be of assistance?

MR HINDER: My question was around the testing regime or the compliance regime around components. My example was motor vehicles, but it probably applies to electrical components for houses and all sorts of things. A car englobo has to run through a vast range of detailed testing to certify it is safe for use, but the components that go into it could, in theory at least, be imported one at a time. My recollection is that not one of those had to pass any sort of test. Tyres are probably a good example: vast numbers come in by the container load, and they claim to do all sorts of things on the side, but who tests them?

Mr Simmons: Those product tests come in through the commonwealth, so that is a commonwealth-run scheme. The Infinity cable issue is interesting in that the A sample which came through was a compliant sample. There is no problem about that. It appears that in one of the batches of the production of the outer sheathing of the cable there was a failure in the production process with respect to that but also a failure with respect to the draw of the cable, which may have meant that there was an inconsistency between the thickness of each of the individual strands that make up the core. You have either solid core or multi-core cable. When that happened, that subsequent product came in because the initial testing was compliant. It was then that the subsequent test was where the problem emerged over time.

One of the issues here is that whilst we know how much cable was sold, we do not know how much was installed, so there is a difference. A lot of the electricians that we spoke to—there are two issues that come out. First, it does not identify itself, so it is not clear. People go in and say, “Give me a roll of 2½ ml or 1½ ml cable”—1½ for lighting; 2½ for mains, normal power. They just get a cable and start to use it. A lot of electricians said to us that they did not like the cable; it did not feel right in their hands. Because the plasticiser was not as good, which is where the error was, what happened is that they started to pull the cable apart. I do not know if you have ever had the experience of stripping TPS sheath off the outside of a cable, but when it works well it is a really smooth pull. It comes out. This stuff broke a lot. A lot of electricians said, “We just didn't use it. We just tossed the cable. We put it in the drum, put that drum in the back of the garage and left it because we didn't bother. It wasn't really that much fun to work with.” Some of it was used, but it was not used much. So we do not really know, of the 160-odd kilometres that were sold here, how

much was installed. That is one of the issues. Then when it was installed, how was it installed?

The issue has evolved for us over time as we have gone back and said to them, “This is what you need to do.” There was one guy in particular. We know he had a particular product and he was doing a particular set of installs. He knew everywhere where he had used the cable. He dedicated a day a week out of his business to go back and replace all the cable. Over the period of a bit over a year, I think it was, all up he has replaced all those cables. They were all very short runs—only seven or eight metres, maybe 10 metres of cable in each of the houses. He went through, and he knew all of it because that is the way he kept records. He knew what he had bought. But with a lot of people, when we sat down with them, I was at the meetings with the industry, and they were saying to us, “Look, we just don’t know. We don’t even know where we used it. It wasn’t that clear.” Cable is cable to a sparkie. It is like asking what brand cable ties they use.

We have this gap between how the commonwealth controls the broader issue and then what we subsequently end up with. That is, as Mr Snowden said to you, a problem that the commonwealth is working on. It has set up a working group to figure out how to put some more rigour into the noncompliant product, because there is an issue about the difference between a noncompliant product, which is what Infinity cable ended up being—noncompliant—and other product which gets used in noncompliant ways. So the product itself, if used properly, is fine. That is what has happened with—you might have seen the big fire that took place in Melbourne with respect to the aluminium sandwich cladding. That is a product which is fine if it is used in the right place. What you have is compliant product used in a noncompliant way, which is something else that happens in terms of the industry and the building. They are quite complex. Each build is bespoke; the complexity of the product you can put in and take out then means you have the issue of two things that possibly can happen to you. It is difficult for regulators to get a handle on it, but we try.

MR HINDER: Has anybody decided where the liability sits for our tradesman who is doing the right thing and it is costing him 20 per cent of his week to replace that. And secondly, I do not know what the cost of replacing that stuff is, but it has to be a whole lot less than if somebody loses a house or, worse still, a life.

Mr Snowden: Part of the difficulty with that, Mr Hinder, is, of course, that if it is subfloor it would mean excavating the floor.

MR HINDER: Ripping up the slab?

Mr Snowden: That is right. As Mr Simmons pointed out, in a lot of areas the electrician does not know where they have placed it in the building.

MR HINDER: And whether or not a slab installation is really a problem?

Mr Snowden: That is right.

Mr Simmons: With all electrical equipment, in all electrical installations, the enemy is heat. Even the best cable over time with enough exposure to heat will deteriorate. It

is the rate of deterioration that is the issue with this cable. Because it is missing a key component in the plastics, it has a higher rate of deterioration relative to other cable. But all cable—some members of the committee may be aware that I was an electrician once. Pulling out cable is a pretty common activity when you are an apprentice; it is one of the things you get sent into the roof to do. A lot of the old cables are in pretty bad nick. You can see the history of cable particularly in old buildings with stuff that has been pulled out. But it all deteriorates over time. That is why there is always refreshing of cables and requirements in the Australian wiring rules that once you get to a certain percentage of the build, you have to strip out all the old cable and put new cable in anyway.

It is then a case of where it is. Something that is drawing a lot of current—for example, a power circuit which might be designed to go to the TV, so you are running the TV and a lot of little electronic devices—that is not going to draw much current. That is different to one that might be in a bedroom where somebody has decided to plug in an oil heater that runs at 10 amps for six months of the year. That cable is more likely to be problematic in that circumstance than the other, because the current draw is heavier.

Then you have to look at where it is. If it is cable in, say, an old house and it has gone down a cavity wall that is external and does not have insulation, it is going to get a lot of free air around it, so it is going to cool at a relatively high rate. It is different from one that is inside a wall inside insulation that is drawing the same current. You have all those issues that can potentially play about what is going to happen.

When we say that 2016 is the worst-case scenario if the cable is in poor condition—in poor placement in poor conditions under heavy loads—that is the earliest you could expect to see a deterioration. In a slab, the probability of that being an issue is less than in other circumstances. It is a difficult issue to come to grips with.

THE CHAIR: Do we know how much cable came into the country? If we have 162 kilometres, how much came into the country?

Mr Snowden: About 4,000 kilometres.

MS BURCH: It is a problem.

THE CHAIR: Ms Burch, a new question.

MS BURCH: We hear often about batteries, the tiny little round batteries. Where are we at with that? Are there any changes around selling or standards around batteries? This goes back to what Mr Simmons went to. You get a product; it is standard; it is compliant. Ten years down the track, though, it may not be, because there is a new standard. How does Access Canberra keep on top of that?

Mr Snowden: Under the Australian consumer law, there is a product safety regime. We work very closely with the commonwealth. The commonwealth takes the lead on most of these issues in relation to consumer product safety measures. There has been a lot of media recently in relation to children ingesting small lithium batteries and the medical issues that come from ingesting those small lithium batteries. The ACCC and

the states are embarking on a task of updating consumer information over the course of the next six months. It is, in fact, listed as an item for discussion at the Consumer Affairs Australia and New Zealand meeting this Thursday. Work is progressing on that.

MS BURCH: You could have bought a toy two Christmases ago when it was compliant, but if changes come in, all of a sudden the toy is illegal but the parents need to know to throw it out because of the lithium batteries, the risk?

Mr Snowden: Yes. The risk is not in relation to the use of the lithium battery. If it is left in situ normally, and if it is fully compliant and meets all necessary standards, it should be okay. The issue is the attractiveness to young children of those very small batteries. This is one about raising awareness amongst the community in relation to the inherent risks that they pose to children.

MS BURCH: Have we had any here?

Mr Snowden: Fortunately I can say I do not think we have had any reports in the ACT of that issue occurring.

THE CHAIR: Not only do we have the Minister for Justice and Consumer Affairs but also we have the Minister for Road Safety. Any road safety questions?

MR HINDER: I do, chair. There seems to be a proliferation of cable-type road barriers as road furniture these days as opposed to the old Armco. How much consideration goes into that decision-making in relation to vulnerable road users, like motorcycle riders? It appears to me that the cable-type road barriers would just act like a shredder.

Mr Rattenbury: “Cheese grater” I think is the expression used by the riders, yes. This sits over with Roads ACT, but from a previous life I can touch on it a bit. I have had discussions with the Motorcycle Riders Association—

MR HINDER: It certainly fits in with safety.

Mr Rattenbury: Yes, that too. No, I am aware. There were some trials taking place in both New South Wales and Victoria to come up with some better opportunities. Not only is it cables; I have had issues pointed out to me where there are square panels at the end of a safety barrier that become quite a point of impact because they are a dead stop as opposed to the curved ending—and those sorts of things.

MR HINDER: It would slow a car, but kill a rider.

Mr Rattenbury: Exactly. That is an area of concern. Mr Hinder, I will take that on notice and see what progress is being made. I will consult with my colleagues and check where that is up to.

THE CHAIR: There are no further questions. Thank you to all those who have attended today—Mr Corbell, Mr Rattenbury and officials. If any questions have been taken on notice, could they be with the committee within five working days of the

hearing, day one being tomorrow. The secretary will provide you with a copy of the proof transcript of the day's hearings when it is available.

The chair's award was going to go to Mr Rudi Lammers for more than 30 years of service to the ACT community, but he is going to have to share that now with Mr Snowden for neatly picking up on the desire of the committee for Mr Simmons to at least appear and say something and facilitating the hospital pass. Thank you for that.

The committee adjourned at 5.24 pm.