



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON JUSTICE  
AND COMMUNITY SAFETY**

(Reference: [Annual and financial reports 2011-2012](#))

**Members:**

**MR S DOSZPOT (Chair)  
MR M GENTLEMAN (Deputy Chair)  
MRS G JONES  
MS Y BERRY**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 6 MARCH 2013**

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

**By authority of the Legislative Assembly for the Australian Capital Territory**

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

**APPEARANCES**

**Justice and Community Safety Directorate.....1**

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*Amended 9 August 2011*

**The committee met at 9.01 am.**

Appearances:

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

Justice and Community Safety Directorate

Leigh, Ms Kathy, Director-General

Hammond, Mr Greg, Executive Director, Capital Works and Infrastructure, Corporate Services

Beattie, Ms Liz, Acting Executive Director, People and Workplace Strategy, Corporate Services

Garrison, Mr Peter, Solicitor-General for the ACT, ACT Government Solicitor

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

Greenland, Ms Karen, Director, Transport Regulation, Transport and Road Safety Policy, Legislation and Policy Branch

Blundell, Ms Tracey, Acting Manager, Restorative Justice Unit, Legislation and Policy Branch

McMaster, Mr Baden, Executive Director, Security and Emergency Management Branch

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

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

Lane, Mr Dominic, Commissioner, ACT Emergency Services Agency

Graham, Mr Tony, Chief Officer, ACT State Emergency Service, ACT Emergency Services Agency

Foot, Mr David, Chief Officer, ACT Ambulance Service, Emergency Services Agency

Stark, Mr Andrew, Chief Officer, ACT Rural Fire Service, ACT Emergency Services Agency

**THE CHAIR:** Welcome to the first public hearing of the Standing Committee on Justice and Community Safety on the 2011-12 annual reports. This morning the committee will hear from the Attorney-General; the Director-General and senior executive of the Justice and Community Safety Directorate; the Legislation and Policy Branch; the Work Safety Commissioner; the Government Solicitor; and officers from the Office of Regulatory Services, WorkSafe ACT, Transport Regulation and emergency services.

We will take a brief break around 10.30. The proceedings will be recorded and transcribed, and proof transcripts will be sent to witnesses for any comment. Questions taken on notice should be responded to by witnesses and sent to the committee within seven days of the hearing.

Good morning, minister, and welcome to you and your officers. I assume that you have either read or are familiar with the privileges statement?

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

**THE CHAIR:** Minister, do you wish to make a brief opening statement before we proceed with the questions?

**Mr Corbell:** No, I do not, Mr Chairman. Thank you for the opportunity to appear before you this morning; I and my officials will endeavour to answer your questions.

**THE CHAIR:** I might pass to Mr Gentleman for the first question.

**MR GENTLEMAN:** Minister, on page 10 of the report, there is a statement about the review of the court and tribunal fees. I wonder if you could just go through that with us and give us an explanation of the new fees and the reasons behind that.

**Mr Corbell:** I beg your pardon, Mr Gentleman and Mr Chair, but if I could just clarify, my understanding is that we were not dealing with the court and tribunal matters today—that they were scheduled for a hearing later in March.

**THE CHAIR:** That is correct, Mr Gentleman. I might come back to my question. Minister, the JACS annual report describes various mechanisms for coordinating and developing CCTV coverage in the ACT. It does not ask what is a reasonable size and scope for such a network for privacy and human rights dimensions. Can you tell the committee how the government is addressing these issues?

**Mr Corbell:** Perhaps I could just provide some general overview on this matter. Following the bombings that occurred in London, in 2007, I think it was, there was significant local reassessment—that is, an Australian reassessment—of security arrangements, in particular surveillance of transport facilities and other areas of mass gatherings following the horrible terrorist event in London. As a consequence of that, in the ACT there was a significant review of areas that were potentially vulnerable to terrorist attack in areas where there was potential for mass gathering. As a result of that, a range of measures were put in place to improve surveillance capability in those locations. This included the public transport fleet itself, the retrofitting of all ACTION buses with surveillance cameras, and an expansion of the existing CCTV network to provide better coverage across the city centre, at other locations like the interstate bus terminal at the Jolimont Centre, at Canberra Stadium, and also at certain points in Exhibition Park.

Following that expansion, the government took the decision that it wished, for its own crime prevention purposes, to assist the work of ACT Policing, to further expand the network to some additional points within the city centre, in Manuka and in Kingston, recognising that those two centres have a certain level of nightlife activity where CCTV cameras can be useful, and also to strengthen existing arrangements at Canberra Stadium and Exhibition Park.

As part of that, we also put in place, for the first time, real-time monitoring of the CCTV network on Thursday, Friday and Saturday nights. And the government funded the construction of a dedicated monitoring facility at the Winchester Police Centre and resourced the staffing of that facility so that ACT Policing can monitor those cameras in real time on Thursday, Friday and Saturday evenings, which are the peak times for night-time activity.

We rely on the assessments of ACT Policing as to whether there are other areas that warrant CCTV coverage. At this point in time, I have not received further requests from Policing to expand the network. It is a matter that we keep under review. I might ask Mr McMaster if he wants to add anything to that.

**Mr McMaster:** The minister has covered off the primary points. We have not had any further intelligence from ACT Policing suggesting that there is a warranted expansion of the public safety and places of mass gathering CCTV network that we have in place at the moment.

**THE CHAIR:** I understand that there is an audit review committee of CCTV. Has that committee made any substantive reports at this point?

**Mr McMaster:** The audit review committee has not made any substantive findings in terms of the requirement for expansion of the network. The audit review committee's role is predominantly to look at the existing network—to make any recommendations if it considers it is warranted for an expansion, and to ensure that the public safety and places of mass gathering CCTV network continues to adhere to the ACT CCTV code of conduct, which it does.

**THE CHAIR:** What about the CCTV advisory group? That is a separate group, I should imagine?

**Mr McMaster:** Yes. The advisory group is a broader group with cross-representation across ACT government; it also includes members of the local business community where CCTV is deployed—to clarify, that is the CCTV network for public safety in places of mass gathering. Again, the work that it has undertaken has not yielded a recommendation to expand that network at this point in time.

**THE CHAIR:** Thanks very much. Mr Gentleman?

**MR GENTLEMAN:** On page 14, there is a discussion about the ESA station upgrade and relocation. Are we in that category or is that for later on?

**Mr Corbell:** We can take that question now, Mr Gentleman. I am in the committee's hands as to how you want to manage that.

**MR GENTLEMAN:** Thank you, minister. Could you just go through those station upgrades for us and expand on what is reported on page 14?

**Mr Corbell:** As some members may be aware, the government has committed to the expansion and relocation of a range of ESA stations to better serve the needs of the community and improve response times for emergency services in the community, as well as deal with issues around the suitability of existing facilities. The government has committed to the development of three new stations as the first stage of the station relocation program.

Right now, development is underway at Charnwood, adjacent to the Charnwood group centre, for a new fire and ambulance station, which will replace the ageing

Charnwood fire station and, for the first time, provide a dedicated ambulance response capability in the west Belconnen area. That station is currently under construction. The government is also progressing with the necessary planning work and revisions to the territory plan to provide for new stations to be built at Aranda, adjacent to Canberra High School on Bindubi Street, and in the Calwell-Conder area just prior to the entry into the Lanyon valley—a new dedicated fire station to service the southern area of Tuggeranong.

This is an important expansion of the ESA's capability. It is part of a comprehensive program to rebase all of our fire and ambulance services so that we maintain an adequate level of fire cover and ambulance cover and improve or maintain response times across the territory.

There have also been, in the past 12 months, during the reporting period, upgrades to existing facilities, and those are outlined in the report.

**MRS JONES:** Supplementary?

**THE CHAIR:** Yes, Ms Jones.

**MRS JONES:** Minister, regarding emergency services facilities, in Gungahlin the emergency services facility is located next door to the police station and there have been some concerns raised about the size and scope of the police station. Are there any plans for expansion or moving of the ESA facility or expansion of the police facility there?

**Mr Corbell:** The relative priority of the joint emergency services centre at Gungahlin is lower down the list of relocation options as part of the station relocation strategy for fire and ambulance. Those will be considered by the government at a later stage in the program. They are not at the next stage. The next stage deals with potential new stations at Pialligo, an ambulance station in the city, and a number of other sites. In relation to the police station, I am aware of some of the space pressures that the Gungahlin station is now experiencing, particularly during shift change when there is a very large number of officers in the station going through the shift change. Those are issues that the government is currently considering.

**THE CHAIR:** Can I remind committee members that at the moment we are dealing with Attorney-General, director-general, senior executive and legislation and policy branch questions. We will revert to emergency services and other areas as per the agenda.

**MRS JONES:** I have a question on restorative justice. On page 43 of the report, table 7 indicates that there was a 14 per cent reduction in the number of offences referred to the restorative justice unit since the previous year. Can you please explain this?

**Mr Corbell:** These figures will vary from year to year. Restorative justice is not suitable for all offenders, recognising that restorative justice is currently available to children and young people under the age of 18 and it is only suitable for certain types of offending behaviour. Restorative justice referrals can be made by the police, the DPP or the courts. The largest volume of them are made by the police, where the

police choose to refer an offender to restorative justice rather than to perhaps proceed with more formal charges through the traditional Magistrates Court process. So these numbers will move around from year to year. Ms Field might be able to assist with a bit more detail on that.

**Ms Field:** The minister is right; the numbers do move around a bit. At the moment we are seeing a reduction in property crime. Young people are quite largely represented in property crime figures, so with a reduction in property crime, you tend to have fewer kids committing crimes. That is probably one reason, but as the minister said, things do fluctuate.

**MS BERRY:** By way of a supplementary, the report outlines some very positive feedback from participants in the restorative justice process. Can you tell us what the government is doing to increase participation of Aboriginal and Torres Strait Islander young offenders and victims of crimes in this process?

**Mr Corbell:** The government is providing additional support to the restorative justice program to improve the representation of Aboriginal and Torres Strait Islander young people in the program, recognising that Aboriginal and Torres Strait Islander people are disproportionately represented in certain offending behaviour and that there is a need to improve alternatives to the traditional criminal justice process.

The government has commenced a six-month trial involving the referral of all eligible ATSI—I will use that terminology—young people to restorative justice. That commenced in May 2011, during the current reporting period that we are dealing with. The initiative was between ACT Policing and the RJU and it included matters referred as a diversion as well as matters where charges had been laid—if you like, a parallel process to matters being dealt with in the Magistrates Court.

This was designed to respond to that over-representation of ATSI youth in the criminal justice system. The initiative resulted in a 100 per cent increase in the number of offenders referred. So we went from 12 ATSI young people referred to 24 during the period. Of those 24 offenders referred, 12 went to conferences and 12 agreements were formed during the conferences. Of the 12 agreements, 10 were completed and two agreements are still at a monitoring stage. This is the work that we are facilitating through the Indigenous guidance partner which the government funded in the relevant budget period. The purpose of that Indigenous guidance partner is to provide for outreach assessments, support and guidance of ATSI children and young people through the RJU process.

To see an increase in the number of Indigenous children and young people engaged in the program is a positive thing, because we know that the outcomes from RJU are very positive. They do lead to a reduction in offending behaviour or re-offending behaviour and they do act as a very positive diversion of young people away from potential further criminal activity and getting caught up in that cycle.

**MR GENTLEMAN:** Minister, on page 44—it is a supplementary question on RJ—on the right-hand side of the page it describes the agreements that were established between victims and offenders. It describes a compliance rate of 91 per cent, which is very good, but it says that 13 agreements were not completed. Have you been able to



go through the reasons that those 13 agreements were not completed?

**Mr Corbell:** Ms Field can correct me if I am wrong, but I think what that refers to is that those agreements are ongoing in some instances. So it would be in circumstances where the terms of the agreement are still ongoing. The power of the RJ process is that it appears to have a much more beneficial effect in having the offender confront the consequences of their offending behaviour on the victim. So rather than simply a sanction being placed on them by the court if they are found guilty, it forces the young person in many instances to personally confront their victim or victims and understand and hear directly from them as to what their behaviour did. That appears to have a much more beneficial effect on getting at least young people to reflect on their offending behaviour and make amends for it than perhaps the simple imposition of a sanction by the court can. Not in all instances, but in many instances it would appear to have that very powerful effect.

**MRS JONES:** I have another supplementary on that area. In table 8, it states that approximately \$18,000 was paid in compensation to victims for losses incurred in this restorative justice system. What was the total amount ordered for payment and what enforcement measures are used to collect this revenue?

**Mr Corbell:** Could you tell me which page you are on, Mrs Jones?

**MRS JONES:** Page 45, table 8, at the bottom of the page—just over \$18,000. It refers to compensation paid to victims for losses incurred.

**Ms Field:** It is compensation paid by offenders to victims for losses incurred and that is as part of an agreement. We generally find that there is a high proportion of compliance because it is an agreement. The young people have been taken through a process and they have agreed to this payment. Quite often it can be a payment by instalments. Restorative justice has a system where they follow up. They have a conference coordinator who was with the person all through the conference. They will then follow them up and check whether they have complied or not. So we do have a high level of compliance.

**Mr Corbell:** Participation in RJ is voluntary, both on the part of the victim and on the part of the offender. So once you get the victim and the offender engaged, and they have obviously both agreed that they will participate, there tends to be a reasonably high level of compliance with the agreements that are struck, because they have entered into the arrangement voluntarily in the first place.

**MR SESELJA:** I have a follow-up to that. There are a lot of stats there on restorative justice, on how people have participated, feedback and the like, but I could not see anything—and I may have missed it—on recidivism rates amongst those who actually participate in restorative justice.

**Ms Field:** We do not at the moment study recidivism rates in relation to RJ. I do not think we actually capture them. It is quite a complicated process. We looked at where the model was first developed in London. They have done some work on recidivism. In London their restorative justice system has been working longer and they have looked at recidivism a bit. It is quite difficult in that you really have to keep an eye on

kids and follow them through into their adult life, and that is also problematic. We did look at whether it was feasible to do it and we decided that it is not something we want to pursue at the moment.

**MR SESELJA:** Minister, wouldn't that be an important part of the overall process? If you are saying that it is good for offenders to see what their offending has caused, surely one of the hopeful outcomes would be that it makes them less likely to commit a crime in the future, because they have seen the impact on victims?

**Mr Corbell:** Yes, it would be valuable. As Ms Field indicates, though, the process of tracking young people after their engagement with RJU and trying to ascertain whether or not they are engaged in re-offending activity is complex. That said, we do have some good feedback from participants about their experience and the way that changes their perception of themselves and how they behave. Some of that is dealt with in the report. For example, I draw your attention to page 47. There are some very powerful quotes there that highlight some of the feedback from both victims and the young people who are dealing with confronting their offending behaviour. One young person said:

I wanted to move forward, move on. RJ is very effective. The RJ process and conference had changed how I feel about things. It changed my life.

Another young person said:

RJ, it's a much more better action than courts. The process is great. Everyone had a say. It was a great way to resolve this.

Another young person said:

I wanted to make peace with family, make everything right. I felt the process went really good.

**MR SESELJA:** It is not very scientific though, is it?

**Mr Corbell:** No, not on its own, but it is strong anecdotal evidence of how we see young people responding. For that reason I think it is important that we continue the program. Would we like to improve our capability to understand recidivist behaviour? Yes, we would, and those are issues that my directorate will continue to look into.

**MR SESELJA:** Just getting back to those complexities, what exactly is it that stops you actually measuring recidivism amongst those who participate in this program?

**Ms Field:** There are a number of reasons. Ms Blundell is head of RJ at the moment and has just caught me up on it. One of the issues is that RJ in the ACT is voluntary and people can enter it at different times. A young person may be referred by the police, they may be referred by the courts, they may be referred by DPP, they may be referred by other directorates. So people are coming in from a number of places. Because it is voluntary, they might not go ahead because a victim says that they do not want to take part, or an offender might not accept that they have committed an offence.

The other thing is that there can be a number of interventions. People may go through RJ more than once. There may also be other interventions. They might be referred, say, from court to a drug and alcohol program or something like that. It is very hard to actually work out what is making a difference. So it would be very difficult to get a group that you could compare people with in order to say, “Yes, this group did better because they went through RJ.” It would be very difficult to get a standard group.

**MR SESELJA:** Those variables would presumably be there with virtually any study that you were to undertake into human behaviour. There will always be varying things pushing someone in a particular direction. That is not necessarily a reason not to be trying to get the data, is it?

**Ms Field:** When you break groups up, we do not have numbers large enough to get meaningful results; that is our issue. The other thing I would like to say is that the whole focus of RJ in the ACT is that it is victim centred. It is about a process where victims get to go through what happened and talk about the effect on them. Although it is a useful device for the young people involved and it does value add for them, the real result is that victims get to go through what happened to them and be put in a better place.

**Mr Corbell:** Victims often see significant recompense provided as a result of being engaged—not necessarily monetary compensation, although that is an element, but also the offender can be asked to provide their own labour or their own work to make the wrong right. Whether that is cleaning up a wall, whether that is working in a shop, whether that is repairing outdoor furniture that was damaged in a nature reserve, these are all the types of instances that young people have agreed to do as a result of RJ. That really, for the victim, gives them a sense of closure and a sense of resolution to the crime that perhaps they would not have otherwise experienced if it had simply been a sentence handed down by a court around good behaviour or something like that.

**MRS JONES:** I have one other short supplementary. How long have we been engaged in this process in the ACT?

**Ms Blundell:** The Crimes (Restorative Justice) Act has been in operation since January 2005, so just over eight years now.

**THE CHAIR:** Mr Seselja, you are due for a substantive question.

**MR SESELJA:** Thank you, chair. Page 37 of the report talks about electoral laws and notes the changes to disclosure and some other things that went through the last Assembly. There is a line there that says that it is anticipated that further amendments may be required to address anomalies or unintended consequences. Has the directorate identified any of those and are you able to share with us what are some of those unintended consequences or anomalies?

**Mr Corbell:** There are a number of possible anomalies as a result of the multiple amendments made during the very complex debate on that bill. My advice at this time is that they are not critical but they are worthy of further consideration at an appropriate point.

**MR SESELJA:** What are they?

**Mr Corbell:** I honestly could not tell you off the top of my head, Mr Seselja. They are highly technical and they have been drawn to my attention. The government will give further consideration to whether or not there is a need to amend the act at a later point, perhaps through an omnibus bill, but it has not yet done so.

**THE CHAIR:** Thank you, minister. I would like to take you back to page 31, referrals, and my question is: graph 1 there shows that there have been significant variations in the referrals to this court. Can you explain the reason for the nature of the variations?

**Mr Corbell:** To the Galambany Court?

**THE CHAIR:** Yes.

**Mr Corbell:** Again, similar to the earlier question that was asked of me about referrals, we are dealing with very small numbers of people in total terms, very small numbers of Indigenous people who are being deemed to be suitable for a referral to the Galambany Court. So there is inevitably a level of variation as a result of that. We are dealing with very small numbers overall. You can see there the numbers are varying between 10 to 15 people, 10 to 16 people, and 10 to 17 people a year. So that is just a factor of dealing with a very small cohort of potentially wishful participants.

**THE CHAIR:** Thank you. Mr Gentleman.

**MR GENTLEMAN:** Thank you, chair. If I could just, minister, bring you back to page 12, you did discuss a little earlier a crime reduction strategy and page 12 gives us some indicators there. Can you just go through those and tell us some of the work that has gone behind those reductions and after that, if you could, the work that has occurred in motor vehicle theft reduction and the liaison there with the Motor Vehicle Theft Reduction Council?

**Mr Corbell:** The government has given a high priority to dealing with, what is called by police, volume crimes or high-volume crimes, which are largely property-related crimes. Motor vehicle theft, break and enter, burglary, property damage have been high-volume crimes in the ACT. I have now made it an area of priority in my annual directions to the Chief Police Officer on issues that I want him to give particular attention to. As a result, Act Policing have established a volume crime targeting team. This is a dedicated team of officers working out of City police station. They focus on property crime and other volume crimes. They use an intelligence-led approach. There is a strong intelligence-gathering aspect to their work to drive arrests and prosecutions.

As a result of that, we have seen very significant reductions in the number of burglaries, the number of offences against property, decreases in motor vehicle theft, decreases in a range of other offences. These have been quite significant reductions. We are talking about hundreds and hundreds of fewer cars being stolen every year, hundreds and hundreds of fewer homes being broken into on a yearly basis, compared to the longer term trend.

What we are also seeing now is that we are starting to reach levels that we have not seen for over a decade, particularly in regard to motor vehicle theft. Motor vehicle theft is now, if I recall correctly, at a level which is now the national average. We have, for over a decade, had motor vehicle theft at above national average levels but we have now come back to the national average, which is a very good result for Canberrans. But it is not just the work of the police. The property crime reduction strategy itself was designed to build on those results achieved by police, build them in and achieve further, more substantive reductions.

So there are a range of targets that subsume the property crime reduction strategy to further reduce the amount of, in particular, burglary, break and enter and motor vehicle theft, and there are a range of strategies outlined to achieve that.

This is building on other programs the government has put in place, for example, our vehicle immobiliser program, where we provided free or subsidised vehicle immobilisers for people who own older motor vehicles that did not have ignition immobilisers fitted as standard, and we have reached hundreds of vehicles that way. So this has particularly been of benefit to older Canberrans, because it tends to be older Canberrans who own an older motor vehicle, although not exclusively. The other cohort is students who tend to own older motor vehicles. But together, we have been able to reach out to those groups, provide them with a free or subsidised vehicle immobiliser and that hardens their vehicle and makes it less likely to be stolen.

**MR GENTLEMAN:** Is there any delineation, in regard to motor vehicles, between cars and motorcycles? Is there anything different you do with motorcycles, for example?

**Mr Corbell:** The government has tried a number of minor measures to assist with motorcycle theft. There was a bit of a problem a few years ago, certainly reported to me. Obviously there are quite a number of people with quite high-value motorcycles. There were instances, I know, where people would come along in a flatbed truck and pick up the motorcycle from the car park, put it on the flatbed truck and drive away with a very high-value motorcycle.

As a result of that, the government did invest a small amount of money in providing dedicated, secure motorcycle parking facilities where motorcyclists could, if they choose, chain their vehicle to a parking rail-type installation. There is one of those out here across the road from the Assembly and there are others in Woden and a couple of other locations. Not all motorcyclists avail themselves of that, but it is an option now available to securely park your motorcycle.

**THE CHAIR:** Thank you, minister. We have time for one more substantive question. Mrs Jones.

**MRS JONES:** Regarding prostitution regulation, which is outlined on page 37, at the bottom of those couple of paragraphs there, there is an explanation that JACS will establish an implementation working group and it explains that some of the recommendations that will be acted on are the recommendations made by ACT Policing. Can you please tell me what are the recommendations made by ACT

Policing that are going to be considered?

**Mr Corbell:** Sorry, I will ask for some advice on that, Mrs Jones.

**Ms Field:** I think the reason it is set out that way is that there were recommendations made. I will get some more advice but I think ACT Policing also made extra recommendations when they made their submission.

**Ms Greenland:** I think that is correct. I understand that there were some additional recommendations made by ACT Policing. I will just need to get the details of those recommendations for you.

**MRS JONES:** So they will be able to be supplied?

**Ms Greenland:** Yes.

**MRS JONES:** Thank you.

**THE CHAIR:** Supplementary, Mr Seselja.

**MR SESELJA:** No, no supplementary.

**THE CHAIR:** Are there any other questions?

**MRS JONES:** I have a supplementary on that as well. In general, how is the implementation of the recommendations going at this point in time?

**Mr Corbell:** That working group was established in the lead-up to the end of the last Assembly. That working group is ongoing in terms of considering a range of issues that the government indicated in its response. We felt it required further consideration and discussion with key stakeholders. That includes community, broader community, police, people involved as workers in the sex industry, a range of other government directorates as well. They are looking at the issues arising from the recommendations that the government has agreed to in terms of how they should be implemented but also the issues where the government has said that we believe further work needs to be done on these issues. That working group is ongoing. I expect it to report to me later this year.

**THE CHAIR:** Again, thank you, minister and your executive for appearing here this morning. We now move on to our next item on the agenda, and that is the Work Safety Commissioner. I thank you all. The committee will forward a transcript of the hearing for comment and we look forward to receiving responses to any of the questions that we may present to you.

Good morning, Mr McCabe. Welcome. May I assume that you have read or are familiar with the privileges statement?

**Mr McCabe:** Yes.

**THE CHAIR:** Thank you. Do you wish to make a brief opening statement?

**Mr McCabe:** No.

**THE CHAIR:** In that case, I will ask the first question. The activities of the Work Safety Commission described in the JACS annual report largely hinge on giving presentations. How significant are these presentations in the overall work of the commissioner and how effective are they?

**Mr McCabe:** I guess “presentations” is a pretty broad term. A lot of my time as commissioner is spent meeting stakeholders from employer representative bodies, employee representative bodies and others, and I actually think it is quite a critical role. I have been spending a fair bit of time recently with the MBA and, whenever I turn up there, they joke that I should have an office there. I think it is important that I am out there talking to those bodies, hearing what their issues are, responding to those issues, taking my own issues to them. I think that is quite a critical part of my role.

**THE CHAIR:** In terms of, I guess, dividing your time doing presentations and other activities, can you classify a rough percentage of how much time each takes?

**Mr McCabe:** I guess this last year has not been a typical year, because of the inquiry into safety in the construction industry. So it has taken up an enormous amount of my time in the last year. I do not know, maybe 60 or 70 per cent of my time has been taken up with being out there with stakeholders. But like I said, I think that is quite a valuable allocation of my available time.

It is not the only thing that I do as commissioner. I have a small team of staff that do a fair bit of work on information and education for stakeholders. We run training for small businesses and others about the work health and safety legislation. We run monthly sessions on that. We run training in relation to bullying and harassment, a range of activities like that as well, which supplement the work that I do personally, getting out amongst the stakeholders.

**THE CHAIR:** I guess bullying has been a fairly constant issue in various areas. Are you comfortable with the progress that has been made on addressing the bullying issues?

**Mr McCabe:** Yes. Bullying is a very difficult issue and it is not going to go away easily. It is such a subjective issue. It is a very difficult one to deal with from a compliance point of view, because of the subjectivity. It is very hard to get definitive evidence. So those kinds of cases actually take up a lot more time than normal cases. You can walk onto a construction site or into a factory and it is fairly clear, black and white, what the issues are and what the laws are. Although the laws are clear in relation to bullying, it is not as clear what has happened. It often comes down to he said/she said, and that is why we actually invest a fair amount of time in training as well, trying to explain to people what the requirements are, what the nuances are in dealing with bullying.

Yes, I think there has been progress made. There is progress happening at the national level, which I think is very good. It is not just us as one jurisdiction trying to deal with this. It is a national issue, if not an international issue. But I do not detect that it is

getting worse, that is for sure. I do think we are moving forward, but it is a problematic area and probably will be for some time.

**THE CHAIR:** Thank you very much. Mr Gentleman.

**MR GENTLEMAN:** Commissioner, page 15 of the report highlights work health and safety indicates that you have been going through this harmonisation process for that period and that you have had to assist industry with the transition into those new laws. Can you just give us an overview of what sort of workload there is and how the industry has been responding to that change in the laws?

**Mr McCabe:** We run monthly information sessions for industry on the new laws, and those sessions are always full. So there is an ongoing demand for information about it. The harmonisation process is well progressed. Different people will give you different perspectives on harmonisation. Mine is a positive perspective. I think it is a good thing that we have got fairly consistent laws, particularly between ourselves and New South Wales now.

On the negative side people then will say, “But Victoria and Western Australia are not on board.” The harmonised laws are 95 per cent based on what Victoria has anyway, so in a sense Victoria is on board even though it says it is not. So it is really only WA that sits outside it. It has made life a lot easier for us in that we spend very little time now explaining that that is a New South Wales law whereas we have this requirement here. That has virtually disappeared as an issue.

There are some nuances to the new laws which are going to take some time to bed down, and it will probably require some case law before that gets ironed out. There are new provisions in relation to legal responsibilities for directors of companies—or officers, as the legislation calls them. There are some lawyers out there creating a bit of fear amongst directors of companies about those laws. On the one hand, that makes my job a bit easier; it makes the company directors sit up and take notice. But on the other hand, I think they are creating some unnecessary fears out there, because I do not think it is as bad as they are making out. Really, a company director just has to make sure that the laws that would have applied to their company are being adhered to. There are no additional requirements, just an additional person that is in the frame if something goes wrong.

So the workload in relation to harmonisation is diminishing. The other advantage that we are finding from harmonisation is that there is an enormous amount of sharing of resources between the jurisdictions. So because the jurisdictions are all dealing with the same legislation, when they develop guidance material they tend to share it; the level of cooperation between the jurisdictions has gone up quite markedly since harmonisation came along.

**MR GENTLEMAN:** Would that mean that the policing of workplace safety under these new laws would be a little easier?

**Mr McCabe:** It is easier in the sense that there is a better understanding out there, because there is not that confusion. It is also easier in that we can turn to other jurisdictions for support. If there is a particular area we want to focus on, we will



often go to the bigger jurisdictions and say, “How have you tackled this?” They have been only too happy to share that kind of information.

I was in another jurisdiction on Friday and mentioned that there is a recommendation that we get additional inspectors. They happened to say to me, “Look, we have just put on additional inspectors; we are happy to share the training material that we have got.” That works because the legislation is relatively the same; in the past, it would not have worked.

**THE CHAIR:** Ms Berry?

**MS BERRY:** Can you outline what you are going to do about implementing the recommendations in the report produced by the workplace safety inquiry last year as a result of the four workplace deaths?

**Mr McCabe:** Some of those recommendations are actually the responsibility of people outside WorkSafe. I guess the key one for WorkSafe is the one about resourcing, and that will be decided in the upcoming budget.

We are already doing some things. You would have noticed, I am sure, that we have begun to conduct what we call blitzes in the construction sector. That is in response to a call during the inquiry from the construction industry for a more visible and stronger presence by WorkSafe in the field. We have responded to that quite quickly with this new approach. From what I have seen so far, I believe the approach has been successful: it has increased the visibility; it has definitely got people sitting up and taking notice. It is not easy to sustain. The last time we did a blitz, we issued nearly a quarter of the number of notices that we issued in the whole of the preceding year, so there is a lot of paperwork that comes behind that. We are responding in that way already.

A number of the other recommendations depend on changes to procurement; they belong elsewhere in government. And a large number of them depend on the industry itself making the change. I have been at pains to point out that the industry itself has to embrace the change ultimately. Anything the government does or the regulator does is really only going to create the motivation for industry to do the right thing. Stronger regulation is only about creating motivation. Support through education is only about helping them to do what they have to do. And even procurement changes are about creating motivation for companies to step up to the mark.

**Mr Corbell:** Just to add to that, the government has convened a high-level officials group to coordinate and oversight implementation of all the recommendations that the government has agreed to where the government is in control of the implementation, recognising that a significant number of the recommendations made by the inquiry are matters that the industry itself is going to have to come to grips with. With those matters that we are in control of, we are driving that implementation. That is being overseen by the deputy director-general in the Chief Minister and Treasury Directorate; she will report to me on implementation of agreed recommendations. That includes matters like procurement, as Mr McCabe mentioned—the further reform of our procurement arrangements to make sure that safety consideration are better built into our assessment around awarding of tenders.

There are issues around changing the legislation to provide for a greater variety of powers in terms of on-the-spot fines. At the moment, any financial penalties have to be pursued through court; that is a lengthy and difficult process. An on-the-spot fine can often be a more immediate message to send to employers and to workers—that they need to lift their game around safety issues. Those are the types of issues that are being pursued currently.

**MR SESELJA:** A supplementary on that, chair?

**THE CHAIR:** Yes, Mr Seselja:

**MR SESELJA:** It is perhaps first to the commissioner and then perhaps also to the minister. This report painted a pretty negative picture of safety on work sites in the ACT. Commissioner, I am interested in your views on just why it has got so bad. What has been the failure, at a regulatory level or otherwise, at a resourcing level or otherwise, that has enabled it to get to a position where you have such concerning findings and conclusions in your report?

**Mr McCabe:** That is a difficult question. I guess ultimately it comes down to money. It comes down to bids for work being squeezed and corners ending up being cut. There are all sorts of reasons why that might happen; I can only really guess as to what the factors might be behind that. I wonder if part of it is the consequence of having had a boom and a bit of a scramble for the money that has been awash in the industry during boom times. Even though you might think the opposite might be true, I suspect that has been part of the factor.

**MR SESELJA:** But that has been true in other jurisdictions as well, hasn't it? It is not as though we have necessarily been delivering things cheaper here in Canberra.

**Mr McCabe:** That is right. I must admit that I am at a bit of a loss to absolutely explain it. What I do detect is a belief in the local industry that they cannot afford to pay for safety, when it is quite clear to me that they can afford to pay for it. I think there is a lack of understanding that safety does not always come at a financial cost; it has pluses on the financial ledger as well as minuses.

**MR SESELJA:** When you talk about money, what about the resourcing of your office in recent years? Has that been sufficient over the last several years to do the work that needs to be done to regulate the industry properly?

**Mr McCabe:** It is hard to turn back the clock and say whether more inspectors would have changed the dynamic, because ultimately it is what employers do, not what the regulator does. I think there has been a whole range of factors at play; I do not think there is any one simple one. I must confess that I can honestly say in my mind that I do not have one simple answer to that question about why it has happened.

**MR SESELJA:** What about you, minister? Do you regret not having funded the office better, not having had more inspectors on the ground up until now?

**Mr Corbell:** It is the case in any area of government regulatory activity that at some

point or another you would prefer you had more capacity. But the public sector always has limitations on its capacity, driven by the financial circumstances governments face. That is just part and parcel of managing any area of public sector regulatory enforcement and compliance. You have only got a limited pool of funds; it is driven by the circumstances you face in terms of the territory budget at any particular point.

I think it is worth adding that the inquiry, in its report, did highlight an interesting dynamic that perhaps is more prevalent here than in other jurisdictions: a lot of these bad practices arise out of the very small scale, spec-built single residential market, where it is a small team of people building a small number of homes each year in single dwellings. I am not saying this is uniform, but certainly the inquiry has highlighted that there is not necessarily a good level of understanding of safety on the part of small builders—that is, people building perhaps eight to 10 homes a year or maybe a bit more. What happens is that the people who work in that industry, either as employers or as subcontractors, are moving into larger jobs. They are moving into multi-unit development or large-scale commercial development and they are bringing those bad habits with them from the small-scale residential market. Perhaps more than in other jurisdictions, that could be a factor that is driving this.

At the end of the day, I do not think it really is a huge issue as to what the reasons are; the fact is that it has to stop. It has to stop. Safety cannot be seen as discretionary, optional or an added extra. It is central to the way the construction industry does its work; it is central to the health and wellbeing of the people who work in the industry. The government has said that, whatever the reasons behind why we are at where we are at, we have identified what the solutions are and we have agreed to implement those solutions. And that includes additional regulatory capacity as recommended by the inquiry.

**THE CHAIR:** Mrs Jones?

**MRS JONES:** On page 80 of book 1 of the report, it states:

WorkSafe ACT conducts regular proactive inspections of licensed brothels in the ACT ...

Eleven brothels were inspected. Were there brothels that you were not able to inspect? What were the impediments to their inspection?

**Mr McCabe:** We run a random inspection campaign for brothels. Our goal is not to inspect every brothel every year; we pick a selection. Safety issues in brothels are not high on our agenda in terms of risk assessment. They are an important area. There have been some incidents in years gone by that have drawn our attention to that sector, but they are not sufficient, in our view, to warrant us going to every single one every year. We try and mix it around. When we first started doing these inspections, and I think it goes back two or three years now, we found a fair few issues. That tends to have dropped away now, and we do not find many issues at all. We find some.

**MRS JONES:** Yes, noted.

**Mr McCabe:** Sometimes we identify things that we refer on to other authorities, either to the AFP or immigration. We have got close links to those bodies and if we detect issues that might be of significance to them, we pass that information on to them.

**MRS JONES:** As a supplementary, did you refer anybody to immigration over the last year?

**Mr McCabe:** We did. I could not tell you the number of cases, but I could get an answer to that.

**MRS JONES:** Please, yes.

**Mr Corbell:** Perhaps I could add to that. There were 32 registered escort agencies and brothels in the ACT as of July last year. I am advised that there is been no change to that figure since then. Eleven inspections is about a third of all the registered premises, so it is quite a high level of inspection.

In seven of the 16 inspections conducted by WorkSafe ACT, licensed brothels were not informed of an inspection prior to the attendance by WorkSafe inspectors. The remainder were arranged with the licensed brothels involved. Of the 16 inspections conducted by WorkSafe, seven were conducted with the Department of Immigration and Citizenship and the AFP in attendance.

**MRS JONES:** Was that because of concerns that had been previously raised? What would be the reason why you would go with those other agencies?

**Mr McCabe:** Really a request from those organisations to have a joint approach.

**MRS JONES:** So they are looking into something already?

**Mr McCabe:** Yes.

**Mr Corbell:** I should just clarify: the 16 inspections I am referring to have occurred since the end of the 2011-12 financial year; there were 11 in financial year 2011-12.

**MRS JONES:** What time of day are those inspections conducted?

**Mr McCabe:** They vary. They tend to be during daylight hours; they do not tend to be at night. There is no particular reason for that. There is some justification as to why we should probably do some night inspections but they tend to be done during the day.

**MRS JONES:** Thank you.

**THE CHAIR:** Mr Seselja, do you have a substantive question?

**MR SESELJA:** Yes. On the same page, page 80, it looks at asbestos inspections. On the face of it, it is a concerning figure—223 buildings inspected, 58 per cent found to be noncompliant. Are you able to expand on that for us and talk about the level of noncompliance? There is obviously a range of different things that can happen, from

pretty dangerous practices to things at the margins. You might talk us through what you have found.

**Mr McCabe:** The figure does concern me a little bit. It is an on-the-surface observation, as you said. Once you delve below it, it is arguable as to whether it would become a substantive issue or not. What it is saying is that 58 per cent of organisations did not have an asbestos management plan as they are required to do under the law. There is a high chance that many of those organisations do not have any asbestos present in their establishment, and that may be why they did not bother getting an asbestos management plan, even though they are required to under law.

**MR SESELJA:** They would be required to if they have a building of a certain age?

**Mr McCabe:** That is right. At the moment we are putting together an information campaign followed by a further inspection campaign. We want to go back to industry, as it is some time since those laws came in, and arguably some businesses could have come along since that time and just may not be aware. So we prefer to precede it by having an information campaign. It will be a relatively brief one, just reminding people of their obligation, and then we will go back and reinspect and see if we get a higher level of compliance. Of course, with the ones that were not compliant, we have instructed them to get an assessor in to get an asbestos management plan developed.

**MR SESELJA:** So if it is primarily about not having a plan in place, are there other aspects of noncompliance in that 58 per cent? Are there areas you found where there have been people exposed to asbestos in those circumstances?

**Mr McCabe:** No, it is purely around that issue of not having a plan. Having a plan is quite important, of course, because when a tradesman comes along to that site, for example, they are supposed to be able to go to the plan and say, "Okay, I'm doing work on this wall over here. There's asbestos in this part of the wall. I need to be aware of that." So it can be quite critical in that sense. But as I said, I suspect a number of those organisations will have no asbestos present. They just have not gone through the paperwork.

**MR SESELJA:** When it comes to residential issues, you are not responsible for that when it comes to asbestos? You are talking about information; you are not responsible in that area. It is just at the commercial—

**Mr McCabe:** The requirement for an asbestos management plan only exists for commercial premises. We do run information campaigns for the residential sector. From time to time we have run Saturday morning sessions for home owners. They have always been extremely well attended. We ran a couple in concert with the CFMEU. With the ones that we run ourselves, we get one of the local asbestos assessors to help us to provide it. They have been extremely useful for people. We tend to run them every couple of months or so. So we do put some information out there into the public space. I have participated in a couple of media exercises, which no doubt you would have seen, as there have been some *7.30 Report* stories on asbestos. That has been part of our effort to try and get the information out to the public as well.

**MRS JONES:** I have a supplementary on that. Has consideration been given to having information in hardware shops? Most people on private sites, when they are starting to think about the possibility of there being asbestos in their homes, are going in to buy things in hardware shops.

**Mr McCabe:** We have tried it in the past and I believe we need to try it again. When we tried it in the past, the hardware shops were not so keen because it was potentially deterring people from buying their products.

**MRS JONES:** Or even an information line that people can—

**Mr McCabe:** Yes. That is a negative view from the hardware shops, I think, because people are still going to do their renovation; they just want the information. It is my intention to go back and talk to them again.

**MRS JONES:** It could be in specific shops in specific areas because in newer areas of Canberra it would not apply.

**Mr McCabe:** Yes, that is something I will follow up.

**THE CHAIR:** Commissioner, in my first question we talked about your range of duties, the presentations you make and so forth. I understand there was a seminar on risk conducted by JACS. I presume you were one of the panellists. Did you address that?

**Mr McCabe:** I do not recollect that particular one.

**THE CHAIR:** Okay.

**Mr McCabe:** That does not mean I was not there.

**THE CHAIR:** Some of the topics included identifying previous major hazard accidents or incidents. I am wondering whether there was any discussion or any input from you on that.

**Mr McCabe:** I do not think there was but there may have been from someone from my office. I have a staff member that does that kind of training and often participates in those kinds of exercises, and has assisted with JACS in the past. So it could very well be that someone from my office did attend.

**THE CHAIR:** Minister, do you have any comment on that?

**Mr Corbell:** I am a bit unclear as to what forum you are actually referring to, Mr Doszpot. Could you clarify that?

**THE CHAIR:** It was part of national safety week last year. JACS coordinated a seminar on risk.

**Mr Corbell:** For whom?

**THE CHAIR:** For the community, I should imagine, and for industry groups.

**Mr Corbell:** I think that would have—

**THE CHAIR:** It was attended by roughly 100 people from a diverse range of agencies from within the ACT and federal governments.

**Ms Beattie:** I believe it was my team with the help of the office of the commissioner who ran that. It was just an information session as part of the health and safety week.

**THE CHAIR:** The reason for my question is that obviously, as you mentioned, there have been quite a large number of incidents. How do we get the lessons learned from these incidents that have occurred? How do we learn the lessons and how do we communicate that to the relevant areas?

**Mr McCabe:** It is an ongoing struggle. I recollect now why I did not recollect that meeting. It is because I was offline on the *Getting home safely* report at the time that that occurred. But it is an ongoing struggle to keep safety at the forefront of people's minds. In the modern world we take it for granted and it is only when incidents occur that everyone's attention goes back to safety. We struggle with it all the time. We run information sessions which are open to the public and which are free. We will occasionally run ads in the *Chronicle*, in the papers. We are developing at the moment a campaign about speaking up about safety, to try and encourage people to speak up about safety issues in workplaces. It is just something that we have to chip away at on a constant basis. But we have to find the balance between that activity and the enforcement activity. A constant struggle is working out where the balance should be.

**THE CHAIR:** Do you see that as being part of your role? Obviously you have an overall role in examining issues, but with the potential for spreading the remedial activities, should that be your role?

**Mr McCabe:** I do believe it is. My guess is that if we surveyed the general public about safety at the moment, there would be a much higher awareness at the moment than there has been for some time. That is probably because of all the attention that has come as a result of what has happened in the construction industry. The positive side to that is that that information has got out in front of people. The unfortunate thing is that it has occurred because there have been some negative consequences. But I would say that the awareness of it is much higher at the moment than it has been in the past.

**MR GENTLEMAN:** At the end of page 80 and across to page 81, it talks about the COAG national partnership agreement on preventative health. On page 81 it says that you have been supporting workplace health promotion activities in ACT workplaces. Can you give us a bit of an overview of some of those activities?

**Mr McCabe:** Yes. Commonwealth Health have been spending some money in the space of health and wellbeing in the community generally for some time. They have now turned their attention to workplaces, recognising that that is such a significant part of our life. They have funded all of the jurisdictions with a small sum of money to try and promote health and safety in workplaces. That is how we got involved in

that program.

The latest initiative that we have in that space is that we are offering dollar incentives to small businesses to put in place health and safety initiatives—up to \$5,000 for businesses with fewer than 50 people. The bigger businesses tend to have the money to spend in that space; the smaller ones do not. Once again it is a very difficult area. In some ways it is a little bit easy because people sometimes like to do something in the health and wellbeing space and see that as an easy way of doing something and then they can move on. That is what we want to fight against because we want something more substantial done rather than just being a dip into that space. But it is a difficult area to get across. We are asking people to spend money proactively on health and wellbeing, on the understanding that that is going to pay off for them in terms of productivity. That is quite a step that they have to make, and they have to find the money to make that initiative. As I said the bigger companies are doing it. They understand the link. Smaller companies are harder pressed to make that link.

**MR GENTLEMAN:** Have there been some smaller companies taking up the—

**Mr McCabe:** The initiative has only just been announced and it closes in mid-April. There is \$90,000 available in total to be allocated. It will be interesting to see what take-up we get. We did some media on it on radio and we got some immediate response from that, so that was good. Once again small business is a difficult area in that it is very hard to communicate with small businesses. There is no easy way of getting messages out to small businesses. They say, “We don’t want more websites.” They have enough to do to run their business without trawling the web looking for things. So it is a very difficult group to get in front of.

**MR GENTLEMAN:** But you have been trying to contact them through their associations, I imagine?

**Mr McCabe:** Absolutely, and we have had a response. But if you think about how many small businesses there are in the ACT, there is an enormous number, and it is very difficult to get in front of all of those. There has definitely been interest in the initiative, so our people have been kept busy. But it is just one of those things where it would be very hard to get in front of all small businesses.

**THE CHAIR:** Thank you, Mr McCabe. Time has run out. We will have to move on to the next topic. Thank you for joining us. The committee will forward the transcript to you for comment.

**Mr McCabe:** Thank you.

**Mr Corbell:** If I may, Mr Chairman, there is a matter that needs some clarification. I was answering some questions earlier this morning about restorative justice. I think Mrs Jones asked me about agreements not completed. I indicated that those agreements were not completed as they were ongoing. That is correct but I should clarify that there will be some instances where agreements are not completed because of failure to participate on the part of participants.

**MRS JONES:** Noncompliance, yes.



**Mr Corbell:** That is just to clarify that answer.

**THE CHAIR:** Thank you for that clarification, minister. I now call Mr Garrisson, the Government Solicitor, and any officers you have with you, Mr Garrisson. May I assume that you have either read or are familiar with the privileges statement by now?

**Mr Garrisson:** I am familiar with it, thank you.

**THE CHAIR:** Thank you. Would you wish to make an opening statement before any questions?

**Mr Garrisson:** No. I am happy to take any questions that the committee may have.

**THE CHAIR:** Thank you. I will ask the first question. The JACS annual report refers to the Government Solicitor's involvement in intervention on behalf of the Attorney-General in litigation commenced under the HRA and advice and representation in relation to a growing number of legal claims under the HRA. Could you tell the committee why there are a growing number of claims in this area?

**Mr Garrisson:** Perhaps I can start at the end and say that, in fact, there has been a decline in the last 12 months. In the period under consideration, there were a number of matters, particularly in the criminal sphere and particularly around the issue of trial delay, where applications were made to have criminal proceedings stayed. Those matters were unsuccessful, for a number of reasons. I do not think it is necessary to go into the technical details. There were also issues around the confiscation of criminal assets. One would not want to be so bold as to say that the profession had had a go and shot its bolt but certainly the period under concern saw a significant amount of activity and, on behalf of the Attorney-General, I appeared in several matters in the Supreme Court. Activity has been less active in the last 12 months.

**THE CHAIR:** Thank you. Minister, do you wish to comment on any of that?

**Mr Corbell:** No.

**THE CHAIR:** Mr Gentleman.

**MR GENTLEMAN:** Minister and solicitor, on page 65 of the report, under "future directions", towards the end there, there is a discussion on some extra funding for employment of seven staff to meet the increased volume of services. Later it says that there will be an internal restructure. Has that begun or is that—

**Mr Garrisson:** It is an ongoing process. What followed as a result of the additional funding in the 2011-12 budget, as one can imagine, was that the funding got consumed fairly quickly with additional staff being taken on. It was also, in fact, used to fund positions that we had been filling on a temporary basis subject to that permanent funding. So those arrangements were put in place.

In terms of structure, it is a matter of ongoing review of the office. The initial change that occurred was principally at the management level where the deputy chief

solicitors took on a greater management role in relation to governance, finance, the general operations of the office and direct oversight for the two managers who are responsible for those administrative activities.

There are ongoing reviews in place within the office. We have continuous improvement processes in place in which all staff participate to look at the way the office operates in terms of not only our structure but also our operating systems, our client relations, how that functions. So, in terms of the structural change of the office, it is a continual process. For information, I will be looking more formally at the structure of the office later this year, and that is a function of the learning that we have obtained both through our client and staff surveys and through the evolution of both the size and function of the office.

**MR GENTLEMAN:** In the report too, in that column, it talks about the reason that you required the extra staff, and that was increased volume of services for employment, industrial relations, admin law, child protection issues. Is there an area there which is growing far more than the others, or what is the status?

**Mr Garrison:** The employment and industrial relations practice is extremely busy, and the resourcing for that area has to be placed in the context that five years ago we were not doing any of it. It was not that long ago now, maybe six years. Historically, much of the ACT government's employment and industrial relations work was undertaken by the private sector.

In accordance with the decisions of the government in the 2006-07 budget, it was determined that the legal services for the territory should be principally provided by the office of the government solicitor. That commenced a process of expanding our capacity in a range of areas so that, for example, today in the employment and industrial relations area, we have four legal 2s and two legal 1s, which is quite a significant legal resource and a legal resource that, I have to say, is more than fully engaged more than all the time. For example, we deal with complex issues associated with the enterprise agreement negotiations. So we provide advice for all directorates and the government in relation to those negotiations which occur every couple of years or whatever the particular interval happens to be.

There is an increasing body of work in relation to complaints taken directly to Fair Work Australia, now the Fair Work Commission. In fact, amendments currently proposed by the commonwealth are likely to expand that level of work. We provide routine advice and engagement with several directorates, including outposting of our lawyers to those directorates, to provide them with advice on their employment issues which continue to engage. We provide advice on the law administration, how to deal with complaints and those associated issues.

**THE CHAIR:** Thank you. Have you got a supplementary question, Ms Berry?

**MS BERRY:** No.

**THE CHAIR:** Mrs Jones.

**MRS JONES:** I believe Mr Seselja has a substantive question.

**THE CHAIR:** Okay.

**MR SESELJA:** Thank you. At page 64, under the performance measures, I want to get some clarification on the line in table 10 that talks about contract values. Just what are we talking about there, exactly what contracts and the values of them?

**Mr Garrisson:** As you would be aware, Mr Seselja, of course it varies from year to year, depending on the projects that are being engaged. The figure for 2011-12 was demonstrably quite extraordinary in terms of what was involved. The principal part of that figure amounts to the contract we negotiated and drafted for the Commissioner for Social Housing in relation to maintenance of their housing, and that was a figure of a little over \$850 million.

**MR SESELJA:** Over what period is that \$850 million?

**Mr Garrisson:** I think it is a 10-year contract but I could clarify that for you and will do so.

**MR SESELJA:** That is what accounts for the extraordinary increase from \$43 million to \$957 million?

**Mr Garrisson:** Yes. There were some other large contracts as well.

**MR SESELJA:** What were some of those?

**Mr Garrisson:** There was a contract—just bear with me; I do have some details of them, though—for \$25 million. There was a loan facility for Community Housing Canberra, which was \$75 million. There was a grant for the University of Canberra for \$23,350,000, a contract for Keir’s buses, which was \$12 million, and a very large sublease, which was \$11½ million.

**MR SESELJA:** Another line in table 10 is revenue recovered. That is obviously going up and down but there is a pretty significant drop from 2010-11 to 2011-12. What accounts for that?

**Mr Garrisson:** That generally relates to the recovery of amounts from the perpetrators of victims of crime. We have a capacity under the act to effect the recovery of compensation that we have paid to victims. There is also a minor amount of debt recovery but that is largely not conducted by our office. It varies from year to year, depending on the cycles.

**MR SESELJA:** But what would explain a drop from \$796,000 to \$106,000 in one year? Is there any particular reason why 2010-11 was such a big year for recovery?

**Mr Garrisson:** I can take that on notice. I could not tell you why it was particularly that large in that year.

**Mr Corbell:** We will take that on notice.

**MR SESELJA:** Okay.

**THE CHAIR:** Thank you. Mr Garrisson, going to page 16 of volume 1, under “significant litigation”, can you advise the committee on the progress of the Eastman inquiry?

**Mr Garrisson:** I and my office have no direct involvement in the inquiry and—

**Mr Corbell:** Perhaps I can assist. As you would be aware, the Supreme Court ordered a new inquiry into a range of matters surrounding the conviction of Mr Eastman for the murder of Colin Winchester. The government, pursuant to the orders of the court, has established a board of inquiry and I appointed a former judge of the South Australian Supreme Court, Kevin Duggan, to conduct that inquiry. Justice Duggan has appointed counsel assisting and a range of other staff to assist him in the conduct of that inquiry. A number of preliminary hearings have been held to prepare for the substantive hearings around the matters that the Supreme Court has ordered should be inquired into.

The timing of the inquiry has been complicated by challenges to the representation of Mr Eastman and Mr Eastman’s various legal representatives due to issues around conflict of interest, and the inquiry has made some directions in relation to those matters. I understand that they are seeking to have those matters resolved as soon as possible so that the substantive hearings of the inquiry can proceed.

**THE CHAIR:** Thank you, minister. The committee has no further questions. Mr Seselja, do you have any substantive question on that?

**MR SESELJA:** I did have a couple. Just in relation to the central coordination role, there is reference on page 65 to the central coordination roles by executive and other senior ACT Government Solicitor lawyers having been reviewed and procedures for addressing instructions will be streamlined. What were some of the concerns that were raised in relation to that coordination role that have led to a streamlining being necessary?

**Mr Garrisson:** It is, rather than “necessary”, “more desirable”. In terms of the growth of the legal practice, the growth of the public service and the growth of demand for our office’s services and legal services generally, our experience showed that sometimes, particularly as directorates got larger, they did end up with repeat business on particular issues. We have had an approach in place that we worked with all the directorates over the years to facilitate the establishment of a central clearing point, if you will, within each directorate, both for the request of and the provision of advice to the directorates, and we have been progressing that over a period of time.

We have reviewed some of our arrangements with existing directorates. Some directorates have now introduced it, because, of course, for them it is also an issue that they have to apply resources in order to create that capacity. Most directorates now have that system in place, other than where the nature of their business is so diverse that you will deal with individual business units with their own requirements.

**MR SESELJA:** I am not sure whether it is mentioned in the annual report but are

your panel arrangements for external providers managed through JACS or through the ACT Government Solicitor?

**Mr Garrison:** There is no panel arrangement as such. Mr Seselja, as you will have seen through the figures, the outsourcing of legal services has been fairly modest. Because of its size, it actually does not warrant going out, for example, to a tender process because the cost involved in preparing those are quite significant. That having been said, we do engage a broad range of law firms, small and large, in certain circumstances.

We, in fact, will, in the course of the next few months, be seeking some formal expressions of interest because we have seen an increase over the last couple of years in our need to outsource, particularly in relation to conflict work for some of the statutory authorities. We believe that it is appropriate, at this point, to formally engage with the private sector in relation to the provision of their services.

**MR SESELJA:** So that would be something that resembles a panel? Is that what you are moving towards, or will it be something different?

**Mr Garrison:** A panel in substance but it would be a list of a number of firms and what they can do and we would pick them according to the particular requirements of the job.

**MR SESELJA:** At the moment, in the absence of that, is it a standard procurement procedure each time you need to engage a law firm?

**Mr Garrison:** Yes. And generally speaking, the services that are required do not require compliance with the tendering requirement. It does not reach that frame. Most of it is fairly low in value. We did, in fact, have a procurement plan with the Procurement Board in relation to those services, and we are in the process of renewing that at the moment.

**THE CHAIR:** Thank you, Mr Garrison. The committee will forward a transcript of the hearing for any additional comment you may wish to make. We will now take a break. Thank you.

**Mr Garrison:** Thank you.

### **Meeting suspended from 10.31 to 10.51 am.**

**THE CHAIR:** We will resume this meeting of the justice and community safety committee. We have three areas in this segment—Office of Regulatory Services, WorkSafe ACT and transport and regulation. We will call on officers from the Office of Regulatory Services first off. Good morning, Mr Phillips, and welcome. I will ask the usual question. I presume that you are familiar with the requirements of this committee?

**Mr Phillips:** Yes, I am, thank you.

**THE CHAIR:** Would you like to make any opening statement at this point?

**Mr Phillips:** No, thank you.

**THE CHAIR:** I will go to the first question. The JACS annual report states:

The ORS initiated an education campaign informing retailers before the ban came into effect—

on plastic bags—

followed by a plastic bag inspection program. The ORS has continued with plastic bag inspections in conjunction with other inspection activities.

This is on page 14 of the JACS annual report. Can you tell the committee how much you have spent on the education campaign that you have referred to?

**Mr Phillips:** Mr Doszpot, the funding for the information campaign and the documentation around that campaign was with the Environment and Sustainable Development Directorate. From our perspective, with our expenditure, the majority of it was man hours—physically visiting retailers around the Canberra community.

**THE CHAIR:** Can you tell us how many inspections were carried out?

**Mr Phillips:** We did around 2,200 visits to shop places to implement the message about the plastic bag ban.

**THE CHAIR:** What was the outcome of these inspections—any prosecutions?

**Mr Phillips:** Subsequently we have not prosecuted anyone for a breach. We received very few complaints through our office in relation to any breaches. We did a very comprehensive campaign prior to the implementation of the legislation. We thought it was very important to interface with and get the message out to the retailers and give them plenty of time to adjust to the new regulation.

**MRS JONES:** I have a supplementary. What has been the cost to the office of the rollout of the plastic bags ban and the annual cost of this inspection in staffing and so on?

**Mr Phillips:** I have not been able to quantify that.

**MRS JONES:** Would you be able to take that on notice and get back to us?

**Mr Phillips:** Certainly.

**THE CHAIR:** Any there any other supplementaries on that?

**MR SESELJA:** Yes. You have quantified 2,200 visits, so you would presumably have some sort of idea of what kind of resources of the office were used in order to either provide education or enforcement for the plastic bag ban.

**Mr Phillips:** Mr Seselja, at around that time we had about 10 inspectors in the fair trading area. They did over 5,000 inspections during the reporting year; 2,200 visits related to plastic bags. However, the visits relating to the plastic bags are a lot less complex than the visits relating to liquor. So quantifying what percentage of an inspector's visit would be a plastic bag visit as opposed to a liquor inspection or other more complex inspections would be quite difficult to work out.

**MR SESELJA:** Just to clarify, about half of the inspections conducted by the office related to plastic bags?

**Mr Phillips:** Just under 40 per cent.

**MR SESELJA:** That is a pretty significant amount of your time, I would have thought.

**Mr Corbell:** It would be worth clarifying that inspectors looking for compliance with the plastic bag ban legislation could also be undertaking other activities at the same time—that is, if they are visiting a supermarket, they do not just inspect for that, necessarily. They may also inspect for compliance with other pieces of territory law, for example, in relation to liquor licensing and so on. So it is difficult to break down what percentage of the inspector's time whilst in the supermarket is spent on plastic bags versus, say, looking at liquor or looking at other obligations that retailers have to abide by.

**MR SESELJA:** A plastic bag is such a great threat that 40 per cent of the time of these inspectors or 40 per cent of the visits—

**Mr Corbell:** I know you do not agree with the ban, Mr Seselja.

**MR SESELJA:** It does seem disproportionate even to the threat that you have identified.

**Mr Corbell:** I know you do not agree with the ban, Mr Seselja, but—

**MR SESELJA:** Alert but not alarmed, I think, when it comes to plastic bags.

**Mr Corbell:** a clear majority of Canberrans disagree with you.

**MR SESELJA:** According to your survey.

**Mr Corbell:** That is right, and I have not seen anything else to the contrary.

**MR GENTLEMAN:** Minister, on page 37 of the report there is a discussion on liquor reform. It talks about stronger industry compliance under these new laws that have been introduced. Can you tell us what the outcomes have been from that stronger compliance program?

**Mr Corbell:** Yes. The government, as you would be aware, was successful in having the Assembly agree to changes to liquor licensing that took effect on 1 December 2012. The key reform is the introduction of a risk-based licensing framework which

apportions risk associated with different types of liquor retailing in terms of the fees that are paid by liquor licensees. The fees that are paid by liquor licensees assist in meeting the costs of additional policing capability, which is a dedicated alcohol crime targeting team of 10 officers, if I recall correctly, who are engaged in specific enforcement activity around liquor licensing and also more broadly assisting with other general duties, police in public safety and matters associated with policing areas where there is consumption of alcohol taking place, whether that is in Civic, the town centres or, indeed, right across the community.

We have seen some significant improvements in outcomes around offending behaviour. I will see if I can get some copies of that. In relation to alcohol-related offences, certainly police are indicating that the volume of alcohol-related offences has declined since the new liquor licensing laws took effect. The number of licensees, contrary to claims made by others, has continued to remain steady. There has not been any substantive reduction at all in the number of licensed premises in the territory. We have not seen wholesale closure of premises or anything of that nature. The total number of liquor licensees in the territory continues to remain a steady number. The government is very pleased with the outcomes of the reform because it has led to improvements in responsible service of alcohol, additional powers to police to crack down on antisocial and violent behaviour and a decline in the number of alcohol-related offences coming to the attention of police. That has to be a good thing for a safer community.

**MR GENTLEMAN:** Following on from that, on page 38, under responsible service of alcohol training, it talks about the RSA courses. Has there been an increase in training and what numbers have you seen come through those programs?

**Mr Corbell:** RSA is now a mandatory obligation under the legislation. All licensed premises are required to ensure that their staff have undertaken training in RSA. There were some transitional arrangements put in place to assist licensees with the time they needed to make that transition to that full provision. That provision is now in effect and licensees must ensure that all of their staff are trained by an approved registered training organisation. That is obviously assisting in the level of knowledge and skill that, particularly, new entrants into the industry are now required to have before they work behind a bar.

**MR SESELJA:** What has been the response from the Hotels Association to the new fee structure that has been put in place for liquor licensing?

**Mr Corbell:** I do not think it is any secret that the AHA would prefer that more of the fee burden was placed on small local supermarkets and off-licensees, other off-licensees, but this is a point of disagreement between the government and the AHA. We believe that the current balance between burden shared by on-licence operators, particularly nightclubs, licensed clubs and so on, and off-licences is the right balance.

**MR SESELJA:** Correct me if I am wrong but the sort of risk-based aspect of it is not based on incidents; it is based on size—the size and the trading hours of the particular venue?

**Mr Corbell:** The legislation makes provision for previous history to be taken into



account. But the government has said quite clearly from day one that in the early days of the new legislation it would be very difficult to use compliance history to make assessments about risk because you are dealing with only a relatively short period of time, maybe 12 or 18 months. So, over time, as we build up a history of compliance activity that can start to be taken into account. So the legislation makes provision for that but it is not the methodology at this point.

**MS BERRY:** Can you tell us what success the government has had in cracking down on the sale of cigarettes to underage people?

**Mr Corbell:** Yes. The Legislative Assembly agreed to legislative changes to provide for compliance testing of the sale of cigarettes to minors. These changes were introduced into the Tobacco Act about 12 months or so ago. The changes allow the government to recruit young people under the age of 18 to act as trained purchase assistants. This involves, first of all, a level of training provided by ORS inspectors to the young people who are recruited to act as purchase assistants. They go into the premises and seek to purchase cigarettes. It is designed to test whether or not premises have appropriate procedures in place and used by their staff to test whether or not the person who is asking to purchase cigarettes is actually over the age of 18, which is the legal requirement retailers have.

Unfortunately, we have seen a fairly high level of noncompliance as a result of that testing. ORS conducted tests at 24 locations over three stages in the past two months. Of the 24 retail premises inspected, nine were found to be noncompliant. That is quite a high level. For that reason I anticipate that at this point the testing program will continue at appropriate intervals in the hope that the message does get across to retailers. It is very simple: they have a legal obligation not to sell cigarettes to those under the age of 18 and they should always check the identity of a young person for proof of age before making such sales.

**MRS JONES:** I have a supplementary. How many assistants are there at present?

**Mr Phillips:** There are two assistants at present.

**MR SESELJA:** Are the same procedures in place for sale of alcohol to minors as well? Do you have the same systems?

**Mr Phillips:** The compliance testing does not apply to alcohol sales.

**MR SELSEJA:** Is there a reason why not?

**Mr Corbell:** At this point the government has not given consideration to that. To utilise this type of enforcement activity there clearly needs to be legal authorisation. At the moment the only legal authorisation is in relation to the amendments made to the Tobacco Act. There has been no equivalent legal authorisation built in to the liquor licensing laws. The government does not rule out pursuing that. I am not aware of any other place in the country that currently does that. Certainly I do not rule it out but it is not something that is under active consideration at this time.

**MR SESELJA:** Why not? It seems to me that underage smoking is a problem but

underage drinking is arguably as big a problem, if not a bigger problem. Is there a reason why we would not be targeting underage drinking and the sale of alcohol to minors in the way that you are targeting the sale of tobacco to minors?

**Mr Corbell:** There may very well be value in such an approach but it is not a matter that the government has given detailed consideration to at this time.

**MS BERRY:** Would that not be covered under the training for the sale of alcohol to young people? People who work in the sector are required to undertake the RSA?

**Mr Corbell:** Yes.

**MS BERRY:** Part of that training is about serving alcohol to young people?

**Mr Corbell:** That is true, Ms Berry. The sale of alcohol is a much more heavily regulated space than sale of tobacco insofar as there are mandatory requirements already for training around RSA and the obligations that people who complete that training would then have in terms of understanding how to manage a situation where a person who may be under the age of 18 approaches them and seeks to purchase some alcohol. So it is a more heavily regulated space already but that does not mean that we cannot consider further options. As I say, it is not something that the government has given consideration to at this time but I certainly do not rule out doing so at some point.

**THE CHAIR:** Any there any other supplementaries on that?

**MR GENTLEMAN:** I have a separate question, Mr Chair.

**THE CHAIR:** We have got to get rid of the supplementaries first off.

**MRS JONES:** Yes, I do if that is all right.

**THE CHAIR:** Mrs Jones is next then.

**MRS JONES:** What is the forecast cost, including staffing for the implementation of the retirement villages legislation?

**Mr Phillips:** Mrs Jones, the retirement villages legislation commenced on Monday. At the present time, we are monitoring the extent of the complaints and whether there will be an extended compliance. One of the things the Retirement Villages Act does is replace a retirement villages code of conduct that has been present for many years in the fair trading laws. So, in effect, the laws that were passed by the Assembly legislated for contractual relationships between village operators and residents, legislated for conduct, legislated for committees and legislated for financials in the Retirement Villages Act, where previously that was within a code already within the law.

**MRS JONES:** Is that enforceable?

**Mr Phillips:** It is enforceable to some degree under the fair trading laws. We have

received complaints in relation to retirement villages in the past. There has been a retirement villages code committee that has been established through ORS.

**MRS JONES:** So that is a new entity?

**Mr Phillips:** Yes.

**Mr Corbell:** A code committee was in place prior to the legislation.

**Mr Phillips:** At the present time I cannot tell you whether the new act will cause us any additional resourcing than we already have.

**MR GENTLEMAN:** You do not know?

**Mr Phillips:** Not yet.

**MR GENTLEMAN:** Until?

**Mr Phillips:** We will monitor the act. It has been in force for two days. We will monitor and we will come back and perhaps next time you ask me that, we will be able to tell you.

**MRS JONES:** You are very much on top of it.

**MR SESELJA:** There were some amendments to the legislation rushed through in the last sitting. Has the office identified, or had feedback from industry in relation to, any other aspects of the legislation that potentially will need to be amended in order to make it more workable?

**Mr Corbell:** These are matters that are dealt with through the legal policy branch in the directorate. As it comes down to amending the legislation, obviously we have regard to issues that ORS identify on the ground and their engagement with industry on the ground. The amendments that were adopted by the Assembly in the last sitting were very much a finetuning of the legislation in response to a number of issues that had not been identified either by industry or by the government prior to then. That is a normal part of preparing a scheme for operation, and those amendments had the support of the industry.

**MR SESELJA:** Mr Phillips, you have not had any feedback then from industry in relation to any other potential issues with the legislation as it stands?

**Mr Phillips:** Mr Seselja, we have run four, I think, information sessions. The feedback I have received has been largely well received. I am not aware, and there is no feedback that has been given to me, that there have been any difficulties with the new act. People have known that there was going to be a retirement villages act for a number of years. The act is based upon the model of the New South Wales act. There are a number of operators in the ACT that are cross-border. So there will be a significant number of operators that will be familiar with the law as it has become, because that is what they are used to elsewhere.

**MR SESELJA:** Chair, I seek your guidance. Are we asking questions here around transport regulation? I understand we are due to finish this section at 11.30.

**THE CHAIR:** What we are doing at the moment, Mr Seselja, is still concentrating on the Office of Regulatory Services. We will have to make a decision in the next few minutes as to how many questions are required and we will move to transport and regulation after the next few questions. Does that answer your question?

**MR SESELJA:** Yes, it does.

**THE CHAIR:** I remind committee members that if there are any other questions of the Office of Regulatory Services we will have time for probably one more of those and then we will move on.

**MR GENTLEMAN:** If I could, chair.

**THE CHAIR:** Do you have a supplementary that you want answered?

**MR GENTLEMAN:** The supplementary has been answered, which is great. No, my question goes back to ORS and WorkSafe and is in regard to the program around hazardous materials containment and management. There was a new program that began, I think, last year about hazardous materials management. I want to see how that is operating and what the industry response has been to that.

**Mr McCabe:** Sorry, I did not quite catch the question. I was sitting at the back up there.

**MR GENTLEMAN:** It is in regard to the program on hazardous materials management by industry and how that program is rolling out and the industry response to that.

**Mr McCabe:** The industry response has been good. You would be aware that there are new, nationally harmonised laws in relation to hazardous materials which have not been adopted in the ACT. There is a process underway at the moment to review the ACT's Dangerous Substances Act to incorporate those nationally harmonised provisions. That is expected to be completed for later this year. But at the moment, in regard to the feedback from industry about the hazardous materials requirements, there have been no substantive issues raised with me by industry about that.

**MR GENTLEMAN:** I imagine if you go to harmonisation later, you will be looking at an education program for—

**Mr McCabe:** That is right, and the only reason there is a delay is that we want to make sure that the provisions do not cross over what is already in our dangerous substances legislation and that there is no diminishing of the standard of requirement here in the ACT as a result of that.

**MR GENTLEMAN:** Thank you.

**THE CHAIR:** Any other questions of Mr McCabe?

**MRS JONES:** No.

**THE CHAIR:** Thank you, Mr McCabe. We now move on to transport regulation. Mrs Jones.

**MRS JONES:** Fantastic, thank you. Are the plans for the Athllon Drive point-to-point speed cameras on track?

**Mr Corbell:** No, they are not on track. They have been delayed. They have been delayed due to procurement issues, and those issues are currently unresolved.

**MRS JONES:** Can you please explain what the procurement issues have been and how much has been spent on the project so far?

**Mr Corbell:** I will just get the necessary details for you.

**MRS JONES:** Thank you.

**Mr Corbell:** To date, expenditure has occurred, in terms of procurement and completion of civil works, to the tune of \$190,000. TAMS have advised that, due to factoring in procurement time, loans and some delays associated with holiday periods, the cameras are due to be installed and operational by August this year.

**MR SESELJA:** What were the problems, though, with procurement?

**Mr Corbell:** What occurred was that during the caretaker period Territory and Municipal Services sought advice as to whether or not they could proceed with the procurement for the point-to-point cameras themselves, the actual camera technology, during the caretaker period. They were subsequently advised towards the end of the caretaker period that they could proceed to procurement during the caretaker period. They then completed their necessary procurement arrangements.

By the time that had occurred, the Christmas-new year period was in effect and it was not possible to proceed or viable to proceed with procurement during that period. Following completion of the Christmas-new year period, TAMS proceeded to procurement. I understand that that process is now ongoing.

**MR SESELJA:** What is the expected total cost now of that project? It is \$190,000 to date. What do you expect it will now cost?

**Ms Greenland:** TAMS have a budget for the procurement. As to the finalised contract, I would have to get the details from TAMS. They have accepted the contract. I understand it was signed in the last month. So those figures would have to be provided by TAMS.

**MRS JONES:** Also regarding point-to-point cameras, I understand there have been some reports about speeding having changed on Hindmarsh Drive as a result of point-to-point cameras. How many fewer accidents have been reported on average over the period of time of the operation?

**Mr Corbell:** In relation to the Hindmarsh Drive site, I have some facts and figures on that for you. During the period 27 February 2012 to 30 January 2013, 3,424 point-to-point road safety camera infringement notices were issued to motorists speeding through the Hindmarsh Drive site. Prior to this site commencing operations, the traffic camera office identified approximately 800 motorists a day who maintained an average speed above the posted speed limit. Average speeds were detected in excess of 140 kilometres an hour during testing along that stretch of road prior to the cameras becoming fully operational and undertaking enforcement. The highest speed recorded since the cameras became operational was 126 kilometres an hour in September 2012. We now have fewer than 10 motorists a day who maintain an average speed above the posted speed limit, compared to 800 motorists a day before the cameras become operational.

**MRS JONES:** Yes, but my question was about accidents.

**Mr Corbell:** In relation to accident figures, I would have to take that on notice. I do not appear to have an accident figure in front of me in this advice.

**MR SESELJA:** Is there a reason why not? Surely that has got to be the reason you would be doing something like this, to make the place safer. You have got all these figures on speeding but not on actual accidents.

**Mr Corbell:** I think I can venture fairly safely that there has been a significant decline in the number of accidents on that stretch of road, because there is a clear correlation between speed and accident rate.

**MR SESELJA:** Are you able to quantify that for the committee?

**Mr Corbell:** Ms Greenland may be able to assist here.

**Ms Greenland:** Again, the crash data was collected through ACT Policing and consolidated by TAMS. We will need to get their consolidated data for 2012 in order to actually have a look at that particular stretch of road, but certainly the intention is to review the rates of crashes on that stretch of road. The selection of sites for point-to-point cameras was based on a range of factors which included their crash history, and that particular site on Hindmarsh Drive was the highest ranked site, based on a combination of traffic and safety factors. The safety factors, as I say, included crash history.

Certainly, as the minister says, you would expect, given the direct correlation between excessive speed and crash rates, you would see a reduction. I do not have the data from TAMS. We can certainly liaise with them about when that data will be available, and then we will be able to start using that as well for future years to get an indication.

I should say that the selection of sites was based on the crash history over a five-year period, and we will need to have a look at what is a reasonable comparison period, given that overall crash rates across the territory, given our low population, are not in high numbers. But that was the most significant site that was selected.

**MRS JONES:** Will you be able to get back to us with some figures in the near future?

**Ms Greenland:** I would have to check with TAMS. Certainly we can pursue that with TAMS and see when that crash data will be available.

**THE CHAIR:** So you are asking for that to be put on notice?

**MRS JONES:** Yes. Could that be put on notice, thank you.

**Mr Corbell:** We are happy to take that on notice.

**MS BERRY:** I have a substantive question.

**THE CHAIR:** Any more supplementaries on that?

**MR SESELJA:** I was waiting for a substantive question.

**THE CHAIR:** I think the next substantive is Mr Seselja; we will come back to you, Ms Berry.

**MR SESELJA:** On page 96, it looks at the parking review. In table 23 there are a couple of figures I would not mind some more explanation of if possible. The figure for parking infringement notices withdrawn has jumped pretty heavily, from 2,782 to 5,119. Have you been able to identify why there has been such a sharp jump in those?

**Mr Phillips:** Mr Seselja, you will notice that in the previous year the figure was 4,214. It is a trend over time issue. The numbers of parking infringements that are withdrawn normally correlate and are normally about six per cent of the number of parking—we normally get about one in 16 people who challenge a parking ticket, and then we normally get about one in 16 of those who have their infringement withdrawn. So that is the trend over a period of time. During that period of time there will be ups and downs. I cannot give an explanation as to whether there is a systemic reason behind that figure being low for that period.

**MR SESELJA:** Likewise, summonses issued doubled in that year. Is there any reason why there is a sharp jump in summonses?

**Mr Phillips:** People will lodge a request for a review of the parking infringement. The Parking Review Office will make a decision as to whether the reasons provided in the review meet the guidelines for withdrawal of the infringement. If they do not, people then get the opportunity to deny or pay, effectively. If people challenge the decision of the Parking Review Office, the matter will go to court.

**MR SESELJA:** I am not sure if this is reported anywhere in the annual report, but obviously one of the concerning things from time to time is that parking inspectors are subject to abuse or responses from members of the community. What is your feedback from parking inspectors on the ground? Are they still subject to that? Is it a very rare occurrence or does it occur frequently?

**Mr Phillips:** It is a common but not frequent occurrence. And from time to time we

get a number of reports of threats. We get, on occasions, physical assaults. We get allegations that people try to run down parking inspectors. As I have said, it is not uncommon but it is not frequent.

**MR SESELJA:** In the last financial year, have there been any incidents like that where there have been assaults or there have been those kinds of serious incidents, and have they been reported to police?

**Mr Phillips:** There is one matter that has been reported to police where I have taken out a workplace restraining order against a member of the public on behalf of the parking inspectors.

**THE CHAIR:** Thank you. Next substantive question, Ms Berry.

**MS BERRY:** On page 24 of the annual report, I note that the road toll in the ACT is significantly lower than the national average—1.4 to 100,000, against the national average of 5.7 to 100,000. What work has the ACT government undertaken to contribute to this relatively low figure?

**Mr Corbell:** In a moment, I will ask Ms Greenland to elaborate on a number of issues, but in general the government has implemented a comprehensive strategy to try and drive down the road toll. We have seen, still, an unacceptable level of deaths on our roads. We have a very safe road network compared to many other cities, but that very safe network makes it very easy to speed and makes it very easy to drive with an undue lack of attention to conditions. So we have seen, regrettably, still a level of death and injury which is far too high. At a practical level, that level of injury in particular drives a very high premium for compulsory third-party insurance. At an even more serious level, the level of death has a devastating impact on family and on the broader community.

The government is working hard to try and reduce the road toll. There is a range of measures to do that. The first is through directions that I have given to the Chief Police Officer around targeting dangerous and antisocial driving behaviour on our roads. Whether that is illegal street racing, burnouts or other types of antisocial and dangerous driving behaviour, police are paying close attention to that. They are also undertaking a significant amount of enforcement around drink and drug driving, and that is achieving significant results in terms of removing impaired drivers from the road. The implementation of point-to-point speed cameras is another measure designed to ensure that we target those sections of the road network where there are significantly high levels of speeding, and that is a very important reform as well.

We are also proceeding with a range of reforms around dealing with drink-driving. There is an exposure draft being developed in relation to the use of alcohol interlock technology. The use of alcohol interlocks is a mechanism that can be required of, particularly, repeat drink-drivers: before they start to get behind the wheel again, they have to blow into the Alcolizer device and it locks them out of their ignition if they have had anything to drink or are over a certain level, depending on their circumstances. That work is underway. The exposure draft has already been out for public comment; the government is now proceeding with development of the actual legislation. We have also made changes to relevant legislation to require mandatory



alcohol and drug awareness courses for persons convicted of drink-driving offences or drug driving offences. That is another very important reform to help rehabilitate drivers who have been doing the wrong thing.

**MR SESELJA:** I have a supplementary on that. You have said on page 36 that two providers have been approved to run courses for that scheme. Who are they, and what is the value of those contracts?

**Ms Greenland:** The providers for the scheme are Karralika and Road Ready. As to the value of the contracts, it is a user-pays system, so there is no government contract. What happens is that the person who is required to attend the alcohol awareness course is required to pay for that course.

**MRS JONES:** I have a supplementary also. There have been discussions about fatalities, in particular speeding and antisocial driving. As part of the procurement that you mentioned before, minister, has any thought been given to antisocial driving in the Weston Creek area, where there is no police station? I believe there have been some comments online about it being a good place to go for burnouts and so on because there is a low level of regular drive-bys by police, et cetera because they are busy doing other things. Has any thought been given to that? It is something that is coming up.

**Mr Corbell:** I saw those comments online. I do not place a lot of credence on them. Antisocial dangerous driving behaviour—hooning type behaviour, to use that term—does move around the city. Police have an active program of targeting antisocial and dangerous driving behaviour, and the most important thing is for members of the community to report such behaviour—

**MRS JONES:** Through which particular mechanism?

**Mr Corbell:** Either through Crime Stoppers or through the non-urgent police number—not 000, but the other number, the 131 number.

**MRS JONES:** Yes.

**Mr Corbell:** And report it. Reports can be made anonymously through Crime Stoppers, so people do not need to provide their details if they do not wish to, but it helps police build up a broader picture and a broader holding of intelligence around where this behaviour is occurring, particularly if it is repeated, and that allows them to target their resources accordingly.

Police do have a high level of presence throughout all of our suburbs. That is a requirement of the suburban policing strategy. I am happy to provide you with statistics on the level of proactive patrolling—not responses to incidents but proactive patrolling—that occurs in Weston Creek, because I think you would be surprised by the volume of patrols that occur. I am happy to take that on notice.

**MRS JONES:** Thank you.

**Mr Corbell:** But as always, where these incidents do pop up, first of all please report

them to police even if it is after the event. Obviously if it is after the event there is not a lot that police can do immediately, but if the report is made they can focus their patrols accordingly and, particularly if there are repeated reports, if there is a pattern emerging, they can go and address that. It is very important that residents assist police by reporting those—

**MRS JONES:** Are the repeated reports the only thing that gets a stronger response or is a report of a noticed pattern of behaviour good enough to get a response?

**Mr Corbell:** Police will make these assessments based on the knowledge that they have. It is more an operational question for police; you might like to ask that of Policing when they attend one of these hearings in the coming weeks. I know that police will always respond to matters to the greatest extent that they can. If an incident has occurred at 3 in the morning and someone rings the police at 9 am, 10 am or whatever it might be, obviously there is no point in sending a patrol at that time, but they record those reports and they use them to build a picture around behaviour and how they can target that behaviour.

**THE CHAIR:** Thank you, minister. We have got one more question on transport regulation from Mr Gentleman.

**MR GENTLEMAN:** Minister and staff, on page 36 of the report, on the right-hand side of the page, there is a section titled “Written-off vehicles.” That talks about the road transport vehicle registration amendment bill from last year. Can you tell us what the outcomes have been so far and what has been the response from the community and industry? I understand there were changes to repairable write-offs and statutory write-offs. I am happy for you to take it on notice.

**Mr Corbell:** I may have to take that on notice. I think you have stumped us on that question; we will take it on notice.

**THE CHAIR:** Thank you very much, Mr Phillips and Ms Greenland. We will send out the transcript of the public hearing to you for comment, and any other questions will be forwarded to you.

We will now call on emergency services. Mr Lane, have you had a chance to read the privilege statement and are you comfortable with the contents thereof?

**Mr Lane:** I have indeed.

**THE CHAIR:** Would you like to make an opening statement before questions?

**Mr Lane:** No, I would not, thank you.

**THE CHAIR:** I will pass the first substantive question to Mr Gentleman.

**MR GENTLEMAN:** Page 115 of the report, on the top right-hand side, talks about an increase in requests for assistance. How have you been able to provide resources for that increase?

**Mr Corbell:** Sorry, which page are you on?

**MR GENTLEMAN:** Page 115, the top right-hand side. It says at the bottom of the left-hand column:

In 2011-12, the ESA received 53,310 requests for assistance. This represents an increase of 4.3% ...

**Mr Corbell:** There has been a significant increase in requests for assistance during this reporting period. One of the reasons for that was a significant number of large rainfall activities, rainfall events, during that period. Our SES experienced some of the busiest periods it has had for quite some time as a result, with many hundreds of householders requesting assistance for rain, wind or storm related damage. The SES have been particularly busy during that period. But it is not just the SES. Obviously other volunteer services and paid services also assist during that period, RFS and Fire and Rescue in particular.

We continue to also see growth in requests for ambulance services. Growth is averaging around eight per cent a year, and the government continues to invest significant resources in new ambulance capability. This is a real growth area for our emergency services. In the 2012-13 budget the government committed \$13.3 million over a four-year period, which is stage 2 of the sustainable front-line resourcing model. That delivers an additional 15 front-line staff for the Ambulance Service; it commissions two additional ambulance vehicles to support that staffing; and it also involves the replacement of all of the cardiac monitor defibrillator equipment in our ambulances. So it is a very important investment, and that comes on top of an investment of over \$20 million in recurrent and capital funding between 2007 and 2011, which has seen the recruitment of an extra 44 additional staff to the Ambulance Service for front-line operations, communications, clinical services, patient transport, specialist flight operations and management support.

In terms of the growth areas in our emergency services, there is no doubt that, in terms of requests from the community, it has been overwhelmingly ambulance, but we do see growth in other areas, including Fire and Rescue, SES in particular.

**MS BERRY:** I note on page 120 that the Hume training centre was completed. Minister, can you give us a bit of background about the new training centre?

**Mr Corbell:** The Hume training centre is a new, purpose-built combined training facility for all of our emergency services. Prior to the establishment of this facility, the only purpose-built training facility was for ACT Fire and Rescue at their Rae Street premises, which have now been decommissioned.

With the establishment of the new Hume facility we have capability for training for Fire and Rescue, for its vertical rescue, hot fire training facilities and road accident rescue. We also have capability for dedicated clinical training environments for ambulance for the first time. We also have the ability for these premises to be used by RFS and SES personnel and for those services to undertake combined training together. So it is a very valuable facility. It is being heavily utilised by all of our services. There has also been interest from other services interstate, particularly in the

nearby region, to utilise some of the facilities there. So it is proving to be a very valuable addition to ESA's capability.

**MRS JONES:** Staffing is outlined on page 116 of the report. Regarding staffing, obviously with many employees there are a number of issues coming up from time to time. Regarding reports that ambulance officers were being asked to pay back overpaid wages, what progress has been made on that? Also, with respect to reports regarding workplace bullying within the Ambulance Service, can you provide an update on what action has been taken to change this culture?

**Mr Foot:** In regard to the leave audit you were referring to, there were certain concerns raised about potential overpayment due to leave taken in excess of entitlements. We met with the Fair Work Ombudsman late last year because the TWU had raised concerns about that process administered by Shared Services. I am pleased to say we are working in an incredibly productive manner with the staff that are impacted on by that audit. Twenty-nine, I believe, of the 51 staff that were actually impacted on have requested face-to-face meetings with us and representatives of the Justice and Community Safety Directorate to discuss their audit findings with Shared Services. That is still an action in progress at this point. But the clear message from me to all staff is that we are working in a productive way. No-one has been told, "If you owe a substantive amount of money, you've got to pay it back in one hit." We have put a number of strategies in place to address that, and I am very conscious of any financial hardship issues that may arise from the process.

**MRS JONES:** Did you say it was around taking excessive leave?

**Mr Foot:** Yes.

**MRS JONES:** Is that what the problem was?

**Mr Foot:** I understand that for the majority of staff that were impacted on by the leave audit it related to leave that may have been taken in excess of entitlements. You might remember that the ACT Ambulance Service have not administered payroll records. They were in fact administered by Shared Services.

**MRS JONES:** Also in my question I asked about bullying that was reported in the Ambulance Service in early 2011. Have you had any substantive outcomes from work on that?

**Mr Foot:** No. We have put a lot of time into education and training within the service, which reflects the commitment right across the directorate. We are incredibly committed to the RED framework—respect, equity, diversity—and the role of that framework right across the public service. Our management team and also front-line staff are engaged in completing that program through regular in-service sessions. Every single manager on the management team was put through bullying and harassment education for management which was a course specifically designed at that level. I am confident that staff are not frightened to bring any concerns forward and that they are addressed in a constructive way.

**MRS JONES:** Is there an anonymous method for them to bring concerns forward?

**Mr Foot:** Certainly we look at the privacy of all staff concerned. Occasionally, to ensure fairness to everyone involved, it may be necessary sometimes to alert the other individual to who has brought the complaint forward. Certainly, if a complaint is brought forward to my office, we have notification processes immediately to the director about what has occurred and we respect the privacy of all individuals involved.

**MRS JONES:** I have another supplementary on staffing. Tony Fleming celebrated 40 years with the service and received a letter of congratulations from the minister. Is that the normal action—that such significant service means receiving a letter?

**Mr Foot:** We actually did more than that. Tony achieved 40 years, and received correspondence from the government. Tony received correspondence from me and we also hosted a morning tea to honour that achievement that Tony had achieved, and he was presented with a formal certificate at that gathering. As you said that was quite a significant achievement for that officer.

**MRS JONES:** Indeed.

**Mr Corbell:** It is also worth highlighting that there are a series of national awards potentially available for long service, both in ambulance and in fire. Those are awarded by the Governor-General, so there are other more formal mechanisms to recognise long service as well.

**MRS JONES:** I have a final supplementary on staffing. I understand that there is an embedded team of Shared Services IT professionals within Emergency Services. What is the future role for that team? Will they remain in Emergency Services?

**Mr Lane:** We might have to take that one on notice at this stage, Mrs Jones.

**MRS JONES:** Yes. Do you know what I am referring to?

**Mr Corbell:** I am advised that those personnel are personnel of Shared Services and it is a decision that rests with Shared Services as they are Shared Services personnel.

**MRS JONES:** Is there any intention to downscale that group? Is that something that is known at the higher level?

**Ms Leigh:** Mrs Jones, that is probably a question that is better directed to Shared Services. There is no formal decision that I am able to discuss with you.

**MRS JONES:** So you do not know?

**Ms Leigh:** My understanding is that there is no decision to change anything, but in terms of consideration that might be given to that, you would need to direct that to Shared Services.

**MR SESELJA:** I have a couple of questions around facilities. Page 120 refers to the Tidbinbilla project. It says:

This project had experienced considerable delays due to a protracted program in obtaining development approval at the chosen location and significant amounts of rain ...

Could you talk us through exactly what is going on with those delays in obtaining development approval? Is that a commonwealth process or an ACT government process, and what is the nature of the delays?

**Mr Corbell:** There were delays. That project is now complete and that facility is now operational. In general terms, with respect to my understanding of the delays, first of all there was the requirement to get clearances from the National Capital Authority in relation to the rural setting, and necessary aesthetic issues that had to be taken into account. There was also a referral to the commonwealth under the relevant EPBC legislation. There was no controlled action determined by the commonwealth but there was a period of time involved in referral to the commonwealth to get that decision.

**MR SESELJA:** What was the period of time with that commonwealth process?

**Mr Corbell:** I would have to take that on notice. I do not have that to hand. But it was a not insignificant period of time in the overall timing of the project. Mr Hammond might be able to assist with that. I will come to him in a moment. There were also delays associated with a significant amount of rain on the site which made access to the site and work on the site impossible for a protracted period. Mr Hammond can perhaps give you a bit more detail.

**Mr Hammond:** The Tidbinbilla project was being delivered in a national park area, so we required clearances through the commonwealth environmental body. This was directed through ACT approval authority. It was a standard period of consultation. There were no issues found with the development and it proceeded through to ACT approval processes. As the minister rightly stated, we then entered into a considerable period of rain. There were two years in a row around that December period where construction in the ACT was subjected to substantial rain. Once the site could be stabilised again, construction proceeded and work was completed in June.

**MR SESELJA:** What is the total cost of that project?

**Mr Corbell:** I will take that on notice, Mr Seselja.

**MR SESELJA:** Could you also take on notice how that compares to the original budget for that project.

**Mr Corbell:** Sure.

**MR SESELJA:** With respect to one other facility, page 130 refers to the Tuggeranong SES unit being relocated from Greenway to Kambah late last year. Are you able to give us an update on whether that has been completed—in fact, when that was completed?

**Mr Lane:** The State Emergency Service is now located at Kambah.

**MR SESELJA:** When was that project completed?

**Mr Lane:** I am not sure but I might ask Mr Graham to come forward and answer that specific question.

**Mr Graham:** The Tuggeranong unit volunteers moved out of the Greenway premises into the Kambah premises in November last year.

**MR SESELJA:** And what was the cost of that relocation?

**Mr Graham:** I do not have the precise figure. It was in the vicinity of \$45,000 for some construction works to move them from one premises to the other.

**MR SESELJA:** And finally on this area, on the same page, the construction of a new combined ambulance and fire station in Charnwood “is expected to commence in the final quarter of 2012”. What is the update on that project?

**Mr Corbell:** That project has commenced, as indicated. It commenced in the final quarter of last year. I think it commenced slightly earlier than that, if I recall correctly, but around the beginning of the final quarter of last year.

**MR SESELJA:** And when you say the project has commenced, do you mean construction has commenced?

**Mr Corbell:** Construction has commenced. Mr Hammond can give you some more details.

**Mr Hammond:** I am happy to expand on that, minister, yes. Construction did commence at Charnwood in November last year. The construction work is progressing in accordance with the program and, overall, it is a very positive project.

**MR SESELJA:** And the expected completion date for that project?

**Mr Hammond:** The expected completion is late this year.

**MR SESELJA:** Thank you.

**MS BERRY:** Can I ask a supplementary on that. I drive past the project all the time. So I am watching it grow. It is quite amazing how fast it is going up. It is going to be a very impressive building. I understand there has been quite positive feedback from the community on the project. But in addition to the building, there is also some work on the streets so that people can have better access into the shopping centre and there is not so much congestion. Can you talk about the consultation with the community and the shopping centre about that?

**Mr Hammond:** Yes. ESA embarked on a very comprehensive consultation process which included local traders, local schools and residents. It has been an ongoing process. As you have indicated, this is a significant project and the community is

looking forward to completion of the project and the construction of a roundabout at Charnwood. Prior to any construction on the roundabout, there will be a further letter drop for the community to keep them informed of the process being followed. Everybody in the area is very positive about the construction, as you rightfully point out. At this very early stage of the project it looks like they are going ahead very quickly. They have all the structural steel but soon they will have it closed up. Within the next month it will be fully closed up and all the works will progress inside.

**THE CHAIR:** Minister, I refer you to volume 1, page 13, of the JACS annual report, where it states that the emergency alert system which sends emergency alerts to mobile phones via SMS was first used in connection with a chemical fire in Mitchell in 2012. It also states that operational procedures have been improved and additional training provided. Can you update the committee on the emergency alert system and its relevance to potential emergencies in the ACT?

**Mr Corbell:** It is a very important capability, and the commissioner might like to add to my answer. Emergency alert has recently been expanded to include a location-based capability. All states and territories have agreed to the adoption of a location-based capability, which is currently being delivered to Telstra customers only. That became operational on 23 November last year. What that means is that in addition to the capability that was already in place, whereby the billing address in the identified area for the message was the way the telephone numbers were identified for messaging, there is now a new capability whereby any mobile phone which is present in the area for messaging, regardless of its billing address, can also be targeted by the system for receipt of a message.

At the moment only Telstra is providing that service. It is envisaged that Optus and Vodafone customers will also be included by November this year. Of course, this is part of a national rollout. So it is the case everywhere in Australia at the moment that only Telstra customers who have a mobile phone account with Telstra get that capability but others will get that, it is anticipated, in November this year. This means that many more people can be reached directly without needing to rely on billing address. Particularly if you are travelling interstate and you are in the vicinity of an emergency and you have your mobile phone with you, you are more likely to be able to be contacted directly with an emergency message.

It is really important to stress, though, that emergency alert is only one way that emergency messaging is delivered to the community, and there are still limitations in the ability of the system to reach everybody. So it is important that residents still are aware of other ways of accessing emergency information and are alert to that, particularly in heightened periods of danger such as heightened periods of bushfire danger. That includes knowing how to access information off online services such as the ESA's website, which has proven to be a very popular capability.

During the period of prolonged heightened fire danger earlier this year, the ESA took measures to expand the ability of its system to take a large number of hits on its website, and that was an important precaution to maintain the stability of the site if there had been an incident. There was a large volume of visits to it.

Equally, we have seen significant growth in the ESA's presence in social media, both



on Facebook and on Twitter, and a significant increase in the number of followers on both of those accounts as a result of heightened awareness around fires earlier this year. Of course there is still the one way which is going to be absolutely reliable, and that is a battery powered radio. And it is absolutely essential that all residents remember that in the event of an emergency they have got batteries for a battery powered radio. Tuning in to local radio, particularly local ABC Radio, is going to be a very important way that we continue to communicate emergency messages during an emergency.

**THE CHAIR:** Thank you. Minister, you mentioned that Telstra has started providing this additional service. When did they start providing it?

**Mr Corbell:** In November last year.

**THE CHAIR:** November last year?

**Mr Corbell:** Yes.

**THE CHAIR:** And how long will it be before the other service providers are able to provide that service?

**Mr Corbell:** I am advised, November of this year.

**THE CHAIR:** So it is going to take 12 months for that to be implemented?

**Mr Corbell:** Yes. That is for Optus and Vodafone.

**THE CHAIR:** Both of those at the same time?

**Mr Corbell:** That is my advice, yes.

**THE CHAIR:** I believe Mr Gentleman has a supplementary on that.

**MR GENTLEMAN:** Yes. Minister, you mentioned the online tools available. Can you tell us how you are going? I am looking at the incidents map at the moment, and there is a hazard reduction burn in O'Malley? How is that going?

**Mr Lane:** That indeed is the case, Mr Gentleman. There is a hazard reduction burn. Firstly, in terms of the first question, I think the minister has articulated very clearly the importance of emergency alert as well as the other available tools that the community needs to be aware of. But certainly we will continue to work to make sure that we are able to advise the public, in general terms even outside of emergencies or larger events, with information on the website such as bushfire hazard reductions and the like.

**THE CHAIR:** Any other supplementaries? Substantive question, Mr Gentleman.

**MR GENTLEMAN:** Yes. Minister, if you could go to page 126, I want to move on to the Rural Fire Service. There has been an increase in fire suppression capability. Can you go through what has been supplied and what sort of training has been made

available to those Rural Fire Service officers?

**Mr Corbell:** I might ask Mr Stark if he is willing to perhaps give us a bit of a rundown. I think the question is in relation to additions to your capability.

**Mr Stark:** The RFS is continuing to grow in capability in a range of areas, through fleet enhancements with the additional appliances that have been brought into service in the last 12 months, which are continuing to upgrade our fleet to the most modern and safety-enhanced fire appliances in the territory. Training continues to be delivered to all volunteers, with record numbers of firefighters within the Rural Fire Service, with over 512 firefighters currently in volunteer brigades, with the additional firefighters within the Parks Brigade.

The recent activity that we experienced in January saw a surge in membership inquiries, with over 250 more people registering interest in joining brigades, of which over 100 attended an information session where we initiated their new membership process. Volunteers undertake training from their basic training when they join the RFS through to significant levels of training to allow them to command multi-agency events at the highest levels, and that training continues on an annual basis.

**MR GENTLEMAN:** And the report talks about aerial firefighting teams and says that your capacity was 50 crew members trained and available for deployment. Do you look to increase those over the forward years?

**Mr Stark:** Remote area firefighting is a particularly high-specialist skill which brings together the underpinning skills that firefighters have and combines with them, then, additional skills of working around aircraft, being winched from aircraft and operating in very remote locations which may require walking in and out of, not just the assistance of aircraft. That number of 50 is supplemented with some additional crews from the Parks Brigade. We will review those numbers.

We deployed RAFT firefighters significantly within the ACT this year with the fires that we experienced in the Brindabella Ranges and national park in early January, and the skills of those firefighters contributed to the outcome that we specifically had in ensuring that those fires were contained and extinguished before the weather we experienced that came mid-January. We also sent those remote area firefighters to assist in Victoria and Tasmania with incidents through late January and into February. In fact, the last returned earlier this week.

It is a tremendous skill resource. It is underpinned by the aircraft that are supplied by the government to assist in aerial firefighting and remote firefighting in the ACT, and we will continue to review how many numbers we need.

**THE CHAIR:** Supplementary, Mrs Jones?

**MRS JONES:** Yes, I have a supplementary on that, thank you. In regard to volunteers, I notice that there were 500 expressions of interest to become an ACT SES volunteer. How many of those translated into actual new volunteers on the ground?

**Mr Stark:** Sorry, that was Rural Fire Service inquiries?

**MRS JONES:** No—oh, I see. Sorry; that is a mis-question.

**Mr Stark:** We had over 250 on the website. Through the ESA website, people can register interest in joining a brigade, and our normal process is to deal with that on a one-by-one basis.

The ACT Rural Fire Service, like most other volunteer fire services around the country, always sees a significant surge in membership inquiry when we have heightened activity. Once we recorded over 250 expressions of interest on the website, we conducted an information session, which we held at the CSIRO Discovery Centre on Monday last week. Over 100 of those people attended; they have got formal application packs so they can continue their application to become a member of a brigade. For those people who were unable to attend that night, we have sent a further email encouraging them, if they wish to continue their membership inquiry, to make contact with us again so that we can put them in contact with the relevant brigade that they may wish to join.

**MRS JONES:** Thank you.

**THE CHAIR:** A substantive question, Ms Berry?

**MS BERRY:** I note on page 127 that the ACT Rural Fire Service attended the New South Wales Rural Fire Service pre-season briefing. Can you tell the committee what other activities or processes the ACT RFS have set up to continue the working relationship with the New South Wales fire service?

**Mr Stark:** Certainly. The ACT Rural Fire Service participates by interacting with not just the New South Wales Rural Fire Service but the other fire agencies in New South Wales in a number of forums. As with the structure within the ACT with the Bushfire Council, each of the four surrounding local government areas in New South Wales also has its own local bushfire management committee. Staff from the ACT Rural Fire Service attend each of those meetings, which are held, on average, quarterly around the area. Those meetings involve the development of local risk management plans where there is an interaction and a joining onto the ACT and the ACT's risk management plan and strategic bushfire management plan. We work to ensure at that point that there is good interface between those plans for trail access, hazard reduction plans and the like.

In addition, we run forums or exercises which bring together, particularly, senior volunteers from the surrounding districts together with senior volunteers from the ACT. It is about establishing those relationships, but also testing radio systems and making sure that maps and understandings around trail networks are consistent. We participate in those regional based pre-season meetings where they brief, at a state level, back to the region south that surrounds the ACT in regard to any changes to management policies or operational policies in relation to the coming season, changes to radio networks, upgrades and other information.

Brigades have a one-on-one relationship with their neighbouring brigade. Many brigades are on the edge of the ACT so there is joint participation in hazard reduction,

both within the ACT and with ACT brigades assisting in local hazard reduction activities in surrounding areas of New South Wales.

So the links and the relationships are happening at an executive level, at a strategic level and at a tactical level.

**MS BERRY:** Thank you.

**THE CHAIR:** A substantive question, Mrs Jones?

**MRS JONES:** Yes. It is not simply regarding the Rural Fire Service but is about issues more broadly. The annual report states on page 115 that volunteers and staff were sent to recovery operations in Queensland and New South Wales. What is the procedure for debriefing these members of the SES on their return, particularly if they are returning from critical incidents like the Christchurch earthquake?

**Mr Lane:** There are a number of different debriefs that we hold, particularly in relation to significant incidents that occur. Firstly, what we require of all of our senior officers upon return, through their crews and that, is for them to hold what we call a hot debrief—that is, immediately making sure immediate issues are taken down so that they could possibly be brought forward if there is anything that needs to be done. From a seasonal perspective, though, what we also do at the end of the bushfire season, and it is the same after the storm season, is provide more formal briefings on that so that information relating to the overall areas where there is feedback can be brought back to my office.

**MRS JONES:** Is there one-on-one debriefing or is it just a group activity?

**Mr Lane:** One-on-one debriefing is not a common occurrence. It is more of a group approach.

**MRS JONES:** Are there three-monthly and six-monthly checks on people's wellbeing or is it just left up to them to report back if they are concerned about any experiences that they have had?

**Mr Lane:** The ESA has a number of pastoral, I suppose, care options available to both volunteers and staff with the ESA in relation to ensuring that people's welfare is considered at all times. Whether it be through employee assistance programs or things like the ESA chaplaincy service, there are provisions for people to access those types of services.

**MRS JONES:** But it comes from the person who has experienced it up rather than there being any kind of top-down approach? Would that be accurate? There is no formalised process where they are required to have or it is suggested that they have a regular-

**Mr Corbell:** There is not a monitoring program, no. These issues are inherently deeply personal and rely on the individual themselves identifying that they themselves need help with something.

**MRS JONES:** It is interesting because in other aspects of government there are regular checks sometimes on people—not necessarily the ACT government; I am speaking more from a defence perspective.

**Mr Corbell:** Generally speaking, the important thing to have in place is awareness that there are avenues available for assistance. I know that, particularly, ambulance and fire do put a lot of effort into making sure that all of their personnel are aware that there are either employee assistance programs or pastoral care type services, as the commissioner outlined, available for personnel. And, of course, that is not to say that peers and colleagues do not keep an eye on each other and talk to people about whether or not they need assistance. That is a task of superiors, peers and colleagues, and I know that is an ongoing exercise.

**MRS JONES:** Thank you.

**THE CHAIR:** Mr Seselja, a final question.

**MR SESELJA:** The rebuild of the Fairbairn triple zero communications centre is referenced on page 118. What was the cost of that rebuild?

**Mr Corbell:** This is following the flooding of the facility? I assume that is what you are referring to?

**MR SESELJA:** That is the reference on page 118—after flood damage in December 2010.

**Mr Corbell:** I am happy to take the specifics on notice, but in general terms the costs were either borne by the airport group as the owner of the facility—that is, the owner of the building—or, with the majority of costs to the territory, covered by our insurance arrangements. The territory's insurance arrangements resulted in reimbursement of close to \$1 million. The net cost to the ESA was quite minor, and included small costs such as the insurance excess of \$5,000.

**MR SESELJA:** Does the same go for the next dot point, which is about the rebuild of the ESA ICT computer room after the flood damage?

**Mr Corbell:** Yes. It was the same event.

**MR SESELJA:** So you will provide more detail on those? Is that right?

**Mr Corbell:** Yes. I am happy to provide the exact net cost to the ESA but, as I am advised, the net cost to the ESA once insurance arrangements were taken into account was minor and only included small costs such as the insurance excess.

**MR SESELJA:** Okay.

**THE CHAIR:** Thank you. That brings to an end the first hearing of the Standing Committee on Justice and Community Safety on the 2011-12 annual and financial reports. The next hearing will take place on Wednesday, 13 March, commencing at 9 am. Once again, I thank the minister and all witnesses who appeared.

**The committee adjourned at 12.14 pm.**