



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2018-2019

(Reference: [Appropriation Bill 2018-2019 and Appropriation \(Office of the Legislative Assembly\) Bill 2018-2019](#))

Members:

MR A WALL (Chair)
MS T CHEYNE (Deputy Chair)
MS C LE COUTEUR
MS E LEE
MS S ORR

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 26 JUNE 2018

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

By authority of the Legislative Assembly for the Australian Capital Territory

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

APPEARANCES

ACT Human Rights Commission	734
ACT Policing	756
Chief Minister, Treasury and Economic Development Directorate	702, 786
Inspector of Correctional Services	734
Justice and Community Safety Directorate	702, 734, 756, 786
Legal Aid Commission (ACT)	734
Public Trustee and Guardian	734

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Amended 20 May 2013

The committee met at 9.14 am.

Appearances:

Ramsay, Mr Gordon, Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors

Chief Minister, Treasury and Economic Development Directorate
Snowden, Mr David, Chief Executive Officer, ACT Gambling and Racing Commission
Croke, Ms Leesa, Deputy Director-General, Policy and Cabinet

Justice and Community Safety Directorate
Playford, Ms Alison, Director-General
Kellow, Mr Philip, Principal Registrar, ACT Courts and Tribunal
Lutz, Ms Amanda, Manager, Restorative Justice Unit
Harvey, Ms Tamsyn, Executive Director, Legislation, Policy and Programs

THE CHAIR: Welcome to day eight of the Select Committee on Estimates. Today we are looking at the Justice and Community Safety Directorate, budget statements D, with Minister Ramsay, Minister Gentleman and Minister Rattenbury, as well as statutory office holders.

As you would expect, Hansard are broadcasting and transcribing for today's purposes. If you take any questions on notice, please state, "I will take that question on notice." That makes things easier to keep track of for the secretary. Before we kick off, could everyone please let me know that they have read and understand the privilege statement in front of them, which everyone should be familiar with.

Ms Playford: Yes.

THE CHAIR: Excellent. Do you have an opening statement, minister?

Mr Ramsay: No.

THE CHAIR: We will go straight to questions on gaming and racing. Midway through the last financial year there was a directive given to the Gambling and Racing Commission to increase the number of compliance checks on race days across the three racing codes in the ACT. What impact did this have on race day compliance?

Mr Snowden: I am not sure that there was a direction given.

THE CHAIR: Okay.

Mr Snowden: The racing codes are always under the compliance program of the gaming and racing commission. In terms of where we go, we attended the harness, the thoroughbreds and the greyhounds on many occasions to ensure that there was compliance not only with the legal framework under the gaming regime but also across a number of the other regulatory activities that Access Canberra look at.

THE CHAIR: How many instances of non-compliance have been detected across the three codes in the last financial year?

Mr Snowden: There has been a high level of compliance across all of the codes. It is a part of the ethos that the gaming and racing commission has around engage, educate and enforce. We spend quite a considerable amount of time investing in engagement with all sectors to ensure that they are compliant. It is good to see that there is a healthy level of compliance across all of the sectors, but, in saying that, we remain vigilant to ensure that all codes understand their obligations under the legal frameworks.

THE CHAIR: Given that greyhound racing has now ceased in the ACT and there were in excess of 50 race meets in a year, what impact has that had on the resources in the compliance section?

Mr Snowden: With the closure of the greyhounds?

THE CHAIR: Yes.

Mr Snowden: It has had a negligible impact upon the resources of our particular organisation.

THE CHAIR: How are the resources that were previously focused on the greyhound racing industry now being redeployed?

Mr Snowden: They will be looking at other activities, including thoroughbreds and harness. But also, in terms of the Access Canberra model, there are a number of other regulatory regimes that our staff have responsibility for.

MR PARTON: What Mr Wall says is a really good point. There were 50-plus greyhound meetings held per year in the ACT; that is more than the other two codes combined. It is interesting that that does not have some effect on—

THE CHAIR: Fifty per cent fewer events occurring in a year.

MR PARTON: In terms of the regulatory workload in regard to overseeing racing events, it has more than halved with the end of greyhound racing, but we do not see that reflected in the budget in any way, shape or form.

Mr Snowden: It is not reflected in the budget. However, it is reflected in the way that we undertake our risk-based assessments in deploying our resources to the areas where there is the highest risk of non-compliance.

MR PARTON: Continuing with the end of greyhound racing, last month, minister, you made a statement online in regard to the death of a dog at a Canberra-Goulburn meeting last month. You said:

These dogs are treated as disposable commodities. This is exactly why we ban greyhound racing in the ACT. We will not let this sort of activity and animal cruelty take place in Canberra.

Given that two thoroughbred horses died at Thoroughbred Park within two weeks of each other last year while you were the minister responsible for racing, when can we expect you to announce a ban on thoroughbred racing? If not, why not? What is the difference?

Mr Ramsay: It is a matter that has been well and truly worked through in the public sphere and in the Assembly. The decision from the government to ban greyhound racing was not simply on the matter of any single instance, any single decision, around the euthanasia of a dog. That was an instance that I used on social media. What we do have is demonstrated, clear, systemic cruelty as documented through the McHugh report and as was confirmed in the Durkin report, which demonstrates the systematic cruelty, the way that the greyhound industry has been operated, and the fact that the ACT industry is unable to be separated from the New South Wales industry. That was the reason for the decision to end it.

I note, as an illustration, that there have been times when, in the chamber, you, Mr Parton, have been wont to refer to Mr Barilaro, the current Deputy Premier of New South Wales. Let me refer to the words of Mr Barilaro in 2016:

I spoke to a breeder in my community in Braidwood. I asked whether he believed the McHugh report had been exaggerated. He said he was angry with the Government's decision but that the McHugh report is not exaggerated—if anything, it is probably the tip of the iceberg. Many within the industry have been aware of cruel live-baiting practices in the industry but have sat idle and not voiced their concerns. Today the industry has to pay the ultimate price for that silence.

The ACT government has based its decision on well-documented cruelty, as shown in the McHugh report and as confirmed in the Durkin report. We are not going to be engaging in the scaremongering that is happening from time to time, from the Canberra Liberals, around other forms of racing.

MR PARTON: With respect, though, minister, you specifically said in that post, when referring to the death of that dog:

This is exactly why we ban greyhound racing ...

I do not see the difference between the two incidents. There were two thoroughbreds that were destroyed within two weeks of each other at Thoroughbred Park last year. I do not see that as a reason to close the industry, but, based on your statements and your apparent understanding or misunderstanding of the industry, I fail to see why you do not see it as a reason to close down the industry.

Mr Ramsay: I understand that you fail to see it. I disagree with you and I think the government's position is extremely clear.

MS LE COUTEUR: Going to the other side of the greyhound transition, I understand, on the basis of a letter you recently wrote to me, minister, that so far there has not been any money expended or asked for for transitions for either rehoming dogs or transition packages for workers. I was just wondering if you could give me an update

as to where we are up to and, if the situation is still zero, why you think that would be the case, given that the Durkin report thought that there were about 49 greyhounds raced by ACT residents in the last years. While it is disputed how many people were employed, it is clear that some people did work in the industry.

Ms Croke: To date, we still have not received any applications for transition support, so there is nothing that is a live application. We do understand, however, that we are expecting applications for rehoming support of greyhounds, and it is possible that there may be applications from some of the workers at the Canberra greyhound racing track. As yet, we have not seen anything come through. I have not checked the website this morning, but as far as I know, we have not seen anything.

MS LE COUTEUR: The end of the financial year is—

Ms Croke: True.

MS LE COUTEUR: Will any moneys be rolled over if there are no applications?

Ms Croke: The applications close at the end of this financial year. However, if there are applications, they will be processed through to the end of September. At that point, it would be a decision for government around what to do with any unexpended funds.

MS LE COUTEUR: So you have to apply by the end of the financial year.

Ms Croke: That is correct.

MS LE COUTEUR: You are not looking at any extension? I am really surprised that there are zero applications.

Ms Croke: As I said, we are expecting to see applications come through. It may well be that it is just that last-minute flurry. We really will not know until 30 June.

MS LE COUTEUR: At that stage would you maybe look at it again if the numbers continue to be so low?

Ms Croke: I think that would be a matter for government. If we knew that there was an application that was on its way, and it was a matter of a day or so, I am sure there would be some flexibility around that. But ultimately that would be a decision for government. The time frame around the application process has been very clear. We have undertaken a number of different communication and engagement activities to be clear about that. It is up to potential applicants to put those applications in.

At this point in time, they do not have to put in a full application at all; they just need to let us know that they are interested in applying to be part of the process. Hopefully, the form that we have is not onerous at this point. For workers, for instance, that is about them making an assessment of their individual circumstances. And similarly for rehoming of greyhounds.

MS LE COUTEUR: But for both categories, at this stage, if people just emailed you and said, “We are interested”—

Ms Croke: I think we would need something a bit more formal than that. There is a form.

MS LE COUTEUR: Is the form on the website?

Ms Croke: That is to start a process of discussion. We will need some details, obviously.

MS LE COUTEUR: Sure. As long as you have filled in the form on the website before the end of the financial year, you are in the system and will be looked at appropriately.

Ms Croke: That is right.

Mr Ramsay: Ms Le Couteur, one of the other things with that is that we did indicate the clear time frames from the beginning. We also indicated that we did not believe there would be significant numbers of people affected by this. There was a time when some public narratives suggested that the numbers of people who would be affected would be substantially more than the evidence that we ever had suggested would be the case.

We do encourage people who are affected—people who are exiting the industry and people who are involved in the rehoming of dogs—to be in contact. We would, as I say, encourage that. But the time frames have always been clear, and the scale has been clearer, from the government's perspective, than sometimes the public narrative has been.

MS LE COUTEUR: Absolutely. I am just surprised. I knew it would not be large, but I did not think it would be zero. Thank you for that clarification, minister.

MS CHEYNE: I understand from your website that the commission has a research role in harm minimisation, which makes sense. How much does the commission spend on its research and what is that as a proportion of your total appropriation? Where are we up to on the latest research about harm minimisation and are we adopting appropriate responses?

Mr Snowden: The commission has an ongoing relationship with the ANU in relation to undertaking a range of gambling research activities. The commission funds this research predominantly through the problem gambling assistance fund. We also scan the environment not only across Australia but globally to see what other jurisdictions are doing. We take on that research and apply it here as well.

We are focusing on harm prevention and trying to get a much better understanding of the application of a public health approach to intervene along a continuum of gambling harm. We recognise that there is a need to have a resource level and a great understanding about members of our community who have a distinct problem with gambling. But we also recognise that we need to intervene much earlier in the process with those people who are showing potential signs of problem gambling.

We are really trying to focus on getting a much better understanding, through academic research, of how we can intervene. We are taking some leads from other social policy constructs, especially through Health. They have invested for quite some time in public health preventative schemes on depression and alcohol addiction, so we are taking some learnings from that.

We have reconstituted our advisory committee. One of the important elements of that is that we have a group of people around the table that are not only industry based but also community oriented. They can see what is happening on the ground. We also have officials from the health department who have had quite a substantial level of exposure and experience in relation to public health prevention programs.

We have a suite of activity going on within the commission. One of the initial bits of work we have rolled out is the venue support kits. The minister launched those in October last year. That gives rise to applying the theory in practice in the clubs, in terms of identifying the signs that patrons may be experiencing difficulties with gambling.

MS CHEYNE: Have you received feedback about the usefulness of those kits?

Mr Snowden: We have had some feedback from the community sector saying that they have been very helpful. We have a continued level of engagement with the industry in relation to the application of those kits.

MS CHEYNE: What does that mean?

Mr Snowden: It is a complex issue. There are many signs of problem gambling. In the application of a theory through Delfabbro, there are in excess of 50 possible signs that a person may be experiencing gambling harm. We have produced a consolidated piece of information for the industry which showcases around 30 of the most obvious and prominent signs they should be looking out for in situ, where people may be experiencing problem gambling. They have been distributed to every club in the territory, the casino and the TAB venues.

MS CHEYNE: What are examples of some of those signs?

Mr Snowden: I have not committed them to memory. But some of the obvious ones are to do with time and duration. Spending a lot of time in a particular venue, playing a lot, making multiple withdrawals of money, showing overt signs of anger and intoxication are some of the signs.

MS CHEYNE: Those seem pretty obvious. Are there signs that would not normally come to mind?

Mr Snowden: One of the complexities is that we are dealing with individuals, and individuals respond in a very different way, given a different stressful experience. A person may display one particular sign but not any of the other signs the research has thrown up.

MS CHEYNE: Does the ANU research money from the fund fluctuate?

Mr Snowden: The problem gambling assistance fund is funded from industry. There is a levy of 0.75 per cent on gross gaming machine revenue.

MS CHEYNE: So it does fluctuate.

Mr Snowden: Yes. It was increased last year. The government increased it by 0.15 per cent; it was at 0.6. We have a forward program, so not only do we fund research through the ANU but we also fund the gambling assistance counselling program in the ACT through that fund. We have also funded a number of other micro research programs specifically related to the ACT. We can anticipate the revenue we are getting year in, year out, and from that we can devise a forward research program with the ANU.

As an example, from 2009-14 the ANU conducted prevalence surveys on behalf of the commission. Next year the ANU will conduct its five-year survey on our behalf. That is already loaded up into our program; we already know what sort of budget we need for it. That will kick off in January.

Mr Ramsey: The increase from 0.6 per cent to 0.75 per cent provides about an extra \$300,000 a year to the problem gambling assistance fund.

THE CHAIR: What portion of the academic research on problem gambling is on gambling that occurs outside physical establishments such as a casino, clubs, TABs? I am referring to the online space particularly.

Mr Snowden: This is a growing area of research. I do not think anyone has a firm handle on it other than to say that it is increasing. The traditional form of gambling as we know it—people going in venue—is actually decreasing and the predominance of online gaming is increasing. That is on our work program; it is really on the national work program. It is in everyone's interest to really understand exactly how the shift is occurring and how quickly people are taking that up as an alternative means of gambling.

THE CHAIR: What regulatory levers are at government's disposal to try to address problem gambling in the online arena?

Mr Snowden: Firstly, it is around preventative aspects. It is about raising awareness in relation to the pitfalls people can fall into. The difficulty is that people are sitting at home and gambling, so that raises all sorts of different challenges. The state and territory regulators have been working with the commonwealth to raise issues around accessibility.

The power in relation to the online space rests with the commonwealth, through the telecommunications power in the constitution. I know ACMA have done quite a bit of work over the last year in disrupting online activity that is not licensed in Australia. The commonwealth, the states and the territories are working collaboratively to raise awareness and to disrupt illegal markets from coming into Australia and causing consumer harm.

MS ORR: There has been a lot of media recently surrounding the Raiders club case. Is there anything you would like to put on the record regarding that case?

Mr Ramsay: The key thing from that is, as I have indicated, there has been some difficulty with the commission and me not being able to comment in any way in relation to a matter that was a live regulatory matter before the tribunal. It was not appropriate for either the GRC or me to be commenting during the process. Now the process is over, I have announced I will be looking at the gambling code. I have already had an initial conversation with the GRC in relation to that.

I will be drawing together a number of things we have been working on in this area, including some matters that have come out of the round tables that were hosted with industry, people with lived experience of gambling problems, the community sector and academic experts, such as self-exclusion, staff training and enforcement matters under the regulatory regime. Reforms will be drawn together and introduced into the Assembly before the end of this calendar year.

MS ORR: Given that this has been such a high profile case, have you seen any changes in reporting as a result of greater higher awareness of the issues?

Mr Snowden: Yes, we have. One of the objectives was to raise a level of awareness around the obligations of clubs to report signs of potential problem gambling, and since the commission's decision in December last year there has been a notable increase across the entire sector of reporting in incident registers.

MS LE COUTEUR: Continuing with this case, what was the legal basis on which the fine was overturned or withdrawn?

Mr Snowden: The tribunal did not make a finding in relation to the fine. It was by consent of the parties that the matter was settled.

MS LE COUTEUR: Obviously it is signed off if the tribunal believes this is a fair and appropriate outcome?

Mr Snowden: That is right, yes.

MS LE COUTEUR: Was agreement reached between the Gambling and Racing Commission and the Raiders that the decision be made publicly available?

Mr Snowden: It is publicly available, yes.

MS LE COUTEUR: Where would I find it?

Mr Snowden: The tribunal file is open, but I am happy to provide a copy to you.

MS LE COUTEUR: I am ignorant. I do not understand how I get there.

Mr Snowden: The tribunal has agreed to the settlement and made an order. There is an order available to the public. It generally sits on the ACAT file. We have a copy of it. I am happy to provide it to you.

MS LE COUTEUR: That would be great, but someone who was not privileged to sit on the estimates committee and wanted to find out would go to the ACAT's website and they would eventually find it. This is no criticism of you. I do not find the ACAT's website always easy to navigate.

THE CHAIR: For the record, Mr Snowden, you will provide that on notice to the committee?

Mr Snowden: I can provide that to the committee.

MS LE COUTEUR: Why was the complainant not given the opportunity to present evidence at the hearing?

Mr Snowden: The litigation is complex and carries risk, and this matter carried a lot of complexity and risk. Professor Brown was in the ACAT, and the matter reached a position whereby the parties agreed to finalise it in the terms that are now very public. Given that position, none of the witnesses were required to provide evidence in that matter.

MS LE COUTEUR: I do not want to verbal you by using the wrong words, but the Raiders basically admitted guilt is what you are saying, so there was no need to prove it?

Mr Snowden: By virtue of the consent orders and the issuing of a reprimand, the Raiders have made an admission that they contravened the code of practice by failing to fill out the gambling incident registers as required.

MS LE COUTEUR: Minister, you have already said that you are contemplating legislative changes as a result of, presumably, this and other things.

Mr Ramsay: That is right. As indicated, with the matter now drawn together, there has been a lot of work that has been going on over the last 18 months—as I say, the round tables, the work in relation to the reduction of the numbers of gaming machine authorisations. We have the report that is coming from Neville Stevens, and the government is considering that at the moment. We are working through a number of things but we are specifically involved in, as I say, working with the GRC and others on the reform of the code. We will be doing that before the end of this year.

MR PARTON: On the machine reductions, if indeed you do not reach that 4,000-mark in the intended time is it the intention of the government to just remove authorisations from clubs with no compensation whatsoever?

Mr Ramsay: The government will be reaching the 4,000 gaming machine authorisations by 2020. That will be happening in terms of the response to the Neville Stevens report. We have that at the moment and we will be making announcements on that in the very near future.

MR PARTON: But my very clear question is: if indeed it does not go to plan and there is still, in the lead-up to that date, an excess of machines, does the government

intend to just remove authorisations from clubs with no compensation?

Mr Ramsay: The government will be making its announcement on the Neville Stevens report. The commissioning of that report was to look at the way in which we would be reducing from 5,000 to 4,000 the machine authorisations. That would include what either financial or non-financial incentives may be offered as part of that and also that there would be a compulsory surrender, contemplated to be commencing on 1 April next year. That was all in the terms of reference. The government will be following through on the report that Mr Stephens has provided and we will be making our announcement on that in the very near future.

MR PARTON: Do you believe that you legally could remove authorisations from clubs with no compensation?

Mr Ramsay: We believe that we will be making our announcement on that in the very near future.

THE CHAIR: The committee is ready to move on to JACS.

Short suspension.

MS LEE: I want to ask about domestic and family violence policy. Is it okay to ask you or do I wait for the Minister for the Prevention of Domestic and Family Violence?

Mr Ramsay: It depends a bit on the question, but it is primarily Minister Berry.

MS LEE: The question is about a recent report saying that the government had only spent 80 per cent of its 2016—

Ms Playford: Is that not Minister Berry?

Mr Ramsay: That would be more appropriate for Minister Berry.

MS LEE: I have a question about the drug and alcohol court. In budget publications, the government has committed to continuing design work on the establishment of a dedicated drug and alcohol court. Attorney, what does that exactly mean? What do you mean by continuing design work on the establishment of a dedicated court?

Ms Playford: I think it means that the government is still deciding exactly what the model for a drug and alcohol court will be. The experience in other jurisdictions has been that this is a fundamentally different way of operating, having the health sector and various justice agencies working together. The precise details of how the model will work in the ACT, in our justice system, are still being worked through. So the design of the model is still being finalised for a decision of government.

Mr Ramsay: One of the illustrations of that, Ms Lee, is that recently Minister Fitzharris and I met with the alcohol, tobacco and other drugs sector in the knowledge that there is obviously, for a drug and alcohol court, a close working relationship between the justice system and the health system. Ms Fitzharris and I were committing to, from the health side, working very closely for a co-design with the

community, alongside the justice section. The design work is about how that model operates within the particular court jurisdiction and how it operates alongside the health and support services, as well as the community support services, to ensure that there is a fully integrated, holistic approach to an innovative therapeutic justice model.

MS LEE: I feel that there is a bit of déjà vu here because last year we had the same questions and the same types of answers. Given that there was tripartisan support—

MS LE COUTEUR: Yes; it is part of the parliamentary agreement.

MS LEE: Given that there has been tripartisan support, what has been the delay? Why has there not been more concrete progress on this?

Mr Ramsay: I do not think we should be assuming that there has not been progress; there has been significant progress.

MS LEE: This is your opportunity to tell us some of the more concrete steps.

Mr Ramsay: That is right, but at a higher level, we also should not underestimate the complexity of designing the new therapeutic justice model for a drug and alcohol court, including not only all of the moving parts but all of the interplay between the moving parts here. This is something that we have said all along. We are committed to making sure that it is implemented during this term of government. We are primarily committed to making sure that it is done well and that it is done right.

MS LEE: Is the best approach to say that it is going to be before October 2020? You said we are going to see something.

Mr Ramsay: It will certainly be before October 2020. We will be working towards it being established well before that, but at this stage it is not appropriate for us to give a commencement date by any means. The key for us is to ensure that model is—

MR HANSON: Why is it not appropriate to give a commencement date? What is inappropriate about providing a commencement date? Surely if you have done all this work, you have done all this modelling, you have all this substantial work of connections and—

MS CHEYNE: I think the attorney should be able to answer, if you would let him.

MR HANSON: these interconnections and whatever the other waffle was, why can you not give us a start date?

Mr Ramsay: We will give you a start date when the model is properly developed. It is more appropriate for us to ensure that—

MR HANSON: You said that you have done all this work and it is an amazing amount of work that you have done. You do not even know when you are going to start.

Mr Ramsay: It is good to have the editorialising that comes with your questions.

I enjoy your editorialising, Mr Hanson.

MR HANSON: Good; thanks.

Mr Ramsay: The reality is that we will ensure that the model is fully developed, and fully developed appropriately, and we will implement it at that stage.

MR HANSON: But why can't you give us a start date? Most projects, most new initiatives, have a commencement date that is worked for. Yes, there might be some more work to identify what model exactly is going to be used and how that will be rolled out, but it is bizarre that you cannot give us a start date.

Mr Ramsay: Again, you are editorialising around the commentary of "bizarre". I do not agree that it is bizarre at all; I think it is not at all bizarre. I think it is very appropriate for us to develop more—

MR HANSON: Let us agree to disagree, then. What models are being considered? What are the models? Can you explain?

Ms Playford: We are still engaging with a range of stakeholders, as the minister said, across the justice sector, the health sector and the non-government sector in terms of service provision. We are looking at options around at what point it should be during the process, whether it should be part of pre-sentencing or at the point of sentencing that the person is allocated to the drug and alcohol court.

We are looking at a model where Health would provide a detailed assessment that would sit alongside the regular assessments that community corrections provide to the court, which would assist in making a decision about suitability for the drug and alcohol court as an alternative to a custodial sentence. We are then looking at models around how a judicial officer would monitor for different periods. There are different experiences in different jurisdictions of what is the best approach. There are probably options in terms of the types of people—

MR HANSON: Have you developed a series of different options or is it just ongoing discussions with nothing concrete? You come down to saying, "This is option A and this is option B." Have you got anything concrete that we can look at?

Ms Playford: I would probably classify it that we are still in the process of refining options and deciding what those options will look like as we work with the sector, across the justice sector and the health sector in the ACT. We have looked to other jurisdictions, and it will be very much an ACT fit model. We are very much using as a starting point the models in other jurisdictions as the options that we are talking through with the various ACT stakeholders but looking at the unique parts of the ACT environment and how they would fit.

THE CHAIR: When do you have to have the options finalised and submitted to cabinet?

Ms Playford: We do not have a particular date on which to have anything finalised for cabinet. It will be a matter for government when it wants to consider that.

THE CHAIR: The concern that has been expressed by a number of members of the committee, and visitors down here today, is that there is no time frame for when you would like to see a law court established and there is no time frame around when you want to see at least options being delivered and finalised. It has been my experience in observing government from this position that where there are no time frames put around it, things seem to linger on into the never-never.

On the issue of a drug court, there is tripartisan support for this. Everyone is keen to see it get moving. But for the best part of the time I have spent in the Assembly this has been on a discussion paper and no firm progress has been made from where I am sitting.

Ms Playford: I think there has been a lot of progress that has been made in terms of engaging with stakeholders. We do have a time frame, in that it is in the parliamentary agreement. Within that time period, the government will make decisions—

THE CHAIR: So it will be established and up and running prior to the end of this parliamentary term?

Ms Playford: That is the intention of the government.

THE CHAIR: So there is a time frame.

Mr Ramsay: Which is what I said before.

Ms Playford: I would reiterate what the minister said. Everybody who has been involved in the process of discussions around exactly what our model would look like would agree that it is best that we get the right model for the ACT and we make sure that what we do is right for our jurisdictions.

THE CHAIR: Developing what is right for the ACT is a far easier proposition than it has been for other jurisdictions, given that we are geographically small and we are operating one set of courts at one level. We only have one Magistrates Court and one Supreme Court, as opposed to courts across a large jurisdiction. I would have thought that tailoring it to the ACT would be a simpler proposition than it has been in other jurisdictions.

Mr Ramsay: I am not sure that you can necessarily assume that that is the case. The learning from other jurisdictions sometimes benefits from the scale and the size of the other jurisdictions. Having something that is appropriate for a smaller jurisdiction may well bring some benefits, but it brings at least as many challenges as well. Ensuring that it is appropriate for the size and the scale of the jurisdiction here, including the health sector here, is important as part of that. I do not think we should be assuming that smaller jurisdiction equals easier drug and alcohol court.

THE CHAIR: What is adding complexity to it in the ACT, compared to, say, New South Wales?

Ms Playford: The size is one of the complexities.

THE CHAIR: But how? Help us understand that.

Ms Playford: The size of our court. It seems much easier in a much larger court in terms of the numbers of people who potentially might be suitable who might come through. It is to do with the drug and alcohol sector in the ACT, which has probably fewer options than a bigger jurisdiction in the services that are available. They are the sorts of issues that we are working through.

MR HANSON: In terms of the percentage of people who are facing the courts in matters related to drugs or alcohol, do you monitor what the number is as a percentage or what the raw number is? Currently, do you know how many people are facing the courts on matters relating to drugs and alcohol? Is this a substantive part of the courts' business, or is it a small portion? What volume are we talking about?

Ms Playford: We have done some data analysis around numbers. I do not have those with me, but we can probably provide something on notice.

MR HANSON: Okay.

MS CHEYNE: Page 27 of the budget statements says there has been \$266,000 in savings for the drug and alcohol court establishment. What does that mean?

Ms Playford: I think that was some capital money which was not rolled over from the 2017-18 financial year into the 2018-19 financial year. That is because, again, the government has not finalised what its model looks like, and that impacts exactly what the capital is required for.

MS LE COUTEUR: Is part of the issue a shortage of drug and alcohol rehabilitation services? Are they adequate? Has the ACT got adequate services to meet the demand that would presumably come once the drug and alcohol court gets going? Is that part of your problem?

Ms Playford: I think that is probably more a question for the minister for health to answer. We are certainly working to explore and make recommendations to government around what might be required for the model to work effectively in the ACT.

MS LE COUTEUR: You do not know whether you have what is required?

Ms Playford: They are the sorts of issues that we are currently working through, particularly with that sector.

MS LEE: With all the work that has been going on at the moment, in terms of establishing and designing it, have you got to a point of having a firm view about where this court will sit in the overall court structure? Is it going to sit alongside or within the Supreme Court? Is it going to be with the magistrate? Have you at least got to that?

Mr Ramsay: The government has not made a decision on that. The Supreme Court

working group, led by Justice Burns, has been working very positively in relation to a Supreme Court model. That is the primary one that is being explored and developed. But there is no formal decision at this stage in relation to the jurisdiction within which it sits.

MS LEE: Are you consulting with the Magistrates Court as well on the establishment of this drug and alcohol court?

Mr Ramsay: I meet regularly with the Chief Justice and the Chief Magistrate, both individually and together. The issues of the drug and alcohol court, and therapeutic justice models in general, are the topic of the consultation, the conversation, at every meeting.

MS LEE: I do not understand. You said that there has not been a firm decision, but you are leaning toward, obviously, situating this court within the Supreme Court model. Why is that, given that the vast bulk of offences related to drugs and alcohol, and criminal matters generally, are dealt with in the Magistrates Court? Why was the decision made to go towards the Supreme Court?

Ms Playford: I think part of the justification for a model based in the Supreme Court is that it ties in very well with the government's commitment to reduce recidivism. The people in the Supreme Court who face these issues are generally the highest recidivists and the most likely to have the greatest impact in terms of their effect on the community because of not only cycling through the justice system but also the number of crimes that they commit. The application of the drug and alcohol court in that area, for those particular offenders, potentially has a great impact in terms of the community.

MS LEE: Are you concerned at all about the already stretched resources of the Supreme Court, given their workload, if it were to be established there? You then might have a situation where, given the models that you were talking about, even at the pre-sentencing stage these matters which would normally be dealt with far along the line in a Magistrates Court would be pushed up to the Supreme Court.

Ms Playford: These are all issues for the government to consider, including the resourcing of the model, which is a key part of the decision-making that government needs to make around this model.

MR HANSON: How will this fit in with the new court building? Have you looked at whether it will require extra space or will it be integrated within the existing design?

Mr Kellow: There has been some preliminary design work done. At this stage the architects are confident that we can provide for the drug and alcohol court facilities within what we call "the heritage buildings", the old Supreme Court building—that will be stage 2 of the project—which has hearing rooms, two courtrooms and some space. If the model goes down the path of requiring some sort of testing facility in the premises, we think we can accommodate that. That money—some of it is returned; some of it is retained—has been going towards that design process.

MR HANSON: The new court building, if and when it ever opens, will absorb the

functions of the Supreme Court? But when they vacate where they are, that becomes space that then becomes available?

Mr Kellow: Yes. There were plans for two courtrooms, some hearing rooms, some mediation rooms and a justice hub for various organisations that participate in the system—obviously Legal Aid, DPP, CADAS and some of the other services. Within that, there were some small meeting rooms, small interview rooms. We think we could repurpose one of those for a testing facility. There are two courtrooms there, one of which we think, with some minor modifications, would be suitable for the drug and alcohol court.

MR HANSON: Is there a detailed plan for what happens in that existing building? I am a little bit surprised that the concept for the upgrade of the courts, including a new building, did not incorporate a view about what would happen with the old building, a time line for refurbishment and budget.

Mr Kellow: No, there are detailed plans. The work we are doing is taking those detailed plans for the heritage building and seeing what changes need to be made, should it be required to accommodate a drug and alcohol court.

MR HANSON: Is there a project? Is there a tender? Has someone been identified to do that work?

Mr Kellow: That is part of the existing arrangement with Juris Partnership.

MR HANSON: Is that going to require a re-scoping of that contract to achieve that?

Mr Kellow: There is scope under the contract. This is drifting into the commercial area, which I am not an expert on.

MR HANSON: Is there someone here that is?

Mr Kellow: There is scope for modification. It would be a modification. The cost of that would depend on the nature of the changes. But at this stage the architects are proposing fairly modest changes to what is already proposed for those spaces.

MR HANSON: In terms of time lines, the new court gets occupied and the existing buildings, the heritage buildings, are refurbished. When is that work due to be completed?

Mr Kellow: I think it is a bit dependent on when stage 1 is completed. I think we are working towards the middle of next year.

MR HANSON: The middle of next year is when the heritage building will have been refurbished?

Mr Kellow: That is right. It will be the completion of stage 2 of the project.

MR HANSON: Therefore, it seems that you need a reasonably concrete view of how this is all going to look from JACS in order that you can incorporate those changes

and so that they can be part of the re-scoped design for the heritage building. It seems that you are saying, “We don’t know quite where we’re going here with the drug and alcohol court.” How will you then be able to design and incorporate those changes and have those complete by mid-next year if the government does not even know what they are sending to cabinet and when?

Mr Kellow: I think in broad terms the accommodation is fairly straightforward, whatever model may be picked up, looking at what is in place in other jurisdictions. From my point of view, the biggest question mark is just around what sort of testing facility should be in the premises or whether the ACT model might avail itself of other testing facilities.

MR HANSON: What guidance have you received to date on what it should look like in terms of facilities in the heritage building? Have you received guidance on what it should look like and what is required?

Mr Kellow: There have been discussions with the Chief Justice and Justice Burns. The Chief Justice was the inaugural chief judge of the drug and alcohol court in New South Wales, so she has had some experience in actually working within the environment. In broad terms, it is a courtroom. It will have a courtroom. It will have custodial access. The tweaking we are doing is to accommodate a less formal atmosphere, should the judge decide not to have the bench and bar table configuration. We are looking at ways of making sure we have that flexibility to move the furniture. It is more than just the tables and chairs; we have to make sure that the recording and those sort of facilities—

MR HANSON: I do not understand. We are being told that, on the one hand, there is no model—“We don’t even know if it’s going to be based in the Supreme Court or the Magistrates Court; it’s just a ‘vibe’; we don’t have a date”—but on the other hand you are moving contract amendments in facilities to design that courtroom without knowing what the model is.

Mr Kellow: We have not got to the point of formally asking for a modification. It is a very preliminary discussion with the architects about what the options may be within the heritage building.

MR HANSON: In order to get that complete by mid-next year, when will you need to provide that contract variation?

Mr Kellow: I think it will be towards the end of this year. As I say, we are not expecting the modifications to be significant.

MS ORR: Attorney-General, we have heard quite a bit, I think it is fair to say, about putting a hard deadline on delivering the drug and alcohol court. We have also heard about the complexity: where it is located and bringing together all the different stakeholders that will be involved. This is a bit of a hypothetical, but I think it is still a valid question, because I am asking it.

MS LEE: That is the test!

MS ORR: What would happen if we did put a hard deadline on it, if we just said, “Next week we are going to deliver it,” and we just went for that? What would happen, given the complexities around it?

Ms Playford: That obviously would involve some risks if we did it before we have shown that we have worked through all the issues that need to be worked through.

MS ORR: Could you indicate any of those risks?

Ms Playford: Risks in terms of various stakeholders not being clear about their roles. Obviously, there are decisions for the government to make about resourcing various components of the drug and alcohol court and making sure that those have been properly considered. It is those sorts of issues.

MR HANSON: What other projects have you got that are ongoing where you do not have a proposed date for having an outcome? Are there any others or is this unique?

MS ORR: That sounds like a substantive, and I am next.

MR HANSON: It is related to the drug and alcohol court.

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

MR HANSON: I am just trying to think if this is unique.

MS CHEYNE: I think you are being quite cute.

MR HANSON: With no proposal for establishing this, is this unique? Is this something that is different from the normal way JACS works?

MS CHEYNE: I am not sure if you have been listening, but things take time.

Mr Ramsay: We have gone over it a number of times in terms of the date.

MR HANSON: I was asking if there are any other projects where you have no proposed date for completion.

Mr Ramsay: Based on the premise that there is no date for this, in this hearing this morning we have talked about the fact that there is a date. There is a commitment to having the drug and alcohol court operational by the end of this parliamentary term. That was a question from Ms Lee. At that stage, we also indicated that we are desirous of having it earlier than that. Your assumption that there is no end date and it is just wandering on and on is simply not true; therefore, the rest of the question does not follow.

MS ORR: Attorney-General, reading through budget paper 3, it seems as though there are a number of initiatives that cut across a range of different areas. There are the magistrate initiatives, the Legal Aid Commission and the drug and alcohol court, just to name a few. Can you explain to me the approach that JACS has taken? It seems like a whole-of-government and a whole-of-system approach. How is this being

implemented? I will leave it at that for the time being.

Mr Ramsay: Again, just by way of introduction at this stage, you are right: the key thing in terms of not only the justice system but each of the initiatives is that they will clearly work best when understood from not only a whole-of-justice system perspective but a whole-of-government perspective. That is the case not only with some of the ones that you have mentioned but with any of the initiatives across JACS. I will go to Ms Playford to talk in more detail about the approach that is taken within JACS in a minute.

One of the key things about the role of Attorney-General is to look at the way that the entire system works, especially across the justice system and the broader system as well. That is the approach that I take, and I am very pleased that it is the way that JACS does all its work.

Ms Playford: Just to expand on that, we try to provide to government advice around the justice system in a holistic way and the impacts that particular initiatives might have on other parts of the justice system. We also provide advice at times on the impacts that initiatives there might have had where there might be a particular strain on a part of the justice system and where we think additional resources may assist the whole system. The additional magistrate is probably a good example of that.

Another good example is where, in the midyear review, there were some funds made available to the DPP specifically for confiscated asset crimes. That was in recognition of some earlier funding that had been provided to Policing, which we saw was leading to greater confiscation of assets in their operational activity. We saw a specific need in that area and provided advice to government about the impacts of that and ensuring that the justice system as a whole flows. One of our key objectives in the justice system is to keep people out of the justice system. Increasingly, we provide advice to government on programs and initiatives that will assist in that outcome.

MS ORR: Can you provide an example?

Ms Playford: The drug and alcohol court is a very good example of that. It is a very different way of doing justice. It is culturally different in the way that the people who are involved in that type of process work. They have a sustained impact in terms of the recidivism of offenders.

There is money that has been provided in the budget to support the extension of services. We have the Galambany court that has been working for Aboriginal and Torres Strait Islander offenders for some time. That has been extended to the Children's Court, with the name Warrumbul Court. There was some funding to support a coordinator, the training of panel members in issues specific to child-related matters, and cultural expertise for the panel members who would sit on that court, to support that, which, again, for Aboriginal and Torres Strait Islander offenders hopefully provides the magistrates with much greater insight in the decisions that they make through that process.

Mr Ramsay: One of the other areas is the work around establishing Canberra as a restorative city. That is taking the restorative practices principles that have, in many

cases, operated primarily in restorative justice. But, again, restorative justice assumes that you are involved in the justice system and then works in a slightly different way. The restorative practices and restorative city work seek to extend those principles, those primarily restorative relational principles, in a way that can be lived out in a whole range of other settings.

The Law Reform Advisory Committee is currently finalising some of its work, thinking through that. It has done some consultation in the areas of housing and of child protection, but we are looking at what it means to operate with those particular principles, those justice principles or those relational based justice principles, to see what can follow through. That follows on from a resolution of the previous Assembly that called on the government to establish Canberra as a restorative city. There has been some very interesting work done in restorative practices in education settings and in workplace settings. That is one of the ways where the work of JACS, the work of law reform, has a much broader impact.

There are some other areas as well, going to some of the work in relation to elderly people, and some of the work that is going on with elder abuse. Again, that is something that works through not only from a legal perspective but also from a community services and health perspective. The work that goes on in relation to the prevention of elder abuse is primarily supportive and restorative rather than legal, notwithstanding the fact that over 50 per cent of examples of elder abuse are financial, and financial abuse could well be followed through in the justice system.

MS ORR: What role is JACS playing? Restorative cities is across quite a few directorates, as you have said. Can you make it clearer for me what role JACS is playing within that wider initiative?

Ms Lutz: Under the auspices of the previous Attorney-General and the current Attorney-General, we have been involved in supporting the restorative communities network. The network has grown to well over 400 members at this stage. The government greases the wheels of community participation and community empowerment.

Membership of this network involves a cross-section of people across all sorts of agencies—managers, workers, ordinary citizens—who get together and look at what is working well in particular areas, what is not working so well, and what sorts of assets and resources can be harnessed within the network to meet some of those challenges and come up with creative solutions. In this sense, at a small level, government supports citizens and ordinary people to come together and come up with ways of making things better.

Ms Playford: Within the budget, as well as some support for JACS in terms of a coordinator to facilitate some forums with the community which will extend that work, there was also some funding for the conflict resolution service to do some work around developing some practical restorative practices in their work, extending that in non-criminal matters, and providing some training opportunities. There is also some funding for some research to be done to help us identify key aspects for Canberra.

MS ORR: If you are a member of that network, what does that actually entail? What

does it actually mean? Step me through it.

Ms Lutz: There is a little bit of money that is also going into the ongoing development and maintenance of the restorative communities website. If you are a member, you have a forum, a series of workshops. There will be at least three workshops in the coming year that look at the areas of particular focus. Members get the opportunity to come along to contribute, participate and be part of that. They can tap into the website; they can receive support, information and resources through that avenue. There are regular local cafe get-togethers at the ANU and in the city.

MS ORR: What groups, organisations or people are you seeing becoming members of the network?

Ms Lutz: It goes across directorates: people in Education, in Health, in different institutions. There are people in sporting institutions and people off the street. For instance, one of the first workshops we held was about restorative practices in education and reviving the sense of what it means for a school to be operating with restorative values. At one table we had a Supreme Court judge. We had a woman whose kids were of school age and was just interested. We had an education department person. We had a principal who was using restorative engagement beautifully in their own high school environment. And there was me. It is an opportunity for people to come in and tap into existing experience and expertise.

MS ORR: Can you give me an example of what a restorative education place would be?

Ms Lutz: What it does, across justice and across community areas and families or anywhere, is balance a sense of accountability with compassion. Rather than defaulting back into punitive responses when challenges, issues or conflict occur, or when harm occurs, it is a way of responding that does demand accountability—does ask people to look at the impacts of actions on others, to shift perspective and to get a really good sense of how what has happened has impacted on and affected others. But then it is looking at ways of actively seeking their engagement in helping to make things better. Rather than excluding, suspending or expelling, it is about what can happen to bring that person back into line with the values and to remind them about the values that are current and working well in that area, whether that is schools or workplaces.

In that sense, it helps to build that resilience and that strength in community spirit, rather than defaulting back into excluding: “This is too difficult for us; we just want to leave that person out and get on.” In that way, it is sustainable. As a community, we cannot continue to exclude people indefinitely. Certainly some end up in the criminal justice system; they end up incarcerated and need to be there for community safety. But at some point they are going to return. How do we reintegrate people in ways that encourage them to be a positive part of society again?

MS ORR: Ms Playford, you said there was money in the budget for research. Can you just expand a bit on that and on what you are looking at? I am assuming that is the next part of restorative cities.

Ms Playford: Yes. Again, Amanda is probably the one to give you detail.

MS ORR: Okay.

Ms Lutz: The ANU are very keen to explore what helps a restorative community or a restorative approach to be sustained, whether it is in a school environment or somewhere else, as a restorative city. They will be putting some funding into looking at what is working in other restorative cities around the globe and what are the key things that maintain that restorative perspective, rather than losing that or reverting back to some of those defaults that human beings often tend to. That is something that they will be looking at over this year—getting that and evaluating some of the many projects and initiatives that have already sprung out of the restorative communities network.

There is a lot of work happening in the new hospital, the UC hospital, that looks at including Indigenous people and making it a culturally safe space for Indigenous clients. That might be one of the key focuses for looking at how well that travels over the coming years. It is things like that. There will be more information that we can give you on that as we work together with the ANU, now that the funding has been approved.

MR HANSON: There are a number of areas within JACS where people have raised concerns about resourcing. The Chief Magistrate earlier this year, in relation to the appointment of an additional magistrate, said that it is not enough; it will just fill the backlog. She was saying that the court is under pressure. Certainly the DPP has continually raised some concerns. I know that there are some additional resources but it is still under undue pressure.

JACS, as I understand, is still meeting efficiency measures that have been imposed. Can you go to what efficiency measures are still ongoing from previous budgets? What are you still having to meet, and how are you meeting it?

Ms Playford: I note that there were no new savings in this year's budget. In fact, the FTE across the whole directorate did grow significantly, although I do note that primarily the bulk of those resources were in the corrective services system and probably the DPP. They were the two main areas where there were a number of resources that were provided.

In terms of savings from prior years, I note that there was a savings adjustment where we were re-credited some \$700,000 relating to underperformance of what was called the smarter modern strategic procurement savings that were applied across government a number of years ago. That was in recognition that JACS as a directorate—given that some of the types of services that we delivered, some of the projects that had been run at a whole-of-government level, did not develop the savings that were anticipated for our directorate—just because our specialised business means that some of the generic procurement-type savings et cetera did not apply appropriately. We were re-credited that.

Overall, from last year's efficiencies I think there is \$1.236 million in 2018-19 that we need to find. And from prior years, going back to 2014-15—and that still flows

through to the 2018-19 years—the advice I have is that it is approximately \$5 million across the whole directorate, which is about 0.3 per cent

MR HANSON: For the coming year you have got about \$5 million plus \$1 million or a total—

Ms Playford: No, a total of \$5 million.

MR HANSON: You have got about \$5 million in cuts that you have got to find?

Ms Playford: But that is offset with a whole range of new initiatives.

MR HANSON: But with new initiatives on your initiatives you get funding for that?

Ms Playford: Yes.

MR HANSON: That is very different from cuts, efficiency measures, which is finding that out of existing funds. How are you going to do that?

Ms Playford: As I think I talked about last year, there are a range of projects, including reductions in supplies and services and contractors and consultants; efficiencies from investments in new IT systems that we are anticipating; and the digitisation of historic records, which will lead to some significant savings in storage costs for some of our business units, in particular the Government Solicitor. We continue to actively manage our vacancies and recruitments to ensure that we are able to meet our budget.

MR HANSON: On the one hand you have got \$5 million in cuts that are coming from JACS and on the other hand you have got a chief magistrate saying that she does not have enough resources, and you have got the DPP saying similar things over the progressive years. How do you harmonise all that?

Ms Playford: Ultimately, decisions of resourcing are ones for government. Many of the savings from prior years are savings that were not applied just to JACS; they were savings that were applied to the whole of government.

MR HANSON: There were cuts across government; I get that. But within JACS?

Ms Playford: As a director-general I am not alone in having to manage it. We are a very large directorate and we have opportunities to find efficiencies within that. That is the expectation that government puts on, I think, all directors-general.

MR HANSON: Within the JACS workforce there are some new initiatives in the jail. But, other than new initiatives, have we got any additional staffing for existing programs? Is it static or is it reviewed?

Ms Playford: Overall our staffing increases by, I think, a net of 40 FTE in the budget. I will get my chief finance officer to nod on that. There are some increases to FTE. But the increases to FTE in the budget, apart from some base-level funding for the DPP, relate to some base-level funding for the Government Solicitor's office, which

was in the midyear review. Other funding increases generally relate to particular initiatives. But that relates to the priorities of government and we are always expected to track—

MR HANSON: Are there any reductions in staffing in any areas?

Ms Playford: No. There are a couple of initiatives that have offsets. But they are generally initiatives that have previously had offsets.

MR HANSON: Can you explain what the offsets are?

Ms Playford: A couple of examples are the night crew initiative, where the directorate, alongside a couple of other directorates, including Access Canberra and Health, who benefit from that particular initiative, made a contribution equivalent, I think, to approximately \$50,000. We are continuing to make that contribution. The government has provided some additional funding to extend the night crew to some Aboriginal and Torres Strait Islander staff members. But we will continue to offset that initiative. That is the primary one. I can take that on notice and provide you that information.

MR HANSON: That is great. Specifically relating to the Magistrates Court, then, have you had conversations with the Chief Magistrate? She said that this is only going to be backfill. Clearly she has concerns about resources and the number of magistrates. What does that mean, in effect? Does this mean delays in justice? What does it mean? She is saying that she has not got sufficient resources.

Ms Playford: The government has committed to an additional magistrate in the Magistrates Court.

MR HANSON: Which she says is inadequate, it is not sufficient—to paraphrase.

Mr Ramsay: I think that is a broad paraphrase, rather than anything else. I certainly have had good conversations with the magistrate. I am particularly confident that—with the appointment of the additional magistrate, including the funding that goes alongside that whole-system approach, as we have talked about before, with funding for both legal aid and the DPP and some legislation across the statute book—all those things will work together to improve the efficiency of the justice system and the timeliness of the proceedings in the Magistrates Court. I am confident that they will have a very positive impact on the work at the Magistrates Court.

I will continue to meet, as I do, with the Chief Magistrate, as I also do with the Chief Justice, looking at both resourcing and ways of the court operating. We know that there has been some significant work over recent years in both the Magistrates Court and the Supreme Court. I believe we have a good injection of resources in this year's budget to make a positive impact on the timeliness of justice.

Ms Playford: There are a number of other initiatives that go to the Magistrates Court. There is some funding to assist the coronial court, which is an area where there has been particular concern. That money should assist in those processes being more streamlined. There is also a body of work—

MR HANSON: In terms of streamlining processes, is the new database system up and running, the electronic—

Ms Playford: The courts case management system. It has being rolled out in ACAT, it has been rolled out in the civil jurisdiction and it is due to be rolled out in the criminal jurisdiction later this year. And that will be significant.

MR HANSON: One of the questions that we have been asking repeatedly is: will that capture some of the data that we have been missing in terms of issues like people being released on bail and committing offences? Can you gather statistics like that or not?

Ms Playford: Yes, it certainly will. Our current case management system is now 20-something years old. It will be a far superior modern case management system. It is a system that is used in Western Australia. That is the one we are adopting. We are confident. But I will let Philip Kellow talk to that.

MR HANSON: And specifically on that question of whether you can track people who have been released on bail and are committing offences and what the nature of the offences are? Not trying to track individuals necessarily but from a statistical analysis point of view, would you be able to now provide that data to this committee?

Mr Kellow: The key to that is having some sort of identifier so that we can track people who are on bail who then offend, and that is what the old case management system has lacked. The new ICMS will be able to pick up and identify what ACT Policing use in their system. That will come across. That will be the glue that sticks together all that data. Data will come into the system and then our challenge is working out the best way to extract that data in a reliable way.

MR HANSON: But you are telling me that will be done. I am sure there are some complexities to how that system works.

Mr Kellow: Yes. I think there are great expectations I could not meet but—

MR HANSON: The expectation from this committee, I think, is that that data will be provided, and you are assuring us that it will be?

Mr Kellow: It will certainly be collected and we will certainly be working on ways of extracting that data.

MR HANSON: Can we get a yes or no or is it not that simple?

Mr Kellow: I think the challenge we have had in learning how to extract reports from ICMS makes me cautious in over-promising. There will be an incremental way of doing it. I do not think, for example, WA have developed those reports, but that is something that is on our work plan of reports to develop. But it is a complicated system to interrogate. We had some issues last year with the civil data and we have got a couple of people working ahead of the game now on the criminal data to try and make sure that we know what to look out for and we can address issues. But, like a lot

of these new systems, it is not really until you start extracting things and trying to prepare reports that you discover that there are issues there.

I guess the answer is yes, we would hope to be able to develop those reports that the committee has been interested in. We will have the data that will provide that connection which we have not had in the past and it is a matter of how we can extract that into a reliable report that we can all trust and act on. My challenge is to try to get that done, but it has been quite a big effort so far, working through the data, keeping the data coming from an old system into a new system and then making sure that the new system is robust and collects those markers that we know exist in other systems.

MS CHEYNE: Ms Playford, you were saying that the case management system had been largely rolled out and that the rollout would be finished soon. With respect to the changes to the appropriation shown at the bottom of page 27—\$2 million for this financial year has been moved into the next financial year and the year after that—why is that being done, if the case management system is largely complete?

Ms Playford: That essentially will be related to the invoicing and defect periods. We also continually monitor expenditure on our capital projects and would be able to bring money forward if necessary. Our intention is to roll it out as quickly as possible. At the moment it does go into that further financial year, partially because of some of those issues around the defects et cetera.

MS CHEYNE: That is why, with the \$1.4 million, you are not expecting to expend it until 2019-20?

Ms Playford: Yes, and that may change. We are hoping to be able to, as I say, bring forward some of that, but that is our current estimate.

THE CHAIR: While we are on the case management system, in relation to the accountability indicators on page 19 of budget statements D, the Supreme Court criminal case backlog, the Magistrates Court criminal case backlog, the Magistrates Court civil case backlog and the Coroner's Court case backlog all have targets and estimated outcomes for this current financial year, but none are projected for next year. What is the reason for that?

Mr Kellow: It is work that we had started with the heads of jurisdiction around the number of indicators that we had and looking at a way of rationalising it. The courts and tribunal had 22 indicators and we brought that down to nine. A lot of the indicators are already recorded in the report on government services put out by the Productivity Commission.

At the same time that we were doing that work, the ACT Audit Office had also done a review of accountability indicators across all government agencies and recommended that more work needed to be done to realign and focus them and have fewer. It was really about looking at trying to pick some key indicators. In terms of the strategic indicators, we have moved to one used in the *International Framework for Court Excellence*, which is on-time processing. That is where you set a benchmark for a certain percentage of matters to be completed within 12 months. We have that for the different parts of the jurisdiction.

With the accountability indicators, we focus on cost per case and the clearance rate. We will monitor how they go in providing information on the performance of the courts. There were too many indicators and we thought it was providing poor guidance.

Ms Playford: Much of it is available in the *Report on Government Services*, anyway, and it was always because of timing issues, slight variations, which we spent a lot of time explaining to people. It is really a rationalisation and it is consistent with the recommendations that were made by the Auditor-General.

THE CHAIR: From here those will only be reported in the ROGS?

Ms Playford: Yes.

THE CHAIR: My understanding is that the Director of Public Prosecutions' term is almost up. Where are you up to with the appointment of a new director?

Mr Ramsay: The government is considering both the current position and the processes for the future. We will be in a position to make an announcement on that in early July.

THE CHAIR: What consultation occurs prior to the appointment of a new director?

Mr Ramsay: It has been different at different times in the past. That is one of the things that the government is considering at the moment. There are not the same statutory obligations in terms of consultation as there are with judicial officers. Again, the announcement about the process, including any consultation, will be made in early July. I have already had a number of conversations with the current DPP and with the Bar Association and the Law Society. As I say, a full announcement in terms of both processes and times will be made in early July.

THE CHAIR: What about the appointment or identification of a successor?

Mr Ramsay: That will follow on from the announcement of the process to be followed.

MS CHEYNE: With the new jury management system—I am sorry, Mr Kellow; you are getting quite a work-out—what is it intended to deliver? I do not need a long answer. What is so bad about the current one?

Mr Kellow: The current system is about 20 years old. I do not know the exact date. It is written in code that is no longer used. It was developed by a developer who has long gone into liquidation and disappeared, so there is no support. It has extremely limited functionality. It has no proper interface with things like criminal checking that we need to do for jurors. It has a very cumbersome system for monitoring and making payments to jurors. For example, we have the Eastman trial on, which will go for six months. The current jury management system is configured to make one payment per trial, so these people would have to wait six months unless we can work out a workaround.

It is a system that has come to the end of its life. The new systems that we have been investigating all have online self-serve functionality so that people who receive a summons can go in and claim their exemptions or waivers from jury service online. Similarly, if you are selected for jury service, you can register your bank account and it will process that. It is really bringing the ACT jury system into the 21st century and beyond.

MS LEE: While we are talking about juries, in light of the recent changes that the Assembly made allowing for the selection of deaf jurors, what consideration has been made for the need for Auslan interpreters? I understand from the community that there is a chronic shortage of high-level Auslan interpreters in Canberra. What provisions or inquiries have been made to ensure that there are enough?

Mr Kellow: The short answer is that we have not explored all of those options other than doing some research about Auslan interpreters and the shortage. Also, research has been done showing that it is a very tiring form of interpretation, so you need to rotate them through. You are not just looking at one; you need to have, effectively, a team. It is something that we will need to do more work on to see how we can source them. I think there are broader issues about access to interpreters. Some language groups are very small. Again, Canberra suffers in that regard more so than the bigger jurisdictions, I think.

MS LEE: What happens currently in those situations? Do you source the interpreters from interstate? What is the process?

Mr Kellow: It is really reliant on the TIS and other providers, and how they source it. We negotiate with them about the need, and they provide the interpreters. In the criminal space, generally the DPP is responsible for arranging interpreters. The courts are more of an end user. With supporting the jurors, we will have immediate responsibility.

MS LEE: That answers my question because I was about to ask who actually funds and pays for the interpreters. In the criminal system it is the DPP. What about civil matters?

Mr Kellow: Parties pay their own. Sometimes Legal Aid can provide some assistance in that small cohort of matters where they are involved.

Ms Playford: I would note that in family violence matters there is a pool of funding that is made available for those particular matters.

Mr Kellow: Yes.

MS LEE: In terms of educating the court staff on directions to jurors who are probably now eligible that previously were not, has that been—

Mr Kellow: We have a jury management team within the courts and tribunal area. They are aware of the changes. That will also flow through the information products that we will be updating in light of these changes, as well as in light of the move to

the new building. The plan is to update our videos and other information sheets and so on, to reflect, as I say, legislative changes and the physical environment which will change. We have gone from being a very cosy place to being, when the new building opens, far more expansive. We will need to make sure people can way-find; there are those sorts of factors.

THE CHAIR: You touched on jury service before. It was put to me by someone that was called up for potential service on the Eastman trial that that would have an impact on their employment and their earning capacity, as someone employed in the private sector. Do you think at this point that the payments made to jurors, particularly on long trials, are adequate?

Mr Kellow: That is probably a matter for the government.

Ms Playford: Ultimately, it is a matter for the government. People are able to seek exemption, including being able to provide information in relation to hardship and what the impacts would be. I understand there was a process, particularly in the Eastman matter—

THE CHAIR: This individual that has raised it with me went through that process. Their expression was that they see jury service as an important part of a citizen's role in the community and they would have loved to have fulfilled that obligation or that role. Unfortunately, you still have to put food on the table. Is there any consideration being given to that at the moment, attorney?

Mr Ramsay: Payments for jurors are always under consideration. It is obviously something that has broader budgetary implications as well. Certainly, we do value the role that people play on juries. I note that the current six-month trial is a rarity. But people's circumstances do need to be taken into consideration. People can apply for those circumstances. We continue to look at the various payments that are appropriate within the budgetary limits.

THE CHAIR: When was the last time that the payments were changed?

Ms Playford: We might have to take that on notice.

THE CHAIR: Take it on notice.

Mr Kellow: They are indexed each year. I think it may have been some time. Certainly, during my time here, which is three and a bit years, there has not been a full review. I think they are broadly comparable to other jurisdictions.

Ms Playford: They are indexed regularly, each year.

MS CHEYNE: Thank you. I do not think I need you for this, Mr Kellow, but hold your horses just in case!

Mr Kellow: You never know; you never know.

MS CHEYNE: Just in case. In respect of implementing the commonwealth redress

scheme for institutional child sexual abuse, I note that we have significant funding set aside for this over the forward estimates. I wanted to check how we determine that this funding will be adequate, particularly for payments for victims.

Ms Harvey: In trying to determine the number of possible victims or survivors who may claim under the redress scheme, there was a report produced by some consultants that looked across the country. Obviously, child sexual abuse is a difficult thing to estimate, because it is often not something that people talk about for a long period of time. There is a rough estimation of around 830 redress claims that may be brought within the ACT. Of that, I think around a quarter, about 225, was the estimate that may be brought against the ACT government. That is the ACT government as the responsible institution.

We then looked at those figures and looked at possible payments that might be made. The budget figures take into the account the redress payment that might be made but also the provision of counselling and psychological services, which is a really important component of the redress scheme. That will be provided through the Victims of Crime Commissioner's responsibilities—utilising that mechanism.

Then there are also some costs that are incurred. The way the scheme will operate is that the commonwealth will seek information from the ACT about what kinds of records we might have that would support a person's claim. There are obviously some costs involved in making sure we can respond in a timely way to those requests. But on your broader question, this is something that we certainly look to make provision for, but it will be something we will monitor very carefully—where the claims come in over the 10 years and whether we get a spike at some point—to make sure that we can continue to meet our obligations under the redress scheme.

Mr Ramsay: I think one of the important parts of the modelling indicates that it is expected that there would be a spike for the first couple of years. That is one of the things that also happened with the royal commission itself. The very act of that more public sphere, more public conversation, is likely to drive people to apply or to disclose themselves as well.

The anticipated work is probably over the first couple of years. That is when there will be a bit of a spike. It is anticipated in the modelling that there may well be a spike in the last couple of years as well, for the 10 years. It has been thought through in respect of not only what is the total amount that will be needed but also, from our most educated work on this, what are likely to be the time frames of those as well, given that it is such important work and the government is so strongly committed to the national redress scheme and has been a very strong advocate for this from day one.

As members of the committee would be aware, we were one of the first jurisdictions to opt in. The government's commitment to that has been very clear. The government's commitment to the financing of it has been, I think, well informed and has had a holistic approach to it as well.

MS CHEYNE: Are there different categories of abuse or is it a blanket \$150,000?

Ms Harvey: No. The scheme operator, which is the commonwealth—it is the

Secretary to the Department of Social Services—will then have a number of assessors who will assess it against internal guidelines that they have about the type of abuse and the nature of it. It is sexual abuse, but where there was also physical abuse that accompanied that, that is taken into account as well.

Mr Ramsay: \$150,000 is the maximum amount.

Ms Harvey: It is the maximum.

MS CHEYNE: Will there be categories?

Mr Ramsay: Yes, the anticipated average is around 75 as the median payment, which is higher than the royal commission's. In the royal commission's original work, it was anticipating a maximum of 200, with a median payment in the low 60s. The way the scheme has worked out, it is a lower maximum amount but a higher median amount.

MS CHEYNE: Have we budgeted based on the average?

Ms Harvey: I think that is probably about right. Again, we really will not know a lot about how many people will come forward and what our liability will look like until that point when people start making claims. I think it is also worth noting that, for people who make claims against non-government institutions in the ACT, they will also receive their counselling through the Victims of Crime Commission.

That will do all of it, but there is a mechanism involved where that non-government institution will be liable to pay a particular amount of money which will then come back to the ACT. We have done that to make sure that there is one single source of counselling and psychological care in the ACT. We think that that is where it is best placed.

MS LE COUTEUR: Hopefully this question will be a quick one, given the time. What is the government's position on the recent calls to raise the age of criminal responsibility?

Mr Ramsay: The government has not formed a view on that. I have met with some organisations in relation to that matter. The advocacy by Amnesty International, law reform and the Aboriginal Legal Service as part of this was certainly clear. I think the government, as we follow through with further considerations of that, as we have talked about in a number of areas, will look at the best information that we have, the latest science that we have, the latest matters of jurisprudence, of criminology and will also look at it from a whole-of-system point of view.

I think this is one of those matters that you do not make a decision about in isolation from broader thinking across the system. That is a matter I have had an initial conversation also with Mr Hanson about indicating the same thing: that when the government makes a decision on that, it will be a whole-of-system based thinking approach. I was pleased to meet with a number of organisations recently as they argued their case and argued it very strongly.

MS LE COUTEUR: That sounds like there is a likelihood of reform in this area, or is

it too early to say?

Mr Ramsay: I think that is probably leaping ahead at the moment. There is a strong likelihood of it being an appropriate consideration matter that has in itself arisen out of recommendations from a royal commission report in another jurisdiction. We will certainly take that seriously, but we will be looking at it from a whole-of-system approach—a best information approach—putting all of the information together, rather than operating quickly or just from one particular perspective.

MS LEE: So where to from here, attorney?

Mr Ramsay: I have sought advice from JACS on that. That is the next round, but the first round of conversations I had with the organisations was certainly very helpful. The next part of it is actually, I think, putting together all of the elements that need consideration as a part of this: not only the criminology and the scientific matters but also what are the broader criminal justice and social service implications for it.

MS LEE: Have you had conversations about this issue with your counterparts in other jurisdictions?

Mr Ramsay: Not at this stage.

MS LEE: Is it likely that this is something you might raise at your next—

Mr Ramsay: I know that it is being raised with my counterparts in other jurisdictions. I have not had conversations with them at this stage and I think it is too early to say, for example, whether it would be something for the Council of Attorneys-General meeting. I think it is a little preliminary to be able to make that determination yet.

MS LEE: Is it your view, though, that this type of issue would be best taken on a national approach? It would be very weird, basically, to be an island if we had a very different set of rules.

Mr Ramsay: I think this is one, alongside a number of matters, where there is some benefit to working across jurisdictions. At the same time, it is not something that necessarily lends itself to a single approach across all jurisdictions. I think it can be, and has been, the case that there are times when either this jurisdiction or other jurisdictions will choose to do things separately from others. Whether this is particularly one of those I think is subject to further conversation.

THE CHAIR: We will pause there for a morning tea break. We will resume again at 11.15.

Hearing suspended from 11.01 to 11.15 am.

Appearances:

Legal Aid Commission (ACT)

Boersig, Dr John PSM, Chief Executive Officer

Justice and Community Safety Directorate

White, Mr Jon SC, Director of Public Prosecutions

ACT Human Rights Commission

Watchirs, Dr Helen OAM, President of the Commission and Human Rights Commissioner

Yates, Ms Heidi, Victims of Crime Commissioner

Griffiths-Cook, Ms Jodie, Public Advocate and Children and Young People Commissioner

Toohy, Ms Karen, Discrimination, Disability, Health and Community Services Commissioner

Inspector of Correctional Services

McAllister, Mr Neil

Public Trustee and Guardian

Taylor, Mr Andrew

THE CHAIR: Welcome to the estimates hearing. We will now turn to a mixture of statutory office holders. Would the witnesses we have present acknowledge the pink privilege statement in front you, which I am sure you are familiar with?

Mr Boersig: Yes, we are.

MS LEE: Thank you for appearing today. In budget statements D, page 57, there is this statement:

Unless the Commission's operational structure and practices embrace new and innovative modes of service delivery the capacity to adequately respond to emerging client needs will be diminished. Limited public funding can have dire implications for our ability to provide access to justice for an increasingly large number of people unable to afford legal representation.

Can you please elaborate on this statement for the committee?

Mr Boersig: Our report there and the risks that we identified there relate to the role of both the commonwealth and the territory. There have been a number of reports recently in relation to the services provided to individual people, such as women in threat of family violence or more broadly in relation to the national Productivity Commission report around access to justice. It is a theme not just in relation to what happens in Australia or the ACT but worldwide—how you support individual people through the justice system.

The context in which we placed the risks is that there are limited resources to government and there is a large need for legal aid services. In that context, of course, we often talk about the justice gap. That gap is redressed in a variety of ways. From

our point of view we look at our micro practices: how do we help individuals? We look at the metrics of the ACT community. We look at our guidelines and our grant guidelines and that is all about the means in the means test.

We also look more broadly in relation to how we can better provide services. What is important in that context is our relationships and our partnerships with other organisations in the field. I think, in particular, of the Women's Legal Centre, Canberra Community Law, the Tenants Union, the Consumer Law Centre—those types of services who provide legal services—but also in relation to non-legal support services.

I am talking about innovation and partnership. I am talking about how on the one hand we can work better with other providers on the ground to ensure that the services we are providing reach more vulnerable and disadvantaged people than we would otherwise do, and how on the other hand the quality of those services is such that we are meeting the needs and the experience of that person.

We have talked now—this is not just Legal Aid ACT but wider—about recognising that the people who come before our justice system have cornucopian problems. If you are there for a criminal matter it is almost as likely that you have got a tenancy problem; it is almost as likely that you have got a family law or domestic violence-related problem. We are looking much more at that holistic notion of who comes before you.

Innovation is recognising that a solution to someone's problems is: one, providing the immediate service that someone needs in court, say, duty service or advice; and, two, recognising where they should be referred so that they are given all the assistance they possibly can get.

In essence, what Legal Aid is ultimately about is putting people in a situation where they make better decisions, because in the end it is their decisions that guide us in terms of the assistance that we provide. Ultimately if people make better decisions we are going to have a better civil society and see less crime, less disruption, less violence.

The other part of that is that we look to partnerships. Recently we received some funding to set up a seniors rights service. We will be working to establish a consultative committee so that we tap into all the other providers, non-legal providers in particular, who can inform how best we can access it.

You will know—and we have talked about this in the past—that getting to people who are the subject of elder abuse is very difficult because they are in an isolated situation. If we are going to provide that service and provide some better accessibility we need to find innovative ways, different ways, convenient ways, accessible ways for those people to get the advice they need.

The other thing we have done is branch out to look at what can we do to put ourselves in a situation, with limited resources, where there are pockets of people who might need our assistance. We have forged a relationship with the University of Canberra. We are now on a feedback system—it is a retainer—providing services out of the

University of Canberra. And we are picking up a lot of people out there who would not otherwise be coming in to Legal Aid, probably. It would be hard for them to do so. Particularly there, it is a range of people. It includes staff and people from overseas who have a whole range of issues. The University of Canberra has a large population of students from that background. We are trying to improve that accessibility.

We are at ANU at the moment. We have gone in and we are helping students there, in that same context. That is more a short-term thing. When I talk about innovation I am talking about meeting those broad needs but also keeping an eye on the individual needs of the person who comes before us and being sensitive to those. I think we are doing that much better than we did a few years ago.

MS LEE: Can you elaborate a little on what you mean by how dire the situation is with the commission at the moment in terms of quantifying it financially or by time or the specific services that may have to go because of the situation you are in?

Dr Boersig: I will again contextualise that. We are both commonwealth and territory funded. The particular pressure point on us at the moment is in relation to independent children's lawyers.

MS LEE: Sorry, what was that?

Dr Boersig: Independent children's lawyers. With Family Court proceedings—and this is a commonwealth-funded matter—we often are providing representation or we are paying for the representation of both applicants and respondents, but in particular circumstances the court appoints an independent children's lawyer. That is pretty similar to what happens in childcare protection matters where a lawyer is appointed to represent a child in care and protection proceedings.

We have seen in excess of a 20 per cent increase in applications by Family Court judges and Federal Circuit Court judges for the appointment of independent children's lawyers. That is pressing our budget both in terms of the quantity of ICL matters that we have to do in house but also in terms of where we refer the matter out to independent practitioners. In round terms, it never costs us less, when we refer it out, than about \$5,000 or so a matter. It is rarely less than that. If we are at any one time doing 30 or 40 of those you can quickly see how exponentially the cost can increase. Those figures really press on our budget.

I think what, more broadly, the Productivity Commission points to is the recognition that to provide legal advice to the community and legal assistance we need to move out and be more accessible around civil assistance. That includes issues around primary victims as well, I might add.

Our main drivers at any one time are children in family law proceedings, on the one hand, and people in jeopardy of incarceration, on the other hand. We have got to prioritise those areas but the pressure on us is coming, as it is around Australia, on recognising that those civil needs are equally important if you are looking at the long-term outcomes of what you want to achieve around legal aid. I stress that it is the outcomes.

In a nutshell, we are talking about: do you want a civil society where people are making good decisions? That is what we have got to be seeing. We are pressing out in partnership to do more outreach programs. One particularly successful program is at the Canberra Hospital in Woden, where we are now placing people on a fortnightly basis to provide assistance to people coming in there.

These health justice partnerships—and that is the lingo that is being thrown around a lot at the moment—are really showing their value in providing the connectivity between people in need and people in dire circumstances. You can imagine that people presenting to emergency are given an accessible avenue to legal assistance. There are a whole range of issues there.

In many ways Legal Aid, particularly through its clinics, becomes the gatekeeper to accessibility. People will come in to us. We will identify their fundamental problem. If we can provide that initial advice and service we do—you will see our helpline calls are up something like 16 per cent from five years ago, with people ringing for assistance—or we refer out to those people who can provide that specialist assistance, including community legal centres but also the private profession, who are also doing a whole range of work here, often unsung, in relation to pro bono matters. I think that is the other context in which I would answer that problematically.

MS ORR: Pages 56 and 57 of budget statements D outline a range of new initiatives and throughout budget paper 3 there is funding allocated to that. Can you run me through the work that Legal Aid is anticipating to do as part of that?

Dr Boersig: The first initiative there is in relation to additional support following the appointment of the eighth magistrate. This was, from my point of view, a very well-placed decision in the sense that the government recognised, when appointing the magistrate, that there would be full-on work for us. That initiative recognises that inevitably there will be better throughput with the eighth magistrate picking up a lot of the excess work that perhaps was being deferred. That will push us to be more available in terms of the work that is going through. This funding will allow us to be more present.

The funding is twofold. One, it allows us to better represent people in house. That is primarily through our duty scheme but also by case work. It also gives us some money to provide to the private profession so that for those matters on which we are conflicted—and in Canberra that happens, given the nature of our community—we are able to provide funding to private practitioners so that they can do that work. That is the gist of that funding following the appointment of the additional magistrate.

The second one there is in relation to the drug and alcohol court. Planning for that court will soon be underway. JACS no doubt will be able to tell you in more detail about this. But our role is to help support them in making good decisions around how the drug court will operate on the ground. We have been funded to provide that assistance in a policy development and tactical sense in terms of helping to work through the detail of what would happen should the drug and alcohol court come to fruition later this year or early next year. It allows us to participate. It means that we can also go about our daily work.

MS ORR: The attorney was warning about the timing of the drug and alcohol court. You have set a better time frame. Let us put it that way.

Dr Boersig: If it is to happen, we need to be part of that planning and that covers us for the next year. Whether it is this year or next year or the year after I do not know, but certainly we are involved in its planning.

The other matter is elder abuse. I have spoken about that. We will be setting up a seniors rights service and we are creating a virtual office around that. We have a host of expertise that is key to providing a better service. That involves access to the guardianship tribunal in regard to financial management and guardianship applications. We do the bulk of that work here in the ACT. It involves family advocacy services and domestic violence services because sometimes the abuse is linked to physical abuse but also mental or psychological abuse.

We have a good relationship with the Consumer Law Centre and we will be working closely with them in regard to the kind of financial advice and financial abuse that might be happening. We are very lucky that we have that relationship and they are part of our steering committee. As I said, we are setting up a consultative committee of key stakeholders.

The other is of course the Eastman trial. We were funded to provide representation for Mr Eastman in the trial and related proceedings. That is done through an assessment of the likely time and duration, the costs associated with counsel and disbursements and so forth. Of course, as you know, I cannot say too much because that trial is currently proceeding.

MR HANSON: You answered so eloquently “a cornucopia”. I had to google it. What was it: “a cornucopia of issues”?

Dr Boersig: I could have said a plethora.

MR HANSON: “Cornucopia” is good. I liked it. I have got some questions of the Director of Public Prosecutions, if possible.

THE CHAIR: We will call up Mr White. Gentlemen, you are excused. Thank you very much.

Dr Boersig: Thank you very much.

MR HANSON: Over a succession of years you have raised serious concerns about the resourcing of your office. That led to some in-camera hearings, I think last year. The government has provided some additional resources. I am keen to hear whether that addresses your issue, addresses it in part, or where you now sit in terms of resourcing going forward?

Mr J White: Since our last estimates appearance we commissioned a report through the Nous Group, which has now been tabled. Members will be able to access that. It really went into the issues of DPP resourcing. The government has reacted to that. We have some resourcing in the next financial year. That increases over four years. There

are some other aspects which, if I have a chance, I will mention as well in more detail. Essentially, there is some specific funding in relation to an eighth magistrate and also proceeds of crime.

The issue of whether resourcing is adequate is always a difficult one. We will be able to recruit a number of additional prosecutor positions in the coming financial year. In fact, we have already advertised those positions. Those positions have now closed. We really anticipate being able to hit the ground running in the new year with new staff. That will make a big difference.

It will be interesting for us to see the impact of the new Supreme Court building, because that will increase the number of jury rooms available. Recently we have also had an increase in the number of judges on the Supreme Court. I anticipate that we will have continuing pressures on our resources, particularly in the next year. What happens after that is that, in the outyears, we have been given increased funding, particularly for more senior positions.

Picking up on the Nous report, the government has recognised the necessity for very senior crown prosecutor positions to be created. That is one of the things that I have been talking about over the years. It is very gratifying to see that that will happen. We will be able to resource those in a competitive way and hopefully be able to meet the increase in complexity of cases, not just the increase in volume of cases.

MR HANSON: With the additional money, how many additional senior prosecutors does that make?

Mr J White: In the first year we are looking at, say, three additional fairly senior positions. As the funding progresses over a four-year cycle, ultimately there will be a number of senior positions, including two crown prosecutor positions.

MR HANSON: Previously it seemed that you were, in essence, triaging cases that you could bring forward. You were working out whether you had the prosecutor to bring it to court on a particular day. Is that still occurring within your office?

Mr J White: Putting together bodies to go to court is a day-to-day proposition. As members will appreciate, we are unique amongst DPPs in that we also prosecute all summary matters in the territory. The summary courts take up a lot of the time of our junior officers. It is always a challenge to resource summary courts at the same time as resourcing the superior courts. It is a day-to-day-proposition, but we do it. We have had no major difficulties. Of course the additional funding will assist us.

MR HANSON: One of the issues was the actual amount you were able to pay.

Mr J White: Yes.

MR HANSON: The remuneration. Has that issue been addressed? Have you been able to increase the amount that you are paying or is that set by the rem tribunal? Who determines that?

Mr J White: It has been addressed by the creation of these crown prosecutor

positions. They will be funded at approximately market rates in terms of what is paid to senior lawyers in jurisdictions with which we frankly compete, particularly New South Wales and Victoria. To that extent, when those positions come online, we do anticipate being able to—

MR HANSON: You did not have any of those like positions before?

Mr J White: No.

MR HANSON: These are entirely new and at a level above the senior prosecutors that you had before; is that right?

Mr J White: Yes, that is right. At the moment our most senior prosecutors are grade 5 prosecutors. These will sit, in terms of remuneration, above those prosecutors. We anticipate being able to therefore attract very properly credentialed candidates for those positions.

As I think I have also outlined previously, at the moment the members of the executive, my two deputies and I, spend a lot of time in court: my two deputies in particular prosecuting trials such as murder trials; and me prosecuting appeals and other complex matters like that. To a certain extent, creating the crown prosecutor positions will take a little bit of the heat off the executive members. It has been difficult to also engage in the management of the office whilst having such a heavy litigation workload.

MR HANSON: Are you able to give me a profile of your workforce now as it sits? I am curious in terms of age, gender, experience and years that they have been qualified. What is the balance of what is done in house and what you might then do by bringing people in? I understand you have brought people in to prosecute cases.

Mr J White: Yes. Although that is quite rare. I do not have absolute facts and figures at my fingertips. Essentially the profile is a very young office. There is a large proportion of female prosecutors—certainly above 60 per cent. We find that we have no difficulty whatsoever attracting very well-credentialed young people, either straight out of law school or people with a couple of years experience.

MR HANSON: The 60 per cent female prosecutors, is that an issue of balance? I imagine most of the people that you are prosecuting, given the nature of the courts, are men. Are you concerned about gender balance there? Is there a reason? Are you actively wanting to recruit more women?

Mr J White: No, we are not. No, we are not actively seeking to recruit women. I think the answer is that, in the public sector, employment conditions are such that women are more attracted to that employment.

MR HANSON: More flexible sort of employment.

Mr J White: More flexible employment. All of our selections are merit-based. We end up—on a merit basis; those who are applying to us—with a larger proportion of women.

MS LEE: There is a high proportion of females graduating from law school at the moment.

Mr J White: That is true as well, yes. I have to emphasise, having been in this game for many years, the quality of our new acquisitions, so to speak, is very high—the highest I have ever experienced. I do not put that entirely down to an increase in the quality of graduates from law school. In fact, I would put it down to an increase in interest in working in our office by well-credentialed young people.

MS CHEYNE: I am still reflecting on whether Mr Hanson has a problem with women in those professions.

MR HANSON: No, not at all; I am just curious. It is interesting that in the legal profession—that is not usual—you have a greater number of women than men. I am not putting a value judgement on that.

Mr J White: I probably should have added that there are issues. Particularly given that we prosecute a lot of sexual and family violence offences, gender is by no means an irrelevant consideration. I think that was what Mr Hanson was possibly getting to.

MR HANSON: I imagine that in some cases it would be more suitable to have a male or female prosecutor. I imagine that may be the case.

Mr J White: Yes.

MR HANSON: Is it an issue to have a workforce not balanced? That is the question.

Mr J White: It is not an issue. Nevertheless, gender is a relevant consideration, if I can answer it in that way.

MR HANSON: In what way?

Mr J White: There are instances where particular victims might react better to, say, a female prosecutor than they may to a male prosecutor. Those are issues that really depend on a case-by-case basis. But having the flexibility of having male and female prosecutors available to do particular cases is important. As I say, gender is not an irrelevant consideration in terms of prosecuting.

MS CHEYNE: I am continuing that line of questioning. Your statement this morning reflects that you are attracting talented people to your junior positions.

Mr J White: Yes.

MS CHEYNE: But last year you said that, with the current structure, you “have difficulty attracting appropriately qualified people at higher levels”. Is that still the case?

Mr J White: It is, unfortunately. It is really a problem in two parts. First of all, we have trouble retaining our good people after about five years. We train people up and

then they often leave for greener pastures. Particularly at the moment there is a great recruitment drive on in New South Wales. We have lost a lot of very good prosecutors to New South Wales.

We train them up very well. Our young prosecutors get into court almost from day one, which is quite unusual for this sort of employment. By the time they hit five years of experience, they are very experienced, very able and very marketable. That is one aspect. We lose those people. But we also find it very difficult to recruit at those levels from outside.

MS CHEYNE: Why is that?

Mr J White: Because the remuneration is not attractive enough, given the responsibilities of the role. We expect a lot. Our grade 5 and 4 prosecutors will be prosecuting difficult Supreme Court trials. A lot of them would be expected to work hard on cases that are intrinsically difficult, like sexual offence cases and more complex cases.

MS CHEYNE: And you said New South Wales is undertaking a recruitment drive?

Mr J White: Yes. The New South Wales DPP in particular have been recruiting very vigorously over the last probably 12 months.

MS CHEYNE: What has made them more attractive to people?

Mr J White: The remuneration is higher and the levels of responsibility are lower.

MS CHEYNE: Thank you.

THE CHAIR: Thank you, Mr White.

MS LE COUTEUR: I have a number of questions for the Human Rights Commission, if we have enough time. First off, I was wondering whether a member of the public can lodge discrimination complaints relating to the police. Presumably they would be lodged with you? Is that correct? How does it work?

Dr Watchirs: Currently the Human Rights Commission does not have jurisdiction over ACT Policing under the Discrimination Act, we are advised, because it is part of the commonwealth, the Crown. Commonwealth police officers would need to be bound through section 27 of the self-government act. Subsequently, under the Human Rights Act, officers are declared to be performing a function on behalf of the territory under section 40, so they are a public authority. Under section 9(b) of the AFP Act, an AFP member has the power and duties conferred or imposed on a constable or on an officer of police by way of any law, including the common law of the territory, when performing functions in the ACT. So while it is the case that we do not have jurisdiction, there may be a case that the Discrimination Act could be amended to include police in the way that the Human Rights Act expressly has included ACT Policing.

MS LE COUTEUR: So in the current situation, if anyone did feel they suffered

discrimination at the hands of the police, they would have nowhere to go? Can they go to the commonwealth Ombudsman?

Dr Watchirs: I will ask Karen Toohey.

Ms Toohey: A person can currently take a discrimination complaint to the federal Human Rights Commission, but obviously that takes it outside our jurisdiction. We understand from the inquiries that we get around issues to do with discrimination with ACT Policing that obviously people would prefer a local remedy, one equivalent to what is the case in other states and territories.

MS LE COUTEUR: The ACT has signed up to COAG-wide, Australia-wide facial recognition technology. I am not quite sure what program or process it is, but the statement has been made that we will only do that if it is human rights compatible. What involvement have you had in this, and how is it going from a human rights point of view?

Dr Watchirs: We have not been involved centrally in that. I think the advising has been by the Justice and Community Safety Directorate; the LPP has a legal advice area. Certainly we would be available to comment on that issue if we were questioned.

MS LE COUTEUR: And you do not have any comments at this point in time?

Dr Watchirs: It is being handled by JACS. We are aware of the issue through the media, but JACS has been the agency responsible for COAG.

MS LE COUTEUR: Finally, I want to go to a question I asked earlier. There is a proposal to change the age of criminal responsibility. Have you any views on that, particularly as there is one very relevant commissioner here.

Dr Watchirs: Absolutely. We have made three recommendations for that change. We first recommended it in 2005, when we did the human rights audit of Quamby. At that stage, the age of criminal responsibility had changed only two years earlier, from the age of eight to 10, so us recommending 10 to 12 was not regarded well. We repeated the recommendation in 2011 when we did the review of Bimberi, and it was similarly rejected out of hand.

All commissioners wrote to the Attorney-General in December last year, following the Northern Territory royal commission recommendation to increase the age of criminal responsibility, and also we had the experience of a young person of the age of 11 being held at Bimberi. I will hand over to the young people commissioner.

Ms Griffiths-Cook: That is certainly a very relevant matter and one that continues to be extremely topical. In relation to the age at which a child can actually understand not just their actions but the implications of their actions, the research is very clear that at 10 years of age the vast majority of children are unable to have that depth of understanding. That is the reasoning behind our advocacy in that space.

Equally, from my perspective, there is the importance of working with children and young people in a proactive and interventionist way to try to change and shift the

course of the trajectory that might otherwise unfold both through ongoing engagement through those systems and equally with the missed opportunities that potentially arise from being caught up in the harder end of youth justice.

I am certainly keen to see that age increased and, commensurate with that, an increase in supportive structures to engage children and young people at an early age, to militate against offending behaviours.

MS LEE: Just for the record, can you confirm the age for me? The current recommendation that the Human Rights Commission has made is to lift it to what age?

Ms Griffiths-Cook: The recommendation we made in November last year was to lift it to 12. There has been some more recent advocacy by the Aboriginal Legal Service around increasing that to 14, and I certainly would not be opposed to that.

Dr Watchirs: Also, the Human Rights Legal Centre from Victoria has made that recommendation, and Amnesty International have made that recommendation to 14.

MS LEE: To 12?

Dr Watchirs: To 14.

MS LE COUTEUR: Going to discrimination more broadly, and I am talking about the police here, earlier today we talked to the gambling commission, and they have enforceable undertakings. Is that what you can do with discrimination complaints as well?

Ms Toohey: We do not have those functions under our current legislation. Certainly, it is something where we are undertaking a bit of a review across other jurisdictions to see what functions and abilities they have, to assist in the development of discrimination law in the ACT. Enforceable undertakings would be one option, and that exists in a number of other discrimination jurisdictions as well as privacy jurisdictions, those sorts of areas. Another option would be the ability for the commission to take matters on to court so that we would have the ability to develop the case law in this space.

MS LE COUTEUR: At present all you can do is investigate and report, but you cannot take any actual action after that?

Ms Toohey: No. Individuals who bring a claim can certainly take a matter on to court. But in matters where we have undertaken an own-motion investigation, pretty much all we can do is make recommendations. They are often very effective, and there is a lot of good faith negotiation that goes on in that space. Given the age and the maturity of the discrimination jurisdiction, there would be some advantage in the ACT perhaps looking to some of the other jurisdictions and catching up with some of those other functions where it has been realised that you need a range of tools in the toolkit.

Dr Watchirs: There was a Law Reform Advisory Council report on the Discrimination Act with a whole suite of amendments. Stage 1 has been implemented,

but stage 2 has not yet, and we are still not aware of the timing that the government is committed to in implementing that.

MS LEE: We were talking about lifting the age of consent. I forgot to ask Ms Yates, the Victims of Crime Commissioner, whether she has a view on it. Are your views exactly the same?

Ms Yates: My view does not depart from those that the president and Ms Toohey have presented today.

MS LEE: Thank you. My substantive question is about the Human Rights Commission's recent review of practices at Bimberi. There has been a report of surging practices of lockdowns at Bimberi. It went from four in the second half of 2016 to 30 in the first half of 2017, 95 in the second half of 2017, and another 61 in just the first 15 weeks of this year. Was the practice of lockdowns included in the Human Rights Commission's review into the practices at Bimberi?

Ms Toohey: The report has not yet been finalised. There is a draft that we will be providing shortly to the directorate. Lockdowns—both the fact of them and the impact of them—are considered as part of that report. As we understand it, there are a range of reasons for the increase in lockdowns over recent time. We also understand that more recently there has been a trend for a reduction in lockdowns. Once we have finalised the immediate draft, that will be one of the areas that we will be talking to the directorate about, in terms of the strategies for reducing that on an ongoing and sustainable basis.

MS LEE: So that report does go into strategies to reduce those practices?

Ms Toohey: It will make some recommendations in that space. Certainly, it will make some recommendations with respect to what CSD might consider in terms of addressing those lockdowns.

MS LEE: Do you have a time frame for when that report might be available?

Ms Toohey: We have a very small amount of resource working on the report. We were hoping to have it finalised by June, but we only just got some information from the directorate yesterday which we are having to incorporate. I would be hoping very early in the new financial year.

THE CHAIR: When you complete a review and provide a draft report to government, as you have to the Community Services Directorate in this instance, what does the consultation on the draft entail?

Ms Toohey: Primarily it is a fact check. There is an obligation in the act that where we make adverse comments—I am not suggesting we have made adverse comments; it is not finalised yet—as part of good practice we would send it back to the particular organisation or agency to review that. We will also talk through with them any recommendations we make to ensure sure they are practical and sustainable and to get some agreement around time frames.

THE CHAIR: What steps do officers of the commission take to ensure your independence in that consultation process?

Ms Toohey: In this particular matter not only are we talking to the directorate but a range of other agencies have been involved in our investigation. With respect to independence, there is a high degree of transparency around the work we do. That is partly internal—consulting with my colleagues—and relying on a number of sources of information in terms of any views we might form as part of the report.

The discussion around recommendations is more that we will form a view about what recommendations are appropriate. But we also want to ensure they are practical. That is where there might be some discussion around anything we recommend, particularly because the report will at some stage in the near future be public.

Dr Watchirs: There is also the issue that the Public Advocate and the Children and Young People Commissioner visits Bimberi regularly and so engages with young people. The preparation of the report included a process of talking to young people and former detainees of Bimberi and their families.

MS ORR: On page 29 of budget statements D there is a better government Human Rights Commission digital capability funding line. Can you explain to me what will cover?

Dr Watchirs: I think it is referring to the digital capacity. There is \$557,000 in capital for a new database, with \$465,000 in 2018-19 and \$92,000 in 2019-20. Currently we have several databases and we are going to integrate the services into one. We have SharePoint for the Human Rights Commission, Access database for victims, and FileMaker Pro for the Public Advocate. They are outdated, inadequate and not fit for purpose, so a new database will change that significantly. Karen Toohey has been the commissioner leading that work.

Ms Toohey: As the president said, when the commission was restructured a couple of years ago, the focus was on bringing the commission together and not so much on infrastructure. We have had time over the last couple of years to look at where we can make some gains with respect to productivity. The system will take a year or so to implement, but we expect significant benefits down the track in moving away from the current paper-based and administratively heavy systems, which are also completely separate with absolutely no integration.

MR HANSON: I have a question for the Victims of Crime Commissioner relating to the victims' charter of rights. The government has said it is progressing with that. I am interested in what your engagement has been in the process and what you are hoping the government will achieve through a victims' charter of rights.

Ms Yates: We warmly welcomed the public launch of the consultation process last week. My predecessor, Mr Hinchey, has been involved over a significant period, partly through his role on the victim assistance board and the subcommittee of that board working on the consultation and planning. He spent quite a lot of time in the community talking to victims of crime last year, and his findings from that informal consultation were recorded in a report released in December. I know the government

drew heavily on that report in shaping the questions they are going out to the community to ask during this consultation period.

My office will be calling on all members of the public in the ACT community to have their say over the next few weeks in relation to the issues and the options paper and also to tell their stories about their experience of engaging in the criminal justice system or why they chose not to do so and chose not to report to police. This consultation provides an opportunity to talk about how we make sure not just the criminal justice framework but also the community-based supports that allow people to increase their safety operate across the territory.

I am interested in a number of conversations, but one of the priorities my office would like to see moved in the next year or so is the piloting in the ACT of an intermediaries communication scheme. That is about making sure that vulnerable witnesses who currently have access to special measures in some circumstances in the way their evidence is given can also receive crucial communication support to ensure the most accurate evidence is available as early on in the reporting process as possible and following through into court proceedings.

Another issue I am keen to see progressed is explicit recognition of the rights of victims in the ACT Human Rights Act. I want to hear from the community what it is about their experiences that we could learn from to shape improvements to the criminal justice system.

MR HANSON: Has any other jurisdiction yet gone down the path of a victims' charter of rights?

Ms Yates: A majority of jurisdictions in Australia have charters of rights that take a range of forms. There is much to learn from in terms of changes and additions in other jurisdictions—for example, the intermediary pilot I just flagged. New South Wales is currently midway through a three-year pilot, and we have the benefit of their initial evaluation and service framework to draw from.

MR HANSON: You are hoping it will embed certain principles, certain rights, within the Human Rights Act so that there is a legislative instrument that mandates those rights; is that the intent? This is not something that will sit outside an act as a guideline? This would be part of the Human Rights Act?

Ms Yates: Explicit recognition of victims' rights in the Human Rights Act I hope would be an action that comes from the consultation relating to the charter. I am hopeful the charter and the work around it may take several forms. One of them would be amendments to the Human Rights Act. Another may be a standalone statement of rights that included an accountability mechanism. There may also be developments such as projects or programs like the intermediary pilot, which are attempting to address victims' needs across different aspects of the justice response but also the community-based response in terms of, for example, services to increase victim support and safety at the front end soon after a crime.

THE CHAIR: I have a question in the Children and Young People Commissioner space. It has come to our attention that when carers are told that a care and protection

placement decision is not subject to internal review, they are directed to raise any concerns regarding the decision with the Children and Young People Commissioner. Practically, there are no internal review mechanisms available. What role or function can you play? It is an easy one.

Ms Griffiths-Cook: Yes. I was not aware that that referral direction was being provided, so that is an interesting one. It would explain a lot. We certainly do get a significant number of inquiries, particularly from parents and often grandparents in response to care and protection actions, particularly when emergency actions are taken. I guess there are significant limitations in our ability to advocate in that space. We do not have a specific jurisdiction to advocate for parents or grandparents, or any other family members for that matter. Our jurisdiction relates to advocacy for the child or young person directly, and within that to act in their best interests.

Often the best that we can do in that space is to use our inquiry powers to obtain information about the child or young person's circumstances and to seek to understand the decision-making that has taken place in respect of the actions that have been taken. The limitation that then prevails, though, is our inability in many cases to share the information that we obtain with family members.

Coming with this are the privacy and confidentiality provisions that exist in that respect and our becoming an information holder, which has obvious legislative meaning. I am unsure, I guess, why the recommendation has been made for referral to us because there is very little we can do for family members in that space, though we can and do make the inquiries in respect of the case scenario—what has occurred for the child or young person. Where required, we seek further questions or clarification about the actions that have been taken to try and understand whether the system has done what it is supposed to do in the way that it is supposed to do it and whether that has been in the best interests of the child or young person.

THE CHAIR: If a decision is not subject to internal review and you realise that an error of judgement was made somewhere along the line in a decision, what functions can you exercise to ensure that the situation is tenable?

Ms Griffiths-Cook: Generally the ongoing process of critical questioning, but equally the ability to make a referral through to the complaints area within the commission if the person wishes to take that up. The issue of the inability to seek a review of decisions in that space is one that we have raised, and I know my predecessor also raised prior to my coming into the role, on many occasions as something that I continue to believe should be rectified. There are a number of areas in which I think that potential to seek a review and to be able to tender evidence that perhaps has not been heard in the process of decision-making should perhaps exist.

THE CHAIR: Last year's budget funded a third advocate for children and young people, off the back of reports that up to 20 per cent of documents that were received, according to statutory reporting requirements surrounding children in care and protection, were unreviewed. Has that additional position made an impact? How does the resourcing level currently stand?

Ms Griffiths-Cook: I will clarify. That is a second advocate. I only had one prior to

that—

THE CHAIR: A second advocate, sorry. My apologies.

Ms Griffiths-Cook: No, that is fine.

THE CHAIR: Thanks for counting yourself in there as well.

Ms Griffiths-Cook: It would be nice to have that third advocate. A few more on top of that would be even better. I think it certainly is providing a greater capacity for us to keep on top of the operational workload in the individual advocacy space but equally to apply resources towards systemic advocacy, which is an area that I think has the potential to make even more significant gains.

What we have been using that for, for the most part, is to support the individual advocacy work but equally to work alongside services within the sector that provide care and protection for children and young people and to look at mechanisms by which to improve their services. An example of that is that we undertook a consultation with children and young people in residential care earlier this year. That report will be finalised early in the new financial year. That consultation process has sought to utilise the views of children and young people directly about their care experience to identify ways that the residential care experience can be improved for children and young people and therefore, ideally, to create a more systemic impact for any child or young person that may come through.

We are also actively looking at other areas and have engaged in other areas such as transition planning processes to look at improvements and to facilitate improvements to the way that young people who are exiting care are supported in that process. That is certainly an ongoing piece of work that requires ongoing attention to make sure that it stays on the radar.

THE CHAIR: Does the additional resourcing now ensure that all documents that are provided are reviewed sufficiently or is there still an issue with under-resourcing in that space?

Ms Griffiths-Cook: We have a target of 75 per cent of documents that come across our desk being reviewed across all our three areas of work. I do not have the specific numbers for children and young people and I am not even sure whether our system will enable me to extract that, to be honest.

In respect of our overall figures at the moment, I ran a report this morning. In the year to date, we have had 2,114 individuals brought to the attention of my office. We have undertaken document reviews for 81 per cent of those individuals and we have provided direct advocacy for just over 30 per cent of those individuals. We are certainly getting through as much as we can. But to be able to review everything that crosses our desk, we would still require more resources to achieve that.

THE CHAIR: You mentioned before that additional advocates would be of benefit. Where do you see their resources being able to be deployed? I guess I am asking: where are the areas of unmet need?

Ms Griffiths-Cook: A big area that I think has always been required, but particularly is required looking forward under the outcomes of the royal commission recommendations, is the area of children's participation. I am referring to the ability to do more active inquiry with children and young people about what they particularly see as their needs in terms of both feeling safe and being safe within systems such as care and protection, but equally other systems. There are many and varied systems, as you would be aware, that provide services for children and young people.

I would be very keen to look at ways that we use additional resources to make sure that children and young people directly inform decision-making in that regard, but equally in that advocacy space, I think. The remit of our advocacy and oversight responsibilities includes individual advocacy, service improvement and the establishment of systemic advocacy. But it also includes monitoring roles across services for the protection of children and young people, and also across mental health, forensic mental health, complex needs and disability. That extends to adults as well in that space. That is a fairly broad remit for a staffing resource of only eight FTEs, including me.

THE CHAIR: What are the specific recommendations of the recently completed Hoff Law and Spring Green Consulting review regarding resourcing and legislative restraints?

Ms Griffiths-Cook: As I understand it, the final report of that has been provided to the Justice and Community Safety Directorate. I have not seen the final report, though I did see a final draft, which I provided further comment on and further information to, to assist in finalising the report, but I have not seen a copy of the final report.

THE CHAIR: Has there been a response back from the directorate?

Ms Griffiths-Cook: Not that I am aware of.

Dr Watchirs: Can I add something extra? The Law Reform Advisory Council, of which Ms Yates and I are members, is looking at restorative cities and having a child-safe, child-friendly city as part of that remit. Having an external review of care and protection decisions is also under consideration there.

THE CHAIR: Would that sit as another branch of review or to further bolster the—

Dr Watchirs: It is still under consideration by the Law Reform Advisory Council.

Ms Yates: Yes. For example, one of the models that has been available for consideration for some time relates to similar models that sit within the equivalent of the ACT Civil and Administrative Tribunal in Queensland and Victoria, where they provide an administrative review function and some capacity for community legal centres or legal aid commissions to represent family members in that context.

MR HANSON: I have a question on resourcing more broadly. Where would you see that, at the moment, there are gaps in the services that you are providing? I am also particularly interested in the issues of the elderly, the rights of the elderly. You hear

stories about elder abuse and issues occurring in aged-care facilities. What is the commission doing proactively to ensure that the rights of older Canberrans are being addressed? It is a two-pronged question.

Dr Watchirs: Currently, we are preparing a submission in relation to a plan to address elder abuse. That is a national inquiry; we will be doing an ACT submission. It is certainly something that is squarely within our client base. The Public Advocate represents people experiencing vulnerability, particularly young people and people with disability. That incorporates people who are experiencing elder abuse. Ms Toohey handles community services complaints, which includes older people but not specifically residential aged care, for which the commonwealth has jurisdiction. I might hand over to her.

Ms Toohey: We do get complaints from people in aged care. Often it is about the health services that are being provided, because that is a very clear jurisdiction area. It is a piece of work we are looking at, at the moment, particularly with the change in the aged-care complaints space, which has been flagged for later this year by the commonwealth. There have been a number of matters that we have dealt with over the last year where there have been concerns that the national approach in that space does not always deal with the local issue that has been brought to our attention. Certainly, it is an area that we have been proactive in, in terms of engaging with those agencies and making sure that, where possible, the information-sharing provisions are working.

We have had a number of referrals from the Aged Care Complaints Commissioner and the Aged Care Quality and Safety Commission, particularly where people have been dissatisfied with service delivery in the aged-care space. There are also some provisions proposed for amendments to the Human Rights Commission Act a bit later in the year to enhance the current jurisdiction that we have over retirement villages, and enabling people with concerns in that setting. At the moment they can take a claim to Access Canberra and then go on to ACAT. We provide a conciliation service, which is under-utilised because it does not have access to ACAT as an outcome from there. There is a proposal, certainly coming out of the retirement villages review committee, that that be amended so that people have a single trajectory.

Towards the end of the year we will be working a lot more comprehensively with stakeholders in the older persons space to ensure that there is good information available about the options they have available to them.

MR HANSON: Is it being proactively disseminated within aged-care facilities? It strikes me that you have described quite a complex environment there, and you are trying to simplify it. If you are in aged care, or you are a child that has a parent in aged care, are you practically disseminating that information? Is it clear to residents what their complaints process is?

Ms Toohey: As you have just heard, the messaging is that the commonwealth has jurisdiction in that space. It resonates in a number of areas where there has been a strong message historically that X organisation has jurisdiction. What I am doing at the moment is liaising. As I said, there will be a significant restructure of the aged-care complaints handling process later in the year, which the commonwealth has announced, with the merging of a number of bodies. We are in contact with the local

offices about how we might do some joint messaging once that merge has taken place. At the moment there is even some confusion about which of those two statutory agencies has jurisdiction at that point in time.

MR HANSON: Currently, given the complaints that you receive, are you satisfied that the system is working adequately or is it failing?

Ms Toohey: I do not think I would be the first to say that there are gaps in the system. Information is certainly one of them. One of the issues that has come up, for example, is the jurisdiction of our official visitors to go into aged care in the ACT. There is a sense that there is a lack of visibility of the oversight mechanisms, particularly because older people—

MR HANSON: Does that need legislative change federally or locally? What would be the—

Ms Toohey: As I understand it—

MR HANSON: What is the constraint?

Ms Toohey: I think it will be one of the issues that comes out of the review of the official visitor program. Again, I think it has been because historically there has been a sense that, because the commonwealth funds the aged-care system and there are particular provisions in those contracts, their accountability is to the Aged Care Complaints Commissioner and the Aged Care Quality and Safety Commission. We are looking at that at the moment. Particularly, as I said, towards the end of the year we will be doing some more work coming out of the proposed amendments around the retirement village space, to look at information provision to older people more generally in Canberra about their options.

Dr Watchirs: There is a provision under section 95 of the Human Rights Commission Act that a service provider has to have a prominent notice of their right to complain to the commission.

Ms Griffiths-Cook: One of the issues that I see in addition to that—and it is while those upper-end responses do exist, as complicated as they are—are some of the limitations in the support services that might be available to assist someone who is experiencing elder abuse, or someone who is concerned that they have a relative or a friend who may be experiencing elder abuse. Certainly, we have seen an increasing number of matters brought to our attention in that space.

We have worked as well as we can with other agencies, including the Public Trustee and Guardian, to provide support in those matters. Again, it comes down to resourcing. I have a single FTE working in my complex needs and disability space, and that person also has responsibility as an executive officer for two different panel operations. It is not just within my agency that those resource limitations exist. Certainly, they are within the community sector as well.

THE CHAIR: Are there questions for the Public Trustee and Guardian? I believe the Inspector of Correctional Services is here.

MS LE COUTEUR: I can ask a question on notice of the Public Trustee and Guardian. Basically, it is a follow-on about elder abuse and what your experience of this has been in your role.

THE CHAIR: Both come to the table and we will run through a couple of quick questions. Could we have some quick statistics, Mr McAllister? Since the establishment of your office, how many inspections have you made of the two main correctional facilities as well as the ACT courts since the commencement of your role?

Mr McAllister: I have been a frequent visitor to the Alexander Maconochie Centre. My office is currently conducting a review of AMC, and that is a review of the management care of remand detainees. I have inspected the current court cells; I spent some time there. We are working on a major review of AMC in 2019. The act requires that I conduct two whole-of-centre reviews of the correctional facilities. From memory, at the moment I do not have jurisdiction over Bimberi. That comes later; so I am only looking at the AMC at the moment, for ACT Corrective Services. In early 2019 we will be conducting what I am calling a healthy prison review of AMC. That is the whole centre. At the moment the current review is a very specifically focused review on remandees.

THE CHAIR: When do you expect that review to be completed?

Mr McAllister: In the next couple of months.

THE CHAIR: What is the staffing profile of your office at the moment?

Mr McAllister: As you are aware, the inspector position was a part-time role. I commute quite regularly from Queensland. I have one full-time staff position, a senior officer grade B, which I am in the process of filling, and I share an administrative officer from the Human Rights Commission, where I am collocated. I happen to have an office there, with the Human Rights Commission—not that I am part of it. I share an admin officer. We have team meetings in a telephone box, usually!

THE CHAIR: Have you engaged any external consultants or contractors yet?

Mr McAllister: Yes. In fact I really do not have any choice. I have engaged a consultant to assist on the current review. That person is a former assistant commissioner from New South Wales Corrective Services, Ms Lee Downes. I have engaged her to assist on that review at the AMC. That gave us a team of three. On similar reviews that I have done in Victoria and Queensland, I might have had five or six people, so it is pretty lean.

THE CHAIR: Have you formed an opinion as to whether or not it is appropriate to continue housing remandees with our sentenced population at the AMC?

Mr McAllister: No, I have not. Part of the reason for this review is to look at that. The reality is that remand detainees are not separated from convicted detainees.

THE CHAIR: Correct.

Mr McAllister: Everybody knows that. It is not a secret. My concern was: in that circumstance are remandees being afforded their—

THE CHAIR: Presumption of innocence.

Mr McAllister: human rights and are they being treated and respected as unconvicted people? I have perhaps an interesting piece of data. New South Wales Corrective Services published a study last year where they tracked nearly 1,000 remandees from 2011 forward. They found that 57 per cent of them did not end up serving a prison sentence. If one could translate that to the ACT, you might be able to say that about half of the people currently on remand today will not actually be convicted and sentenced to prison. They may be convicted but get some other sort of outcome, such as—

THE CHAIR: A time already served order.

Mr McAllister: Yes, or an intensive corrections order or something. About 10 per cent of those people in New South Wales in fact either had charges dropped or were found not guilty. It is against that sort of backdrop. We have a group of people at AMC who are unconvicted. They are not separated from convicted detainees and there is quite a lot of international human rights literature about the rights of unconvicted people.

THE CHAIR: The UN has had quite a bit to say about it, I believe.

Mr McAllister: Yes.

MS LE COUTEUR: Mr Taylor, what are you aware of in terms of elder financial abuse in the ACT? You possibly would be at the intersection of some of that?

Mr Taylor: We are. Most of the business units that we have at Public Trustee and Guardian are involved at some level of the elder abuse spectrum. In the guardianship and financial management space, we are often appointed in place of attorneys that people may have appointed themselves, where ACAT may have removed the attorney for an indiscretion of some kind or for another reason. We may also be directly appointed as a guardian or manager irrespective of that.

Our role as an executor of deceased estates may also be affected by elder abuse to the extent that if somebody were to be left as an executor of a person's estate, notwithstanding that the person had died, the person may not have administered the estate appropriately or at all. We may be appointed by the court in place of that person. To some extent that can be seen as a form of elder financial abuse.

Generally speaking, though, it is our experience that what we see is the tip of the iceberg because it is not reported. It is not reported because as much as 60 per cent of elder abuse is committed by a family member. There are reasons for not reporting abuse within a family. With the true picture that is out there, we do not see it at all.

I cannot really give you an informed view, apart from the fact that we are often appointed at the end of a process as a result of something else happening. I am not sure that that helps.

MS LE COUTEUR: It does; thank you.

THE CHAIR: I thank everyone for appearing today. The committee will break for lunch.

Hearing suspended from 12.33 to 2 pm.

Appearances:

Gentleman, Mr Mick, Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal

Justice and Community Safety Directorate

Playford, Ms Alison, Director-General

Lane, Mr Dominic, Commissioner, ACT Emergency Services Agency

Wren, Mr Howard, Chief Officer, ACT Ambulance Service

White, Mr Robyn, Acting Director, Governance and Logistics, ACT Emergency Services Agency

Burkevics, Mr Bren, Acting Senior Director, Security and Emergency Management Branch

Murphy, Mr Joe, Chief Officer, ACT Rural Fire Service, ACT Emergency Services Agency

ACT Policing

Saunders, Assistant Commissioner Justine APM, Chief Police Officer

Levay, Ms Nicole, Director Corporate Services

THE CHAIR: Welcome back to this afternoon's session where we now have Minister Gentleman. We continue with our review of budget statements relating to Justice and Community Safety looking at output class 1, justice services; output class 4, emergency services; and output class 1, ACT Policing. Minister, do you have an opening statement?

Mr Gentleman: I do not have a statement, but I take this opportunity to pass on my thanks and that of the community to the ESA and ACT Policing for the important work they do in the territory, from the commissioner and senior officers down to our front-line staff and also the volunteers of ESA. They do a fantastic job for the territory. I also pass on my thanks to their families, who support them in sometimes difficult times with shift work, which I have done myself, and also when they have been called out for difficult jobs.

MS LEE: Minister, can I start with the Ainslie station at page 27 of budget statements D. Why was the \$575,000 budgeted for capital works at the Ainslie station to provide a second crew not spent in the 2017-18 period?

Mr Gentleman: I will pass to the commissioner to give you the details of that.

Mr Lane: The principal reason is we are still in negotiations with the firefighters industrial workforce body, the United Firefighters Union, in relation to that site. The United Firefighters Union have lodged a dispute in relation to progressing that site. We see it as an important opportunity, and I thank the government for providing funding for this project to allow us to increase the capacity from that particular station.

At the moment it runs one fire and rescue pumper and breathing apparatus support, so six firefighters operate from that station. We wish to expand that to eight firefighters with two pump crews so we can improve our response times. Because of the footprint

of that site the union believes additional facilities should be made available. We do not think that request can be met, but we will continue to negotiate with the union and hopefully get the dispute removed so we can get on with getting those works done.

MS LEE: Why is the expenditure planned for 2019-20 and not 2018-19?

Mr Lane: It is a rollover. We would have liked to have spent the money during 2018-19, but because of the dispute and the ongoing negotiations we have rolled that money into this year and we hope to progress the works over this year.

MS LEE: What is the breakdown of the planned works at that station?

Mr Lane: In terms of the specific costs?

MS LEE: Yes.

Mr Lane: I can take it on notice, but I think about \$131,000 of that goes towards our standard project management fees, ICT costs in relation to changes, upgrades for service costs and those sorts of things, with the remainder being apportioned to construction costs.

MS LEE: What appliance will the second crew at that station be using?

Mr Lane: As I said, there are currently two crews: one is a pumper and one is breathing apparatus support. The intention is to eventually run two pump crews from the station, so two standard fire and rescue pumpers that can do a multitude of tasks and respond to a multitude of incidents. We think it is a really good site. Because of where it is located adjacent to the light rail corridor as we are starting to see development and expansion from the city through to Gungahlin, Ainslie remains an ideal place from which to improve our response times.

Some of the modelling we have undertaken in terms of putting that additional crew to Ainslie from our consultants clearly demonstrates that we can improve our response times by about 15 seconds not just to that local area but across the whole of the ACT because of the volume of calls that come from Ainslie station. It is one of our busiest stations.

MS LEE: You previously talked about some of the concern the union has about some of the works that need to be on the site. Is that the entirety of their concerns? Have other concerns been raised by anyone else?

Mr Lane: The principal concern for the United Firefighters Union is that they would like to see the standards applied to a retrofitted Ainslie station that you would see at a brand new fire station. If you look at the commitments we have been able to achieve against a new station at west Belconnen, a new station at south Tuggeranong, and a new station at Aranda to service the Belconnen area, they all have what we call a transition area, which is very important in terms of where we want to go to into the future and certainly important at our new station sites.

A transition area means that when firefighters have finished fighting a fire, they can

bag their personal protection equipment, put it on the truck, bring it back to the station and put it in what we call a dirty area and then transition to a clean area. We still do that at other stations but it is obviously a lot easier in our newly designed facilities. That is one of the union's key concerns, and we are just trying to work out the best way to do that in conjunction with them so that we can put those two additional firefighters on to Ainslie station.

MS LEE: Have any other concerns been raised by any other organisational groups or persons?

Mr Lane: Not as far as I am aware. Obviously we are always keen to work with the neighbouring community in relation to that. We value being good neighbours as fire and emergency services within our community. So we are happy to go back and check if there is anything of any great concern and bring it back to the committee on notice.

MS LEE: In terms of accessibility to the station pumpers, what are some of the impacts the changes to the Ainslie station will have?

Mr Lane: One of the key things in increasing from six firefighters to eight is that when firefighters turn up for duty and change their cars over, they need room for parking. So while you are in the middle of that changeover, you have additional cars parking. It is a tight site, so we are working through the options in relation to that. It is one of those practical things we should be able to find a solution to, but we need to hear the concerns of the workforce around how we can potentially do that.

MS LEE: At that site you have the Ainslie Football Club and the oval as well and both are accessed heavily by the community. Has that been taken into consideration in terms of car movements, pedestrians and access, keeping in mind the needs of your staff to get out quickly?

Mr Lane: At this stage, no major issues. We run two appliances from there already. They are always very active. They are on two separate driveways. The access into Ainslie Fire & Rescue is adjacent to the Ainslie Football Club car park, but that has not created any significant issues for us. We have painted lines at the front to warn the traffic not to queue across the fire and ambulance station. We are very fortunate that it does not seem to be a significant issue and that Canberrans understand the importance of us being able to egress on to the street.

Ainslie has been an operational fire station for many years. I think it was the second fire station in the ACT; the minister might be able to confirm that one for me. It has been there a very long time at that location and we have always worked in well with the community from that site.

MS LEE: But if you were to get the two additional, that would create additional pressure?

Mr Lane: It is the same number of trucks. There are already two trucks there and there will be two trucks into the future. One of those will have four firefighters on it instead of two.

MS ORR: Are you able to provide information on the funding provided to upgrade the ambulance fleet, in particular how this will assist our front-line paramedics with their work?

Mr Gentleman: Yes certainly. It is a budget initiative that we announced last year—upgrades for the ambulance fleet—particularly in regard to electric stretchers and support for our ambulance officers who need that ergonomic support. My understanding is that it has come across pretty well. The paramedics are very pleased with the announcement. We will continue to roll it out.

We have been looking at the best style of electric stretcher to provide for the upgrade of the fleet and, as we order new ambulance systems, we will be ordering those with the fitment for the electric stretcher as well. It allows paramedics to be able to lift patients hydraulically with the electric stretcher, but it has a load capacity as well. When it gets to the ambulance, the stretcher can interlock into a system that then loads the stretcher itself, rather than the physical work that is currently needed by paramedics. We are funding that and we are going through the process of ordering those. Indeed, as ambulances come up for renewal, we will be ordering those with the stretcher capability as well.

MS ORR: While we are on the topic of ambulances and paramedics, is there any update on last year's commitment around additional paramedics?

Mr Gentleman: Yes indeed. We are going through that process now.

Mr Lane: In relation to that question, a lot is happening. The announcement of an additional 23 paramedics in December last year, as part of the second appropriation, obviously was extremely welcomed by the ACT Ambulance Service. It has been one of the most positive things we have heard back from operational staff in relation to the benefit it has.

It has two key components, one being 14 staff to actually add an additional crew to respond to incidents across the city. That will continue to improve our response times as our demand continues. The other nine paramedics are actually factored in to assist with relief; a relief factor for leave. This has been a very significant thing for the ACT Ambulance Service because it allows us to put on those nine additional people—and this is why it is most welcome—so that people are able to get time off. That has always been a bit of a challenge amongst busy rosters when you are trying to maintain a 24/7 service.

The additional relief crew will certainly help with that. It will help in terms of work-life balance for paramedics. It will help when there is sick leave and the significant periods that we have seen in the past where our numbers start to dwindle because of illness. It helps people in relation to things like days off for sporting commitments, for family and for all those sorts of things. It has been a wonderful thing.

As soon as the announcement was made, ACT Ambulance Service got straight on with starting its recruitment program. The first phase of those people are starting to come through now.

At the moment we have got a range of things happening. We have got the additional recruits we brought on last year as interns and graduates who are out on the road going through their training and that. We have got the recruitment process to actually bring the next lot in, and then we will continue that process over the coming months to build our numbers up.

We have the additional ambulances coming in soon so that the additional crew can start. We will certainly update the government when we are ready to go in terms of the updates of when the crews are ready on the road.

MS ORR: How many additional ambulances, just to clarify?

Mr Lane: One additional crew we have two ambulances for. That allows for shift changeover. If, for example, one paramedic crew is still tied up at the Canberra Hospital or at one of the other departments the new crew can start from the station and take the second ambulance until the other one comes back.

MS ORR: How many—I will use the technical term—ambos do you take on in an intake?

Mr Lane: It depends. I will ask our ambulance training people to confirm the exact number we normally take on in an intake of paramedics. It does vary a bit.

Mr Wren: It will vary according to need but currently we will be looking for 15 people because that is the initiative. We have replaced all our attrition loss. We have recruited the eight additional positions that were announced before Christmas, and now we have 15 vacancies associated with the new crew coming on. We have just gone through a recruitment process for that. We had 356 applications for those 15 positions. It is very competitive.

MS ORR: I think the firies had recruitment to get more females into the force. Do the ambos have the same?

Mr Gentleman: Yes. This goes to our women in emergency services program to encourage a better gender balance in emergency services. It has been very successful so far with all the services. I will ask Howard to give you an update on how we are going with women in the paramedic service.

Mr Wren: Currently our last several recruitments have been either 50 per cent or 60 per cent female. Paramedics coming out of the university programs now are coming out at a 60:40 ratio of females to males.

MR STEEL: I have got a supplementary question in relation to the stretchers. How many stretchers are we expecting to be funded under the budget measure?

Mr Lane: Basically everything, is the answer. We are working towards putting 30 powered stretcher units on the road. That has already started. When the ACT Ambulance Service brought forward the option of actually bringing powered stretchers in we brought one in as part of a trial. We then funded within our

ESA operational budget and vehicle replacement program the next five.

This initiative allows us to bring the remaining 24 ambulances on, most of which will be done by June 30 next year with the remaining four to be done in the following year, as part of our fleet replacement program. That is because some of the newer ambulances we are retrofitting but basically we are bringing forward our replacement program to speed up the replacement because it is obviously more cost effective to buy a whole new ambulance with a kit in it rather than retrofit. It is our plan to see all those 30 retrofitted under this budget initiative by March 2020.

THE CHAIR: What is the cost of each new ambulance that we are purchasing?

Mr Wren: Approximately \$250,000.

Mr Lane: Just to clarify, we are not spending \$250,000 on each ambulance. Some of them are being retrofitted.

Mr Wren: Sorry, that is brand new.

THE CHAIR: Just out of curiosity, what is the cost to retrofit one of the more modern ones? As you said, that is where—

Mr Wren: I think it is approximately \$36,000 to retrofit.

THE CHAIR: And the life expectancy for a vehicle?

Mr Gentleman: It goes down to the hours worked by each vehicle. It would depend on how many hours are worked on the maintenance schedule alongside that too. But we might get an idea of vehicles that have been on the road for a particular period of time to this day.

Mr Lane: I can answer the question in terms of mileage. Obviously ambulances are busy. We normally run them to about 240,000 kilometres. However we are considering whether we need to shorten or lengthen that. I think, based on some of the feedback we received recently, we probably will not run them as long into the future. We are looking at options around that.

THE CHAIR: And just anecdotally, is that a five to seven-year proposition to get those sorts of kilometres up?

Mr Wren: Approximately seven years, yes.

MR STEEL: In the budget last year there was some funding for welfare support for ESA personnel. I was wondering whether you could provide estimates with an update on how that support is going.

Mr Gentleman: I am pleased to see that we have actually budgeted money for support for our front-line personnel. As I said at the beginning when I thanked our personnel on the ground, they do play an incredibly important role—often it is quite an intense role—and they are at the front of sometimes traumatic events as well.

Mr Lane: Under the government's commitment, ESA has employed a management of welfare program. That has been a really significant advantage. We have been very fortunate in that, when we recruited, we received a very highly talented and skilled officer who is providing really good support. When I say that, it is on the basis of the programs that she is able to bring forward as well. It is not just having the individual's welfare managed but, particularly under the ACTAS blueprint for change project, we have brought forward a range of initiatives.

I think the most significant one, which again paramedics have been very happy to see come forward, is a peer support program—an opportunity to train and develop ambulance paramedics, patient transport personnel and console operators and the like as peers—to help with debriefing processes, to help people when they are not quite sure whom they need, particularly after traumatic incidents and all those sorts of things, and provide that safe environment so that paramedics are able to work closely with their own colleagues.

We have also initiated a number of other training packages across what we call respectful workplace training and what we call the manners training, all of which have, again, been welcomed. The fact is that our paramedics are highly trained clinicians operating independently—some, in a very challenging environment—but they need help in terms of how they deal with the stresses that come with those jobs. Those particular programs that we are bringing forward under the welfare package are starting to make a significant difference.

We are keen not only to work with our paramedics but also with our other parts of the ESA—our volunteers, our firefighters, our state emergency service personnel—and our management of welfare program will be able to bring forward advice about how we can get even better at that.

MR STEEL: Are there specific mental health supports that are provided with that program?

Mr Lane: There are a range of services we can provide. Obviously when it comes to mental health per se we do have other services we can reach out to as well to support that. The management of welfare program provides that ideal contact point within the ESA to make sure the services are aligned as appropriate with the individual's needs.

MS LE COUTEUR: I have a supplementary question on this issue. Are you seeing more people? The impression I get is that you are seeing more people wanting mental health support.

Mr Lane: I think it is general within our community. Hugh Mackay recently spoke about the fact that two in three people in our community will have some sort of mental health trauma over the period of their lives. You only have to think about the impact in our emergency services cohort if you apply that simple two-thirds approach.

It is obvious that we recognise the stresses of the job and the challenges our people face. Quite often, when I talk to firefighters and paramedics I get a good understanding of how they are feeling about that. It is important—as agencies like

ours adapt to a changing community; to the stresses of the job; to how people have to balance that with their own personal lives and all of those sort of things—that we can provide the right support services around people. The big thing we certainly appreciate is that there is no silver bullet for this. It requires a range of services and options that people feel free to use.

I was talking to a paramedic only this morning about this very matter. If you went back 20 years, we did not even talk about it. We were seen as the people that people within the community should be able to reach out to for support, not the other way around. So we have taken a very different approach to that in recent times.

MS LE COUTEUR: Talking about different approaches, how do you re-integrate workers if they have had a period of time off for mental health-related issues?

Mr Lane: It has been one of the things that we are certainly getting better at, first, by making sure that people feel safe to put up their hands and say they need time off. That is the first part. Second is having the resourcing so people do not feel pressured that they need to come back to work because we do run a 24/7 service that we are trying to maintain the best standards for. Some of the budget initiatives will certainly help us there.

Lastly, it is about making sure that when people do put their hand up we have the right people trained. I hope this is where we are starting—I feel very confident about this—to see the benefit of the peer support program. It is people who have lived the experience almost daily. People know whom they can go to and make contact with to support them, and do that, whether that be psychological support services or other types of counselling, even if it is just someone to reach out to and have a cup of tea with or, as we said before, provide time off, give people a bit of time away from the job.

MR COE: Minister, can you please explain how the aerial firefighting services are procured?

Mr Gentleman: Do you mean aero-medical services or the aero—

MR COE: Aero-firefighting.

Mr Gentleman: They go through a process. Usually during the bushfire season we look at extra procurement, of course. But Commissioner Lane, I think, has the detail there for us.

Mr Lane: Yes. For our bush firefighting helicopters, we work under the national arrangements in partnership with the Australian government. The Australian government provides about \$16 to \$17 million per annum mainly for the purposes of bringing helicopters and large aircraft into the country.

As a small jurisdiction, we get only a small percentage of that. I think our allocation from the commonwealth is about \$182,000. That covers our standing charges, the contract rates for having the helicopters on the ground in the ACT over the height of the summer and—

MR COE: In effect, on standby?

Mr Lane: Effectively on standby. The ACT government then pays for the actual operation of the helicopter. Those services are procured by the National Aerial Firefighting Centre on behalf of the states and territories. The National Aerial Firefighting Centre is the company established, limited by guarantee, to bring together all the states and territories to make those decisions about the apportionment of the fleet across the country but also to make the contract decisions when tenders come up and those sorts of things. We stay at arm's length from that process because it is a national procurement process.

MR COE: When you say "limited by guarantee", is that a commonwealth government guarantee?

Mr Lane: No, under ASIC the company is limited by guarantee. It is basically set up as a—

MR COE: Who issues the guarantee?

Mr Lane: Under ASIC it is set up as a not-for-profit company.

MR COE: Yes, but someone has to issue the guarantee if it is set up by guarantee.

Mr Lane: Yes, it is the way it is established under its constitution. It is just a company. It is established under its constitution.

MR COE: Still, someone would have to issue a guarantee. What role does the ACT have with the National Aerial Firefighting Centre?

Mr Lane: The ACT is a shareholder representative in that company. I fill that role. It is setup as a board. The board is there obviously to set the strategic direction for the company and to manage overall risk. The company employs a number of staff who then undertake the operational functions of the National Aerial Firefighting Centre. Those are two things: a. providing advice on the apportionment of the funding and, b. undertaking procurement, tender contracts and those sorts of things.

MR COE: Who actually makes the call on the procurement? Obviously, it is the company but how does the company make a decision?

Mr Lane: That is right. The staff of the NAFC pull together a procurement committee. Generally, that will have officers from various states and territories to support the decision-making around that process. Obviously, they go through the various probity checks in relation to general procurement, as any organisation would.

MR COE: In effect, do the members make the final call on the procurement? Does the board make a procurement call?

Mr Lane: Ultimately, the board provides the final sign off. The CEO brings forward the recommendations. For example, if New South Wales wants a heavy aircraft

contract and you are bringing in the DC-10, the advice comes to the board based on the procurement committee. Obviously, the board has an overall say in terms of signing off on that. But we basically take the advice that the chief executive brings forward in relation to that.

MR COE: What does the ACT government provide to the contractors?

Mr Lane: To the contractors?

MR COE: Yes.

Mr Lane: Basically, we have the good fortune that the ACT Rural Fire Service operates a helicopter base from here. As a result of that, one of the things we do is to provide the pilots of the contractor with amenities at which they can rest and recoup during the period. Under Civil Aviation Safety Authority rulings, pilots need certain stand down time, certain amenities and the like.

They can be provided from a motel, sometimes distant from the heli-base, but we are fortunate here that we are able to provide those sort of facilities at the heli-base. This means that when firefighting pilots come to work, they have a place to rest and recline, which then does not impact on their travel time and those sorts of things before they start flying to a fire.

MR COE: When you say “rest and recoup”, do they actually stay there 24/7 or do they have, if they are in effect flying workers, other accommodation in Canberra?

Mr Lane: They could rest and recoup there. There is a bit of room to do that. I think that across the majority of the fire season they normally go to a motel. Obviously, on most days you do not need to be there until at least 10 o’clock if there are no fires or anything like that. But I can double-check and get a nod from my RFS chief that they normally stay in a motel over that period?

Mr Murphy: Yes, offsite.

Mr Lane: Offsite, yes.

MR COE: In terms of the company that provided the services for the last season, that is a Canadian company, is that correct?

Mr Lane: I am not sure of the specific—whether it is a company or different companies. There are two aircraft; they could be owned by two different companies. I know in the past we have certainly had Canadian pilots come across, because I have met some of them in the past. But also I noticed this year that we had Australians working there as well.

MR COE: What about outside of season? Do you have any aerial support on standby?

Mr Lane: No, not generally. Over the bushfire season we normally just work our defined period. We have a certain number of days under the contract that we will

negotiate through NAFC in terms of how many days we want over the fire season. Normally, one of our aircraft we actually share with New South Wales. It works in northern New South Wales for their summer, which starts earlier than ours. Then it will come to Canberra, usually some time just before Christmas. It will then follow through in the season. Then we have another aircraft that we have for a longer period, for an extended stay over the length of the summer.

Outside of that, if we do need an aircraft we go to what is called the call when needed system, which the New South Wales Rural Fire Service manages on our behalf. It would be inefficient for us to attempt to administer a similar system. Therefore, there are other aircraft available around the country that can then be called in if, for example, we had a fire in July that we needed a bush firefighting helicopter for should that ever occur.

MR COE: With regard to the total cost that the ACT taxpayer pays, how much do we pay directly to the NAFC?

Mr Lane: In essence, it is not really that we pay to the NAFC. What usually happens is that we pay the contractor of the aircraft and then recoup that money back from NAFC for those contract rates. I think that is generally the approach. Then we obviously pay the additional funding to operate the helicopter. In essence, the ACT taxpayer basically pays on the usage of the aircraft.

MR COE: Would all those payments be captured on the ACT's expenditure register?

Mr Lane: What shows on the expenditure register certainly is aircraft flying and the amount of cost associated with how many hours we operate the aircraft for. What will also show on our expenses and on our revenue is an expense for the ground hire costs of the aircraft, but we recoup that approximately \$182,000 back from NAFC, which shows then on our revenue.

MR COE: Does the ACT government have any say as to what the actual call-out rates are or do you just have to take on the contract?

Mr Lane: No, we take what NAFC give us. It took quite a few years for all states and territories to come under the NAFC contracted agreement. We have certainly seen that even bigger states like Victoria and New South Wales have recognised that the procurement power and obviously the technical expertise that NAFC brings mean we have seen some of the hourly flying charges for these aircraft reduce in certain circumstances over the past number of years. It is based on that pulling power that you get from everyone working together.

MR COE: Could you please take on notice just some of the details about the number of call-outs, hours, costs et cetera?

Mr Lane: Yes, certainly. I wish you had asked that last year because there weren't any.

MR COE: What is that?

Mr Lane: If you had asked that question last year, I do not think we had to call the aircraft out. We had such a quiet season, but obviously—

MR COE: So it was just the standby rate and that was it.

Mr Lane: Yes, it is just the standby rate. But we will for this year; we will have some and we will certainly be able to show those.

THE CHAIR: I have a series of questions relating to a number of commitments from previous years budgets that have been re-profiled. Can you give me an update on where they are up to? I will run down the list. Most of them are on page 27. There is the new digital radio communication system. That sits within the ESA?

Mr Lane: Yes.

THE CHAIR: What is the cause for that being delayed?

Mr Lane: Certainly I can assure the committee that the program is progressing very well. It has been a very large program over three significant stages. The first one, which is complete, was phase 1 of the TRN which delivered what we call the microwave ring which links all our towers together across the territory. Phase 2 is all but complete and that was a major tower upgrade and infrastructure upgrade of the actual towers themselves and the equipment within them.

There has been one delay to that particular part of the program which relates to issues in relation to access to Black Mountain tower. However, the government has recently taken the opportunity to remind Telstra, as the owner of Black Mountain tower, of the priority to get on with that body of work and we will see that completed soon.

What we will see through that of course is—and fortunately I can say this—that both those particular parts of that project have come in well within budget and there will be money that is rolled over that will either return to revenue or hopefully be made available for other emergency services projects.

Finally, phase 3 relates to our handset expenditure, which again is on track. We have recently made a procurement decision in relation to those handsets, which will be things like portable radios, radios to go in cars, which of course support not only ACT emergency services but a range of other government directorates and agencies such as ACT corrections, parks and conservation, the courts system and a range of other areas which are using that territory radio network and backing off the advantages of the procurement system we have gone through to deliver that.

THE CHAIR: What is the delay on the Tuggeranong ESA station project?

Mr Lane: Basically, whilst the project is physically completed—this is the SES station?

THE CHAIR: SES, yes.

Mr Lane: The project is officially completed and it was officially opened by the

minister. The unit is up and running. Again, we have left that in there because it is still within its defects period. We want to make sure that it stays on the books as we work through with the builder, should there be any defects. I do not think there has been anything of any great significance come to light for that period. Whilst the project is physically completed, it has stayed on there as a rollover to account for that defects period.

Mr Gentleman: I am pleased to say that it is in our electorate, Mr Wall, and it is the first dedicated SES station for the ACT. It has taken into account all the needs for SES in that station.

THE CHAIR: It is an unusual process just in accounting terms to leave any retention money on the budget sheets. Why has that decision been taken?

Mr Lane: I am just checking, referring to my notes. It has been moved through to cover the defects liability period. That is why I have left it there.

THE CHAIR: It has been moved from 2017-18 to 2019-20, but that is not normally how it would be handled.

Mr Lane: That is a good question. It is just that we try to apportion our money to be re-profiled across the various years and that is where the money has been apportioned.

Ms Playford: I guess with all our capital projects there was advice from treasury in terms of apportionments based on previous expenditures. There is an assurance around ensuring that if we need the cash in an earlier year we will be able to have the cash. We took into account things like defect periods et cetera and this is how it has all ended up.

THE CHAIR: Normally that would be listed under the rollovers rather than in a revised funding profile. I am just curious as to the treatment. There are two more in that section. There is the ESA vehicle replacement program. What is happening with that and why was that not disbursed this year?

Mr Lane: We normally have a rolling replacement program financially in relation to that. Is there any specific one in relation to that? We usually do roll money out of it if it is unexpended.

THE CHAIR: I am just curious as to the handling of it. There is \$797,000 that has been removed from the current financial year. It turns into \$1.9 million for the 2019-20 year and then there is a reduction of \$1.1 million in 2020-21.

Mr Lane: I will get our governance and logistics director to come forward but I think that relates back to our ambulance initiative.

Mr R White: The reason for the rollover of the vehicle replacement program is due to the timing of delivery of the five new ambulances that arrived this week. When we did the rollover there was no guarantee that the vehicles would be delivered within this financial year. And the pumper that is on order is sitting in New Zealand. That was not going to be delivered within this financial year. We had to roll over those

funds to cover those costs.

THE CHAIR: Minister, could you take on notice a better explanation for why the funding for that Tuggeranong SES station has been handled the way it has?

Mr Gentleman: Yes certainly.

THE CHAIR: From 2017-18 \$536,000 has been removed from the budget. There is no appropriation for 2018-19 but then the \$536,000 is appropriated for 2019-20.

Mr Gentleman: Yes certainly.

THE CHAIR: For a retention it is really bizarre.

Mr Gentleman: We will take that on notice and give you a detailed explanation for that.

MS CHEYNE: I have got a range of common questions about community safety, maybe not so much Mr Lane.

THE CHAIR: Try it.

MS CHEYNE: It does include some questions about CCTV as well but also perceptions of community safety. I see that we have got some more money in the budget for CCTV. How is that going to work, where is it going to go and why do we need it?

Mr Gentleman: It is important that we invest in CCTV. It provides a great opportunity for ACT Policing to be able to gather intelligence and respond to events but it is also quite overt. It provides Canberrans with, I think, a sense of security. We have the two legs of that investment, if you like. We have continued to invest in that. Bren has some details for us on how we are rolling those investments out.

Mr Burkevics: Thanks for the question. The funding requested and provided for the system over the forward years reflects a strategic plan that we developed for the operational aspects of the system, including high definition camera replacement—cameras that traditionally may have only had one lens being replaced with multi head lens—to give greater coverage, replacing old analogue equipment with digital to improve the reliability and, most importantly, the quality of images made both live and recorded to ACT Policing on Thursday, Friday, and Saturday nights during their monitoring period.

Of course, technology is changing very quickly. That funding will allow us to stay abreast of changing technology and look to use new analytic capabilities that enhance the ability of ACT Policing to review recorded footage and for investigative purposes.

MS CHEYNE: Where is the CCTV located currently?

Mr Burkevics: The public safety CCTV system has its primary presence in Canberra city. There are around 26 cameras here in the city. Other locations where the system

managed by JACS exists are Manuka and Kingston shopping precincts, Manuka Oval, GIO Stadium, Exhibition Park and the Jolimont Centre as well. All those systems are connected via the ACT government ICT network, can be monitored live and recorded footage used by ACT Policing as well as a new capability that we have rolled out over the past two years which has a capability to use that footage live to support major event management in the ACT, including the National Multicultural Festival and New Year's Eve in the city.

MS CHEYNE: Has there been any consideration of rolling out CCTV more broadly into other town centres, particularly ones where population is increasing dramatically?

Mr Burkevics: What I can certainly say is that we work very closely with our colleagues in other directorates to look at opportunities to collaborate on CCTV. You will notice in the budget papers that we are working on a whole-of-government strategy in relation to CCTV, how we can work with Transport Canberra and City Services light rail and other directorates on the system.

Over the past year we have also been trialling, following the minister's announcement last year, portable solar-powered CCTV technology, solar cam. We have seven of those units currently around the ACT: the National Arboretum, one in Belconnen focused on the owl artwork, and some other units that we have been using for Floriade and, again, Christmas in the city.

Those trials of that technology continue to prove to be highly successful in terms of live monitoring, particularly, for example, Floriade where traditionally they have had no situational awareness from their control centre of what is happening in the event. With the use of five cameras last year as part of a trial it certainly expanded their capabilities and awareness of a mass-gathering event.

We are continuing to work on other CCTV projects in partnership with other areas of government and exploring the use of how the camera-free wi-fi network could be used to support CCTV as well.

MS CHEYNE: As an aside before I go back to community safety, has installing CCTV for the owl helped? Do we have less graffiti there as a result?

Mr Burkevics: We are still looking at the deterrent effects. We have not used it at the moment to identify any offenders. We have had to make several upgrades to the lens, noting that it is in a day-time/night-time environment. We work closely with the manufacturer of that technology to look at using the images so that they will support prosecution. We recently put in an IR lens to provide far greater clarity at night. The system did pick up some people only about two weeks ago taking selfies in front of the owl about two o'clock in the morning. Luckily there was no vandalism.

MS CHEYNE: I think we promote people taking photos of themselves and public artwork; right? I think there was even a competition for that a few years ago.

Mr Gentleman: I am pleased to say too that some of this funding went to upgrades for our bus stations and depots as well. They will upgrade that CCTV network in those areas. Again, it will provide both those streams with a much better feeling of

safety in the bus areas but also provide information to policing.

MS CHEYNE: What else are we doing to improve safety and perceptions of safety? I will just say a few things. I have had many people contact me following Eurydice Dixon's death/murder, expressing to me that they do not feel safe and that there are many dark areas around Canberra. I have also had a good look at strategic objective 2 and some of the indicators there. While I note that we are committing to increasing our targets—that is at dot point 4—at dot point 3 the perceptions of safety indicators are drawn from a survey that has a questionable sample size and a landline-based methodology.

Do we really define that to be reliable indicators and are we doing some more surveys about people's perceptions? I am interested in: are we looking at doing further work on increasing or getting a sense of people's perceptions of safety, particularly in light of some concerning things that have been happening, and what else are we doing to make sure that people feel safe in our city?

Mr Gentleman: I think it is a really important question. I do not think it matters whether you have a gender-specific feel about safety. I think all Canberrans should feel safe. In particular, in Haigh Park we have invested in extra lighting as well as the actions that we can do with policing to build a safe and more secure city. The Chief Police Officer will be here very shortly. She will be able to give you some more updates there.

MS CHEYNE: She is here.

Mr Gentleman: Very good, yes. I think police in this area do a really important job of providing safety for Canberrans and ensuring that Canberrans feel safe. And it is a safe city. If you look at our statistics in comparison to other cities, it is a safe city. But crime does occur, of course, and we need to work together to ensure safety for each other. I might ask the CPO to come to the table. I think it is almost time for policing to come up now.

THE CHAIR: Are there further questions for the ESA before we move to ACT Policing?

MS LE COUTEUR: I have a few.

THE CHAIR: We will finish off with ESA and then we will move to ACT Policing.

MS LE COUTEUR: There has been a lot of media reporting, and total confusion in my mind, about the situation with PFAS. Is it still used by ESA in Canberra?

Mr Gentleman: No, it is not used anymore. It was phased out more than 10 years ago on the trucks themselves. Some of the portable equipment was held up until last year; that is the hand-controlled phone equipment.

PFAS is a chemical that has been used for a range of industrial purposes since the 1950s, including firefighting. We phased out the firefighting foam containing those chemicals back in 2005 and we have replaced all of the handheld extinguishers where

the chemicals were used last year.

We need to ensure that we take the advice from the right body. In this case, we are looking at the advice we get from our health professionals, both Australia wide and in the ACT. They have advised us that at this stage there is no indication that these chemicals would cause ill health in humans. There are studies still to go, and of course we will look at those as we move forward.

We started that work quite a while ago. That is completed. There may still be some PFAS contamination at some of the sites, which we are looking into at the moment.

MS LE COUTEUR: If it is detected somewhere, what do you do?

Mr Gentleman: As I said, we take advice from medical professionals and the Environment Protection Agency to see whether there is any work that needs to be done in that case. In regard to that, I will hand over to the commissioner.

Mr Lane: I think there are two things there, minister, if I may. Firstly, in terms of the recent confusion, I need to admit that I am part of that confusion. I want to place on the record in front of the committee that I inadvertently made a mistake when I referenced recently to a reporter that we were progressively moving the small nine-litre fire extinguishers from the ACT Fire & Rescue fleet. That was my bad mistake. We actually had already completed that removal process; it was completed by early 2017. So in terms of your earlier question, I can assure you that that has been removed from ACT Fire & Rescue.

In terms of the second part there has been a lot of work going on across the Australian government level, at COAG, on arrangements in relation to PFAS. As the minister has explained, it is something that was used for a significant amount of time in various parts of Australia and that has left us with a legacy as a community in relation to a product that is very persistent in the environment. Whilst it has good elements in relation to its firefighting activity, as it did in the past, it is not a good thing, we believe, as a community, to see those sorts of contaminants persist.

Therefore, in some parts of our communities across Australia, more or less work has to be done (a) in relation to the amount of concentration that exists and (b) in relation to its further impact on the rest of the community, particularly, for example, where it might make its way into drinking water sources and those sorts of things. That is work that has been ongoing at the national level for some time.

The environment protection authorities around Australia have recently come together to sign off on a national environment management plan for PFAS. That was signed up by ministers in March of this year. That provides a way forward in relation to options around testing, clean-up, removal and just keeping people away from this particular product. We have signed up to that as a government, and we will be working through the process in relation to using that national environment management plan on affected and potentially affected sites here in the ACT.

MS LE COUTEUR: Does that involve removal in some cases?

Mr Lane: It involves a range of things. In some cases, yes, it will involve removal, we believe, which will mean that the contaminant has to be removed to approved sites elsewhere in the country.

Mr Gentleman: I am very pleased to say that in the briefings that I have received, this material has not been used in our water catchment areas or in areas that would seep into the water catchments. So Canberrans can feel safe in that sense.

MS LE COUTEUR: What has been used instead of PFAS now? I assume it must also be something which is not very nice, basically, to be effective?

Mr Gentleman: You go to an interesting point, Ms Le Couteur. The first part of the reason that we moved out of PFAS is that the manufacturer stopped producing it. It has been replaced with a powder retardant. The commissioner would have the details of that.

Mr Lane: There are various sorts. Depending on the type of operation we are undertaking, various firefighting foams or powders, or other products, are used to combat the various threats that firefighters face. Whether it is a significant industrial fire, a flammable liquid fire or even a bushfire, different types of foams can potentially be used.

In terms of your question in relation to usage in areas where we try to minimise impact on the community, one of the things that we very much attempt to avoid, and 99.9 per cent of the time we do avoid, is the use of foam in drinking water catchment areas. For us, in our pristine mountains within Namadgi, and where the catchment area is for Canberra's drinking water, we are very reluctant as firefighters to use foam, for that reason. We will when the risk is greater in terms of what we need to do to fight fires, but in general terms, in those types of areas we try to avoid the use of those firefighting substances.

MS LE COUTEUR: I will put my other questions on notice, because I note the time.

THE CHAIR: We will move to ACT Policing. Thanks to officials from the ESA.

MR COE: Minister, with regard to the additional six officers or staff members that have been committed to in the budget, can you please give a breakdown of what is going to be achieved by these six new positions?

Mr Gentleman: Yes, certainly. These are investigative positions to assist ACT Policing in combating crime in the ACT. They are going to particular divisions in ACT Policing to provide that resource. I might hand over to the CPO. She has the detail of each of those positions.

Asst Commissioner Saunders: Thank you for the question. As you know, there was not a huge investment into ACT Policing in this budget, and that is simply because we are doing quite a bit of work with government with regard to what long-term reform might look like for ACT Policing, in ensuring that ACT Policing's services meet the needs of the community well into the future.

We are doing a whole piece of work in regard to futures for the ACT, looking at issues of legislative reform and policy settings, making sure our members have the right tools and technology, governance and process, and the right capability in the right numbers in the right places to deliver service into the future.

This year, the focus in engaging government on what budget measures would be helpful is actually targeted at investment in those areas. That will assist us in developing that picture for the future, as well as focusing on priority areas for ACT Policing.

I will touch on some specific measures. Obviously, a key focus for ACT Policing is around serious organised crime, and the work we do in combating gangs in the ACT through the NAGS task force.

MR COE: If you are doing this futures program at the moment, why did you, in effect, get in front of that very program with the hiring of these six officers?

Asst Commissioner Saunders: Because this capability will assist us in developing the case and providing the basic framework upon which that new capability will be built. By way of example, a key commitment has been \$2.6 million over four years to support us in the development of strategic analysis capability.

That strategic analysis capability will ensure that we can gather the data and the trends to better support our business case going forward in terms of where ACT resources need to be deployed, what capabilities we require and in what numbers, and it will also support us in the interim in ensuring that the resources that I have available to me are deployed to the highest priority area. That is one example.

MR COE: Is part of the pitch or part of the case for these six new positions going to be to assist with the creation of the futures document?

Asst Commissioner Saunders: It is not so much the document but the framework upon which we will build ACT Policing into the future. As I said it will develop the intelligence that I need to direct resources now. It will also be providing support in regard to strategies, how we pool our data aimed at reducing crime, increasing public safety and improving engagement. It will also assist me in providing the evidence I need to come forward with policy reform and legislation in the future. Once again, it is a foundational piece upon which we will build ACT Policing into the future. It is critically important to me.

MR COE: Were these six positions in your budget submission?

Asst Commissioner Saunders: Yes, they were.

MR COE: If you had \$2½ million to spend on policing in the next four years, additional money, is this the best way of spending it?

Asst Commissioner Saunders: It is important, because without having the necessary information and evidence base upon which I can deploy my resources, we are potentially chasing our tails. What is critically important to me is that I have the trend

analysis and information to better inform strategic decisions, as well as operational decisions. This capability will assist me in making key decisions on the ground on a day-to-day basis, as well as informing strategic directions in regard to how I deploy resources in the ACT, and in addition to supporting advice to government about our support for efforts in addressing issues in the justice sector, as well as strategies which can potentially inform whole-of-government efforts in the future.

MR COE: Your preference was for the \$2½ million to be spent on these six non-front-line positions, as opposed to additional front-line positions?

Asst Commissioner Saunders: I want to clarify that it is not six FTE. That is for all of the capabilities, all the budget bids. I have just touched on one, and I will confirm the number we have for this particular capability.

MR COE: It has to be around that. It has to be around \$2½ million.

Asst Commissioner Saunders: It is two in the first year and four in the second year, for that capability.

MR COE: But for these six positions in particular it is \$2.5 million?

Asst Commissioner Saunders: That is correct. There are obviously other initiatives that we have been funded for. Once again, the key priorities I mentioned are obviously the work we are doing on serious organised crime.

MR COE: Yes, but it is those six that I am particularly interested in.

Asst Commissioner Saunders: Yes.

Mr Gentleman: The other budgeting is for the mobile platform, and also for—

Asst Commissioner Saunders: That is right.

Mr Gentleman: strengthening Taskforce Nemesis.

MR COE: I understand that, but if you have an extra \$2½ million for your budget, how is spending it on these six positions actually the best way forward?

Mr Gentleman: That is the advice to me from the CPO, that she needed that capability to be able to deliver on what she has just explained.

MR COE: Okay. If you can table that advice, and present that to the committee, that would be great.

Asst Commissioner Saunders: What advice is that?

MR COE: The minister just said that he received advice that that was the best way to spend that money.

Asst Commissioner Saunders: That was absolutely a key priority to me. It was an

initiative that I put forward to government.

MR COE: If that advice to the minister can be given to the committee, that would be great. Thank you.

Asst Commissioner Saunders: Do you have any further questions on the other proposals?

MR COE: No.

Asst Commissioner Saunders: Okay.

MS ORR: Just for clarity, can you give us a little bit more information on the other proposals that will be covered?

Asst Commissioner Saunders: Of course. Could I also correct the record? I have just had it confirmed that it is actually four capabilities—two FTE in the first year, and an additional two in the second year; a total of four.

In regard to other proposals, as I said, another key priority, as you saw, and as the community is well aware, is the work we are doing on serious organised crime, and the work being done out of the NAGS task force. In regard to having a holistic response to the nature of the threat, and dealing with the prevention, disruption and response to crime, what is key is actually targeting the finances of those individuals, seizing assets and taking action in that regard.

To better support our efforts, we have received government funding of \$1.354 million, which will fund a forensic accountant, in addition to one surveillance team member. Obviously, that forensic accountant is critically important in regard to developing a picture and gathering the evidence we need to be able to take action in regard to the benefits of the crime, in addition to surveillance capability, which once again is a key capability that supports the gathering of evidence in regard to these more complex investigations.

We also had some funding for some urgent facilities upgrades, which I think is self-explanatory. I am happy to go into further detail if you wish. As the minister mentioned, we also had additional support for our future mobility platform which is, once again, a critically important initiative driven from ACT Policing. It is critically important because, in simple terms, it will be a real game changer for the way we deliver services in Canberra.

The result of all of our officers having a mobile platform will mean that we have a more visible policing presence, which is something the community has been raising as being important to them, as well as giving the capability of our officers to do much of their work from wherever they may be, rather than having to return to police stations to undertake basic tasks associated with the work they are doing. They are the primary initiatives.

MS ORR: They are the areas that these capabilities are going to support.

Asst Commissioner Saunders: That is right.

MS ORR: The proposition that has been put forward is about why we are not putting these to front-line services. My question is: let us say that we did put all of that money towards front line and not to these, what is the actual impact for the police force?

Asst Commissioner Saunders: To be honest, the impact would be about being less effective, because unless we have the right capabilities to support the targeted work that we do, we will be less effective and we will not be getting the results the community expect of us.

As I have said consistently, I could put a police officer in a blue uniform on every corner and I would not solve crime. The way to solve crime is through sophisticated responses, targeted efforts, using a range of capabilities to deliver an outcome so that we better prevent, disrupt and respond to crime. If you give me police resources focused just on front-line officers, we will continue to respond to crime, and that is not going to deliver the best outcome for the Canberra community.

MS ORR: This topic came up during our health day on estimates, and that was pill testing. I want to get feedback from the police on how they found that trial, and their observations.

Asst Commissioner Saunders: As I have said publicly, I think the pill testing was a great initiative. It has been a very positive strategy that has been employed to address harm minimisation in our community. I recognise that it was a particularly sensitive and controversial way forward, particularly from a policing perspective, noting our responsibility for responding to crime. And that has not changed.

Our focus tends to be on responding to crime and targeting those who benefit from the drug trades; those who traffic and deal in drugs in our communities. Our efforts have been focused on that and it has been very effective, and, as you would know from the significant seizures just this year in regard to MDMA—over 300 kilos of MDMA has been seized—ACT Policing continues to focus on responding to crime and dealing with those who benefit from the drug trade, those who traffic and deal in drugs.

Having said that, though, obviously, we do have a real issue in terms of young people taking harmful drugs at these music festivals. The priority for ACT Policing is not to arrest young people who are the end users of drugs. That is predominantly a health issue; therefore it was one of the key reasons why we supported this harm minimisation strategy which is focused on health.

The other key reason why we supported this, of course, is because the intention is never to tell young people it is safe to take drugs, because it is not safe to take drugs. It was an education strategy aimed at reducing the number of people who will take drugs. As you know, the purpose of the pill testing initiative was to educate young people in regard to the risks of what they are taking, and that has proven to be very effective, in terms of the number of people that we know participated in the activity and engaged with the pill testers and the educators that were involved in the activity. As a result a number did not take the drugs. We also know that we got greater intelligence than we have had before in regard to the nature of drugs being taken at

these music festivals, which helps us to target our activities on those actually involved in the trafficking of those drugs. Overall, it was a very positive outcome from our perspective.

MS ORR: Based on that response, would it be fair to say you would support another trial of the pill testing? It was a question that came up on the health day.

Asst Commissioner Saunders: Certainly, I would support efforts like that, which support harm minimisation. I am absolutely supportive of all initiatives in that regard.

MR STEEL: In the last budget there was funding for work on developing the future of ACT Policing. I wondered whether you could provide an update on how that work is progressing.

Asst Commissioner Saunders: The primary areas of funding for the futures program were around developing a plan for future accommodation needs. It is very similar to the model that was applied by emergency services over previous years, in regard to looking forward 25 years and asking what are the bricks and mortar, ultimately, that are going to be required. The funding that we were provided with has been critically important in terms of developing the plan, which we intend to take to government in the next budget cycle. The actual accommodation plan is informed by what our service delivery model will look like. Those two pieces of work are progressing hand in glove.

I might just hand over to Ms Levay in terms of the other initiatives that particularly focused on the futures initiative beyond the map.

Ms Levay: There is the police services model, which is looking at how we need to be resourced going forward to meet the policing needs in the community. Tools and technology have also been looked at, and facilities, process and governance as well.

Asst Commissioner Saunders: The funding that we received in the budget year was predominantly for that.

Ms Levay: The funding was to do the scoping to look at how we should be set up in the future.

Asst Commissioner Saunders: But in terms of where we are at generally with futures, as I touched on previously, we have made quite a lot of ground. In regard to the funding we have had for the accommodation work, there has been an analysis done of our current facilities. That is close to being completed. That will then inform what the future accommodation needs might look like. Once again, as I said, we will take some options to government in the next financial year.

In regard to the broader work that futures is doing, as I said, the key platform going forward is going to be our service delivery model. We have just undertaken a process, through an external provider, to look at the way we deliver services now and to guide us in regard to where the gaps are in the current service delivery model based on the expectations of stakeholders, including the community, government and other whole-of-government partners, with a view to then looking at options, once again, to

take to government in the next budget cycle in regard to what a new service delivery model might look like.

MR STEEL: Have you heard of other police forces undertaking a similar piece of work?

Asst Commissioner Saunders: Similar but different. All jurisdictions are in a process of transformation, recognising that we are all having similar challenges in demand outweighing supply based on the traditional model of policing services and the need to look at how we deliver services differently in the future. All are looking at that problem, and all are coming up with different solutions based on environmental factors in their jurisdiction, the legislative environments that they work within, and the policy settings, all of which vary quite a bit.

MR STEEL: You mentioned that technology forms part of that. What sorts of technologies are you referring to there? Moving more services online rather than having to come face-to-face to a police station environment?

Asst Commissioner Saunders: Yes, absolutely. The key one, our immediate priority, is this mobile platform, which I made earlier reference to. That is ensuring that our officers have all the relevant information for their own safety and the safety of the community when they are engaging, and also access to the relevant tools and information they need to be able to respond to whatever incident they may be deployed to. That is an immediate priority.

But you are absolutely right: the intention is to explore how we better engage with the community by using online capabilities, moving away from the need to have to go into a police station to report a crime. I think that is a very good initiative and something that we are exploring. We are looking at a range of tools that will make the work of police officers easier, noting that they are working in a very complex environment, and improving the interface we have with the community.

MR COE: With regard to crime levels in Canberra, in particular, offences against property and offences against a person, is there a reason the target has not been met for those two indicators?

Asst Commissioner Saunders: We are still trying to understand the full context of this as we go forward with our futures model, but the key issue is that the complexity of crime has increased over time. The demands on our services have increased, of course, and that has resulted, over time, in the policing model in the ACT moving to a response to crime. We have not had the capacity, to be frank, to be able to engage the community in more preventative and disruptive measures. As a result we have seen an increase in some crime areas.

We recognise we are all in a position of having finite resources and we simply cannot prevent every crime occurring in the territory, nor can any jurisdiction. In recognising that, we have developed a very flexible and nimble model which allows us to respond to crime. So whilst you have seen an increase in those two areas you have touched on—we have seen spikes in armed robberies, burglaries, and stolen motor vehicles—equally you have seen a very responsive ACT Policing getting great results in regards

to those matters.

I will go through some statistics. For example, since March this year we have had 16 aggravated burglaries across building sites and, on 21 May, we charged two people for all of those burglaries. So whilst the statistics may have increased in that particular area you are also seeing a very responsive police force which has been very effective in identifying those responsible and bringing them before the court.

The work of the crime disruption team has been a key tool for us in dealing with recidivist offending and disrupting aggravated robbery offences and ram raids across the ACT. We established that team in October last year, and it has achieved some tremendous results. In the past 12-month period, 40 people have been charged with offences related to armed robberies, some of whom have been recidivist offenders. I have some additional data which I will access for you, but that gives you an indication.

In short, whilst you might be seeing an increase in crime in some areas, as those trends have been identified we have been very responsive in getting tremendous results in that regard. In terms of the service delivery model going forward, I have had a conversation with government about the need to ensure that the model going forward has a balance between capabilities to respond to crime but also to prevent and disrupt crime.

MR COE: Minister, are you satisfied that the government resourcing is adequate?

Mr Gentleman: I am pleased we have been able to provide the resourcing ACT Policing has asked for. That includes, of course, that big investment last year in the futures project. As the CPO has indicated, that will provide us with the information we need for the future of ACT Policing looking at crime disruption rather than simply response. We will be accepting that report when it comes forward and then investing further in ACT Policing from that point.

MR COE: But are you satisfied, from a values proposition that the lack of funding leading to inadequate preventative measures is a good outcome for the community?

Mr Gentleman: I do not agree with the premise of your question, Mr Coe. That is not the case.

MR COE: We just heard that there are not enough resources to adequately focus on prevention.

Mr Gentleman: In fact, the crime trends over the 10-year period are diminishing. That is a good result.

MR COE: Are you happy with the level of prevention and preventative work that has taken place?

Mr Gentleman: I am very happy with the work ACT Policing do, and we intend to invest more in that work as well.

MR COE: They have to play the hand they have been dealt, but you are the dealer. So

do you think you have given ACT Policing appropriate resources to focus on crime prevention?

Mr Gentleman: This will be the outcome from the futures project. That is the work we have invested in. It will show us what we need to do to invest further in crime prevention and crime disruption for the future rather than simply the response model. We know from looking at other jurisdictions that we need to balance that. We need to have some response, but the real key in achieving lower crime rates is to have crime disruption at the beginning.

MR COE: But if there are not the resources to do reactionary work as well as prevention and, therefore, all the effort has to go into the reactive work, do you think that is a good state of play?

Mr Gentleman: You can put hypothetical questions, if you like, but we need to invest, as we have, in what ACT Policing have asked of us in this space. The investment in last year's futures project will give us the evidence we need to provide further funding for ACT Policing into the future.

MR COE: We just heard there are not enough resources to adequately focus on crime prevention so the police have had to focus on strategically responding to crime.

Asst Commissioner Saunders: If I could clarify that point: the question put to me was about an increase in these particular crime types. What I have explained is my personal view that we have done a very good job in responding to that crime. So whilst you have seen spikes in activity, we have been responsive and there have been positive outcomes. If you look at trends over time, the outcomes have been very good and Canberra continues to be one of the safest cities in which you can live.

If I were to address the increasing trends in property offences and offences against a person that you have identified over the past two years, I would like to invest more in the prevention and disruption work of policing; solving problems, which is the key essence of ACT Policing's responsibility. To do that, I need to develop a model that is going to achieve that. I have not gone to government saying I need a greater investment in prevention because at this stage I am working through what that service delivery model looks like and what capabilities I need to better invest in prevention and in numbers. I have not given that advice to government yet; that is my intention for next year.

MR COE: Sure. So in times gone by was more prevention work done than what is currently taking place?

Asst Commissioner Saunders: I think there was a combination. My observations come from having worked in ACT Policing 20 years ago and returning after 20 years and looking at how we deliver our services. I have observed a shift over time to a more responsive model.

Mr Gentleman: And what government has done is respond directly to what ACT Policing have found in investing in that futures program in the last budget and the investment in this budget.

MR COE: But let's not take one year in isolation. If there has been a gradual move over about 20 years towards response rather than prevention, was that a policy decision the government has taken whilst you have been minister?

Mr Gentleman: No, certainly not.

Asst Commissioner Saunders: It has not been, and this has been part of our agreement and the ministerial direction that we work in the preventative space—and we have and to some effect. By way of example, we have made a significant investment in our relationship with vulnerable communities in the ACT. I and my executive team have played an active role in engaging the Aboriginal and Torres Strait Islander community often and regularly with a view to working together in developing solutions for prevention.

Responsibility for preventing crime does not rest with ACT Policing. I am just saying I want to see a shift in that direction working with other partners in a whole-of-government sense and the community to better prevent crime. But I have not gone to government with a formula or a construct or a framework which actually says, “These are the capabilities and this where I need them.” But in principle—to address the issue about which you asked the question—my personal view is that there needs to be a greater mix of strategies aimed at prevention, disruption, and response, many of which we will try in an integrated response in a whole-of-government sense.

To be honest, this will not be about just investing in ACT Policing. If we are going to prevent crime, we need to ensure that we as a whole of government have strategies aimed at better deterring crime. There were earlier comments today about community safety, and what is critically important in terms of preventing crime and community safety are issues such as environmental design: lighting, CCTV et cetera.

This is a much more complex issue than throwing police at a prevention problem. I am simply saying that in principle there needs to be a greater shift in terms of our philosophies and approach if we are going to address the increase in crime in some areas.

MR COE: If, magically, additional money was thrown your way and it was earmarked for prevention, are there things you could do right now with that money that you think would have a positive impact on the community?

Mr Gentleman: That is a hypothetical question. We need to do provide evidence to government. When I go to cabinet for funding there needs to be hard evidence behind that, and that is the work ACT Policing are doing at the moment.

MR COE: You can call it hypothetical, but it is a pretty legitimate scenario, that is, how much money you invest in prevention surely will have a return not just in the short term but hopefully in the long term. It may even be an intergenerational return. So do you not have any research or any evidence? Have you not contemplated that before?

Mr Gentleman: That is the work being done right now. That is the work we invested

in in the last budget.

MR COE: Surely there is longstanding evidence about the return on investment of working in prevention.

Mr Gentleman: That is the work we are doing right now.

MS CHEYNE: Thanks for staying back a bit longer, CPO. I am not sure if you heard me earlier, but I want to ask about something that is relevant to what Mr Coe was just talking about in terms of overall safety and perceptions of safety. What work are we doing to increase people's feeling safe? I am aware that the accountability indicators say that we are wanting to increase our targets due to ACT Policing's commitment to crime prevention and community engagement, which is excellent. However, I am also very aware that the footnote says that the sample size and the methodology might limit how representative the results actually are.

What are we doing to make sure that people feel safe? Have we thought about doing our own survey in community satisfaction rather than drawing from this national one if it is getting increasingly limited in terms of its methodology and sample size? And finally, what are we doing to make sure that people are safe?

Asst Commissioner Saunders: There are a few questions in that. If I do not pick it all up, please clarify. In regard to the survey itself, this is considered a national benchmark, so absolutely it is credible data, and all jurisdictions rely on it. We use it as a means of benchmarking how we are seen as being safe communities around the country.

Certainly we do rely on it. Is there scope for improvement? That I do not know, but that is something that I am happy to take up with those who actually deliver the survey. We continue to monitor the survey. Is it asking the right questions? By way of example, we think there is scope to expand the survey currently. We have done some work with ANZPAA to expand the survey to consider why, for example, in family violence we are seeing some shifts in trends there.

We want to be asking the community questions about "Are you reporting family violence? If you are, why are you? If you are not, why not?" We want to ask a range of questions to get a better understanding of how effective we are in dealing with family violence. That is just one example.

The point is that if there is a view that we are not asking the right questions in regard to the community being safe, it is certainly a survey that we can influence. But the intention is to use a dataset that all jurisdictions can rely upon and we can benchmark upon, and we do that. From that perspective, I would argue that the survey is a credible one. I understand that about 2,500 people were surveyed through the process. It is certainly something we have—

MS CHEYNE: In the ACT?

Asst Commissioner Saunders: In the ACT, that is right. It is not national: 2,500 in the ACT. It is, from my perspective, a credible survey upon which we can rely.

The actual statistics, if you look comparatively around the country, are very good in terms of perceptions of safety. That does not mean we should not improve. Wouldn't it be great to be living in a community where people feel safe all the time? To be honest, I think that is aspirational. I think that experience has shown us that, as much as we as a community might look at safety issues and as much as we might be doing work on environmental design and strategies such as Neighbourhood Watch aimed at keeping the community safe and working together, and as much as we might work with whole-of-government partners in the community in terms of strategies aimed at prevention, disruption and response, and we touched on those, the reality is that there will always be those who will be opportunistic and, as I said, will be opportunistic in committing crime. As I have said previously, I could put a police officer on every corner and I would not prevent that.

How do we address those perceptions? It is really key that we get the right messages out to the community and that we acknowledge that this is a community issue and we all have a role to play in regard to feeling safe in our communities.

The safety messaging continues to be important. I know that there have been some recent criticisms and suggestions that some of the safety messages can be seen as victim blaming. I certainly do not look at it through that lens. The reality is that we all have an obligation, when we are walking in our communities, ensuring that we feel safe. If you do not feel safe, move yourself to somewhere where you do. I spent three years living in Manhattan in New York, and I felt very safe in that city, but I would obviously walk down the streets that were well lit, I would be walking in areas where there were other members of the public with me, and I would avoid streets where there no people and it was dark.

There is a bit of common sense at play in terms of ensuring that we make sure as individuals that we take precautionary measures to be safe but we also support each other. We do a lot of work in terms of keeping someone safe every year. We often talk to young people about ensuring that they are safe: "When you are out late at night, please stay with your friends. Make sure they are safe. Make sure you see your friends to taxis and they get home safely." The same messages my parents told me and I tell my sons today still are relevant. Education and messaging are really important.

I continue to think that the work we do in environmental design is very important. I heard the minister talk earlier about Haig Park and the activities that have been undertaken there. Just with the lighting and the CCTV coverage, we have seen a significant reduction in criminality in Haig Park. That does not mean necessarily that people's perceptions of safety have changed, but certainly the statistics show that there has been a significant reduction there.

I will draw your attention to those statistics. By way of example, in 2013 we had 17 offences occur in Haig Park. Whilst we are only halfway through the year, we have had two this year; one was a theft and one was a roadside drug test.

MS CHEYNE: Do you have data on what the offences were in 2013?

Asst Commissioner Saunders: Yes. If we look at it as an overall figure, in 2013 we

had 17. It was the same in 2014. We then had 11 in 2015; 13 in 2016; and 10 in 2017. So we are seeing a reduction. We are certainly seeing a reduction since 2013.

MS CHEYNE: And the types of offences?

Asst Commissioner Saunders: If we go back to 2013—

MS CHEYNE: I do not need a total breakdown, but, for example, we have had no sexual assaults this time but I assume we were having sexual assaults a few years back.

Asst Commissioner Saunders: Interestingly, we have had one sexual assault matter, and that was in 2017. It was interesting that you have just highlighted perception and reality. There is often disparity, but the reality is that we are very conscious of the perceptions of community and do what we can to address those perceptions, as I said, through education and communication.

MS CHEYNE: On notice, could you provide that breakdown?

Asst Commissioner Saunders: Yes, I would be happy to do that.

MS CHEYNE: I will just make a final comment. I think that 2,500 people surveyed is statistically relevant, but I am conscious that it is a landline survey. Many of the people who have contacted me in the wake of Eurydice Dixon's death have been young women who I do not necessarily think have a landline.

Asst Commissioner Saunders: That is a very good question; I have posed the same question. It is changing; it is moving to mobile phones. The next survey will be by mobile phone.

MS CHEYNE: Great.

THE CHAIR: We will adjourn there for a short afternoon tea break. Minister, with any questions that were taken on notice in your areas of responsibility, we ask that they be returned to the committee secretary within five days, day one being tomorrow.

Short suspension

Appearances:

Rattenbury, Mr Shane, Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health

Justice and Community Safety Directorate

Playford, Ms Alison, Director-General

Glenn, Mr Richard, Deputy Director-General, Justice

Peach, Mr Jon, Executive Director, ACT Corrective Services

Bartlett, Mr Mark, Senior Manager, Offender Services and Corrections Programs, ACT Corrective Services

Lutz, Ms Amanda, Manager, Restorative Justice Unit

Chief Minister, Treasury and Economic Development Directorate

Purvis, Ms Alison, Acting Chief Operating Officer, Access Canberra

Green, Mr Ben, Acting Director, Regulatory Solutions and Compliance, Access Canberra

Cubin, Ms Derise, Director, Licensing and Registrations, Access Canberra

Stankevicius, Mr Adam, Director, Government and Regulatory Reform

THE ACTING CHAIR (Ms Cheyne): Welcome, minister. Welcome back, officials. We will now move to output class 2, Corrective Services. Minister, do you have an opening statement?

Mr Rattenbury: I do not, thank you. I am happy to go straight to questions.

THE ACTING CHAIR: We will go to Ms Le Couteur.

MS LE COUTEUR: Minister, one of the issues, obviously, is: when people leave the AMC, where do they go? Do you have some sort of policy about preventing people leaving the AMC from going into homelessness?

Mr Rattenbury: Absolutely. It is certainly not like in the movies, where you see the gates open and they just walk out. It is not like that at all. In fact the whole through-care program is designed to ensure that people do not just walk out the front door and have no support network.

The through-care program operates across five domains. A key one of those is accommodation. There are a range of accommodation options, depending on their circumstances. That can be anything from immediately going into a long-term option, if people have that available—they might have a family connection or a public housing property they had before they went into custody—through to short-term accommodation while something more permanent is found.

MS LE COUTEUR: You mentioned ACT housing. I have spoken to them at some length and the impression that I got is that they will only basically keep a tenancy for three months while someone is detained. Clearly, some people, for a variety of reasons, are at AMC for longer than three months. What happens then? Do they go to the bottom of the list and have to wait for years or is it not as bad as that?

Mr Rattenbury: If I understand your question correctly, I have heard similar stories. In fact I spoke with Minister Berry about it today, in her capacity as the minister for housing. She said to me her understanding was that the policy was that if you were in custody you did not lose your tenancy, except in cases where people have a very long sentence. If someone is in there for a very extended period of time, that is a different conversation. But it is certainly the case for shorter periods. We have undertaken to continue to discuss that further and check, because I have heard similar stories to what you have heard, and I would like to get to the bottom of that.

MS LE COUTEUR: I will continue that conversation, if I have enough time, tomorrow, because it is certainly an issue from both sides. I will not continue with that line of questioning, given—

Mr Rattenbury: No. I feel more positive about it now, and I will be happy for you to ask those questions as well. I will check whether that is the case.

MS LE COUTEUR: Would some people be discharged and go into crisis accommodation where it is clear that they cannot stay? I think you said five different—

Mr Rattenbury: I am just trying to think about what you mean by crisis accommodation.

MS LE COUTEUR: Are people discharged into short-term accommodation and they will not necessarily be able to stay there for—

Mr Rattenbury: I invite Mr Bartlett, who runs the through-care program, to give you some of that detail.

Mr Bartlett: I have management responsibility for the extended through-care program. Certainly, housing for people once they are leaving the AMC is a critical issue. Unfortunately, there are a number of occasions when we do need to seek what could be considered to be crisis support accommodation for people whilst they are leaving. Whilst it is true that people who have a public housing property can often return to that particular property, if they are in custody for a longer period of time that property is basically handed back and they go through the application process again.

For us to get somebody back into a public housing property, often the pathway is through some short-term crisis accommodation—maybe some transitional accommodation through Ainslie Village or Havelock House—and then a pathway from there towards public housing. For us, public housing is not the only kind of solution. We want private housing. Public housing certainly is a valuable option but it should not be considered to be the only option.

MS LE COUTEUR: Absolutely. If you are working on through care, do you also work on employment options for people when they leave?

Mr Bartlett: Absolutely. If somebody can exit custody and gain—and, more importantly, maintain—full-time paid employment, that is the single biggest

contributing factor to somebody living a crime-free life. It is massively important. In the ACT it is a big challenge for us with the lack of a large blue-collar workforce, for example.

The ACT government are also being supportive in terms of trying to provide employment options for people as they are coming out of prison. With respect to a number of positions within government, if people have a criminal record, the likelihood of them gaining employment there is certainly diminished. It is certainly a challenge for us going forward.

MS LE COUTEUR: Are you investing more resources? I suppose in housing you are not; you are relying on the housing sector to do whatever, but what about employment?

Mr Bartlett: We are working quite closely with the commonwealth at the moment through the prison to work funding. A time to work program has commenced in the AMC to work with people pre release. That is a really exciting development for us, because employment is in the realm of the commonwealth, in terms of the support. They understand now that they are trying to engage with people whilst they are actually in custody prior to someone's release.

MS LE COUTEUR: Given that the budget gives more money for AMC resources, how does this allow for the safety of detainees and workers, and to make sure you are addressing the safety and human rights of all the people at AMC, be they detainees or workers?

Mr Peach: Safety and security, obviously, are fundamental priorities for the AMC. We have unprecedented numbers within the centre. We have also been very fortunate to secure funding in recent rounds to supplement our staffing levels to accommodate those.

We have also recently adopted a new leadership structure which allows us to focus on security and safety, and it acknowledges the fact that the biggest challenge in prison is keeping people occupied. If we can keep people occupied, doing constructive activity and being focused on release, that assists us to maintain the security and safety of the establishment.

In our structural element we now have a head of accommodation, a head of detainee services, a head of security, and we also have a position of head of programs and reintegration that sits within community corrections. All those roles, working together under the general manager, custodial operations, are developing concepts such as the forms and hours of a structured day, which is a scheduled program of activities that, from the moment a detainee exits their cell in the morning to the moment they are finally locked up in the evening, they can attend. It includes employment, education and recreation.

All of those things combined start to alleviate some of the problems with boredom within the centre. We then couple that with the work that has been done and funded recently with the development of the intelligence unit, which involves a number of resources that are specific to proactive management of intelligence, receiving

information, analysing that information and adopting proactive strategies to prevent assault, prevent incidents from occurring. That has been extremely successful over the past six months since we started that.

In terms of additional resources, we have also been funded for a number of additional custodial officers who have supplemented our establishment in terms of managing the centre and in terms of supplementing the security team and the intelligence team. Not only do we have people preparing and presenting to us proactively what we believe are the key challenges and issues, but we also have additional resources now to start implementing strategies to stop those activities. Previously, where we were very reactive in our approach to managing incidents, we are now in a position where we can target cell searching and target visitors coming in. We can target where we believe there is intelligence to suggest they are bringing contraband in, where we think there is a particular standover or where there are people who are developing networks that are doing what they can to thwart the security of the system.

We have done a fairly comprehensive review of our security and our activities in there. So we have a structured day, positive regimes, a reintegrative focus, the backbone of solid security procedures and practices, good intelligence management, and, as well, we maintain excellent relationships with our detainees. Our staff do an absolutely wonderful job day to day in maintaining positive relationships, which equally manages to maintain that safety and security element within the jail.

THE CHAIR: I have a follow-up question. The issue of a structured day has been obviously a long-term thing. The Auditor-General highlighted it a number of years ago in her inquiry. What is the number of days, on average, on which a detainee would have structured activity?

Mr Peach: We are still working on the structured day philosophy. For the first time we have actually established a structured day for the female detainees in custody. As you may be aware, in November of last year we moved our female detainees from three disparate areas within the jail. We moved them into one, not purpose-built, but one unit purposed for female detainees.

THE CHAIR: It has been a little time since I have paid close attention to it, probably much to Mr Rattenbury's delight.

Mr Rattenbury: We miss you, Andrew.

Mr Peach: In doing that, what that has allowed us to do is centralise all our services for female detainees in there. By doing that we—

THE CHAIR: Whereabouts are they positioned now?

Mr Peach: There is a new accommodation unit that holds 57 beds at the top end of the prison.

THE CHAIR: Yes, the special care centre?

Mr Peach: Yes, the special care centre. What that has allowed us to do is actually

focus our energies on developing a structured day for female detainees. That is a trial because, obviously, we have the complexity of different cohorts in the jail. By focusing on the female detainees, we have started to work out how that could actually work across the wider population of the jail.

For the first time, we have a full structured day for female detainees. We are, at the moment, able to deliver 100 per cent of activity time for female detainees for the first time in AMC's history. Now we have to look at the bigger challenge of implementing that across the larger population.

That work has started in earnest. Of course, some of the recent, or not-too-recent, additions we have had to the facility in the past two years—the multi-purpose recreation centre, the bakery, the laundry, recycling facility and other industries that we are developing at the moment—will go some way towards that. Obviously, that also couples again with our education contracts and, equally, looking at a more structured recreational timetable.

THE CHAIR: Just out of curiosity, as it has been a little while, what is the female population currently? I know that fluctuates but—

Mr Peach: It was 40 this morning, I believe.

THE CHAIR: What is that in contrast to the male population?

Mr Peach: There were 507 yesterday evening; so that is 467 males.

THE CHAIR: Do you have any statistics on the number of sentenced or remand detainees that were in employment prior to coming into custody?

Mr Rattenbury: I doubt that but we will have a look. We will take that on notice and check, but I do not think so. As corrections, I do not think we get that information about their pre-custody life.

THE CHAIR: Yes, until they become your responsibility. The picture is often pretty bleak, yes.

Mr Rattenbury: Yes, but if we have it, we will let you know.

Mr Bartlett: The detainee health surveys that have been done previously by Health—it is a self-report survey—have identified that generally 40 per cent of people were actually unemployed in the six months prior to becoming incarcerated.

THE CHAIR: How many spaces are currently in the transitional release cottage?

Mr Rattenbury: There are 28 beds.

Mr Peach: Fifteen.

Mr Rattenbury: Fifteen, sorry. I do not know where that came from.

Mr Peach: I can perhaps respond on that.

THE CHAIR: It was said so confidently, but there is nothing like backing yourself. There might be 28 beds this afternoon.

Mr Peach: There are currently 15 beds in the TRC of which we are using 13, but the intent is to actually increase the capacity out there, which could take it potentially to 28, but we are still exploring that.

THE CHAIR: You have had the brief ahead of the action. I know that other jurisdictions—the Northern Territory is one example—have what is colloquially deemed a sentence-to-work kind of structure. Is that a program that is being looked at or considered for the ACT, or how would that fit in?

Mr Bartlett: Yes, for the ACT we have a work release program. That currently operates from our transitional release centre. The program itself is not specific to the particular accommodation unit, but it is specific to people who are participating in a transitional release program. For example, we have had female detainees who have left, who have gone from inside the prison out to work, and then come back again.

THE CHAIR: And back in each day.

Mr Bartlett: Yes

THE CHAIR: Is it structured employment that is organised by corrective services or government or is it formal employment they have had previously?

Mr Bartlett: It is a combination; in some cases we have particular clients who have had employment prior to coming into custody and they have maintained links with their previous employer. So they can then participate again in employment programs. Other times, it is through ACT government; other times, it is just going through the local paper; other times, it is working with jobactive providers.

We canvass a whole range of different options for that employment. Whereas we can be reasonably successful in people actually gaining employment that way, because we provide a lot of the structure around that, one of the issues that for us going further forward is that often the employers will employ one person. Once they have taken somebody on, that is it. They will then retain that employment when they leave, which is great for them. But then that leaves a gap for us in terms of that transitional employment.

MS ORR: Is this where I can ask about recidivism and the measures in the budget going towards that.

Mr Rattenbury: Yes, sure.

MS ORR: That is as detailed as my question gets.

Mr Rattenbury: It does cross over with justice issues, but it is obviously very relevant to corrections. A lot of work goes on inside the jail in terms of preparing

people; education programs, various drug rehab programs. Outside of the jail there is a strong focus by the government on justice reinvestment initiatives, which is where we are seeking to spend money in a range of places to avoid people coming back into custody. A good example is the high density housing project in Ainslie Avenue which has been re-funded this year and expanded to Illawarra Court in Belconnen. The success of that program is such that we feel confident in rolling it out, and there a range of other examples in the budget of things we are doing in that space.

We have invested in the Warrumbul Court coordinator and cultural adviser. That is a program in the children's space, creating a children's circle court for young Aboriginal people. We are continuing to develop and operationalise a range of other justice reinvestment initiatives. This year we have had Yarrabi Bamirr, a partnership with Winnunga Nimmityjah Aboriginal Health Service targeted at families who might be deemed at risk of coming into contact with the criminal justice system.

The strength of the partnership with Winnunga is that not only did they help us co-design the program but they obviously have the client contacts. They know the families through their other work, and they have helped us in that program. Whilst it is early days and a formal evaluation is yet to occur, after nearly a year of operation none of the people in the families involved has gone into custody and none of the children in those families has gone into care and protection. They are two early measures of success we feel very optimistic about.

MS ORR: We have heard quite a bit today about investing across the whole justice system and also restorative justice. Can you fill me in on what corrections might be looking at as part of that broader work?

Mr Rattenbury: Yes, and again this crosses portfolio lines for me; as the justice minister I work with the team leading restorative justice and developing the justice reinvestment and reducing recidivism strategies. From a corrections point of view, the extended through-care program is the most well-known example of what we do that targets recidivism behaviour. All sorts of indicators show that people's most vulnerable time is the period immediately after being released from custody. Whether it is for risk of suicide, drug overdose or re-involvement in behaviours, that first period after custody is particularly important.

The external evaluation of the extended through-care program done by the University of New South Wales showed a reduced rate of recidivism and an extended period out of custody for those who reoffended, and that is a valid measure. When you have people who cycle in and out of custody, simply keeping them out for a longer period can be a measure of success. That is one example and, as I touched on earlier, all the work around drug rehab and so on is targeted at that as well.

Mr Bartlett: In terms of restorative justice at the Alexander Maconochie Centre, we work very closely with the restorative justice unit. We participate in a number of conferences. We have people who have been victims of crime coming into the prison to go through a restorative process with the people who have perpetrated those crimes. We are also participating in the family group conferencing. That is an Indigenous-specific protection initiative which uses the same restorative justice principles. A number of those conferences have also been held at the Alexander

Maconochie Centre.

MS ORR: Do you have any initial observations on how those programs might be going, or is it still too early?

Mr Bartlett: The restorative justice unit could probably provide the data in terms of that. But from my experience with detainees who have participated in that they get a much greater sense of the impact their actions have had upon others. In terms of being able to develop some empathy, that is quite important.

The victims I have spoken to who have participated in that process have also found a sense of closure. The legal system is quite adversarial: there is a winner and a loser. The judge makes a decision in between and the voices of the victim and the perpetrator are often not what is commonly known. The restorative process is about restoring an understanding between people about what has occurred and it has been a real positive. The restorative justice unit would the data in terms of the numbers.

Mr Rattenbury: They will be available later in the session in the next block.

THE CHAIR: What statistics are kept on drug use within the AMC?

Mr Peach: That is a difficult question to answer. We keep information on what finds we have in contraband and the measures of people who take drugs that we have done through testing. We do admissions testing and that would add into how many people are on what substances prior to entry. We also keep self-identified information on who is using when they first come in. We keep a wide range of data. Is there anything particular you are after?

THE CHAIR: The question is targeted at use whilst in custody, not on admission.

Mr Peach: The statistic we have is those people that have tested positive as we go or have done on admissions testings. But that is obviously an indicator of use before.

THE CHAIR: How frequently are drug tests carried out?

Mr Peach: They are taken randomly at the moment in terms of targeting. We do not operate a full-time frequent testing program as such.

THE CHAIR: How many random tests have been conducted in the current financial year?

Mr Peach: I will need to take that on notice.

THE CHAIR: When entering the AMC, who is required to subject themselves to the security screening process?

Mr Peach: In terms of entry for detainees?

THE CHAIR: General public.

Mr Peach: Everybody. What we expect in terms of security screening from the police side.

THE CHAIR: If I were to go in there for a visit.

Mr Peach: If you are coming in to visit a detainee, we would expect you to go through our screening process in terms of identification check. That is 100 points of identification and biometrics. If you were coming in as a detainee, obviously again, there are similar checks.

THE CHAIR: Yes.

Mr Peach: I would like to think you would not be! If you were coming in as a visitor to visit the administration team, then you may not have to go through the full security process, depending on where you were visiting, whether you were escorted or whether you were moving around the centre yourself.

THE CHAIR: What about corrections officers? What screening do they go through at the commencement of a shift?

Mr Peach: At the commencement of a shift they come in. They go through a bag check. They go through the x-ray machine, and they go through the iris scanner as well, so we can confirm identities.

THE CHAIR: Okay, but not through the body scanner?

Mr Peach: Yes, they go through the body scanner as well, through the x-ray machine that you walk through.

THE CHAIR: Okay. And that applies also to legal counsel?

Mr Peach: Yes.

THE CHAIR: No one enters the accommodation areas of the AMC without going through a full security screening?

Mr Peach: No. That is right; that is correct.

THE CHAIR: When was that policy updated? I have been out there on a number of occasions over the previous years where that was not the case.

Mr Peach: Have you gone out there escorted?

THE CHAIR: Yes.

Mr Peach: That is what I was saying: if you have been out there escorted, you may not necessarily have gone through those procedures. That is exactly what I was saying: if you are escorted, we can waive that. For example, if you are escorted by me or custodial officers, then we are pretty clear that you are clean and sterile in terms of that way we can observe what you are doing. If you are coming through non-escorted,

that is when you would go through.

THE CHAIR: Okay. I am just curious because contraband continues to arrive inside the AMC. We have certainly seen reports of it coming in over the fence. I am curious as to by what other means it is getting into the facility.

Mr Peach: Prisoners are ingenious. They can come up with lots of different methods of entry. We have had a significant downturn in finds of contraband. We went through a process at the end of last year where we increased our security significantly. That led to our finding an increase in contraband. That was particularly what was already present in the jail. We have withdrawn that. Since then we have found that our security measures have meant an increase in finds. Our intel has meant an increase in what we are getting. There are two things: one is that our intel is not working and it is not as smart as it should be—I do not think that is the case—or it means that we are finding things more quickly and discovering more.

That has also had an impact on our detainee population in terms of their behaviour. We are finding that the people involved in managing contraband previously would not necessarily get involved in that smuggling. They have started doing it themselves as opposed to having 16 different people involved in the process.

In terms of it still getting in there, I think that it is a fair point. There is always contraband getting in to prisons in Australia. We have had very little contraband coming over the fence in recent times. That is not to say it does not happen, but we have not had any finds there. I cannot remember the last time we had one.

The general manager, custodial office says that six weeks ago there was one incident where it could have potentially come in through the fence. The majority of our contraband could possibly be coming through internally, within a detainee or visitor. Obviously, we have to make sure we watch that. Even the body scanner would not necessarily always pick that up. Obviously, we cannot put 100 per cent of people, detainees or visitors, through the body scanner. It is quite an extensive process to go through a full body scan.

MS CHEYNE: The average cost per day, per detainee—I note the target for this financial year—was \$310. It remains the same target for next year. I see the estimated outcome for this year is \$305, which for one detainee is not much, but over a lot of detainees probably adds up a little bit. What is the reduction in cost attributable to? How do we determine a reasonably accurate target? How do we determine the target? Would it not be reasonable to suggest that the costs might go up over time as things generally get more expensive?

Mr Rattenbury: Yes. Slightly perversely, that cost per day does go down with the increasing detainee population. I say “perverse” because, in the way those numbers are calculated, the fixed costs of the jail—the capital costs and all that—are included. Obviously the more people we have, the more the average is brought down. There is obviously increased cost in terms of extra food, staff and some of those other things, but it is obviously offsetting. The forward target figure will be based on the appropriation in the budget, those ongoing capital cost calculations and estimates of numbers. That is the short answer of how that works. If you want to go into the detail,

we can trawl through it. There is a whole cost model in the background.

MS CHEYNE: We always talk about the cost. It costs society a lot to keep people

Mr Rattenbury: It certainly is an extraordinary amount of money. If you pro rata that out every year, you see that it is obviously more than \$100,000 a year to keep somebody in jail. This is one of the factors that drives the government's thinking on a justice reinvestment focus. Obviously that is a lot of money. If we can avoid one person in custody and spend that money on something else, potentially the community remains safer because there is no crime; the individual has a better life because they are not in jail; they are with their family; they are getting a job or whatever else they are doing; they are dealing with the drug addiction issue, or whatever else they are involved in—you can very quickly pay off other programs and potentially save money. That is the rationale of the justice reinvestment approach.

MS CHEYNE: Going back to your earlier point as well, perversely if there are fewer people in, then the figure here is potentially going to rise because of those costs that are calculated with that.

Mr Rattenbury: Historically the ACT has had high numbers because we had fewer people in a new and expensive facility. Lower numbers is a problem I would prefer to have.

THE CHAIR: It is a lot lower than it used to be.

MS CHEYNE: I have always known it is around \$100,000, but I never really thought about how that gets calculated, so I appreciate that.

Mr Rattenbury: Ms Lutz, who runs the restorative justice unit, is still on her way. We are a little ahead of schedule. If you want to start with other places, she will be here shortly.

MS LE COUTEUR: Earlier today I asked the Human Rights Commission about the ACT government's decision to participate in the facial recognition scheme. I asked did they have any views about human rights compatibility and they said that that work was not being done in any way by them, it was being done by JACS. I assume that this is the right fit.

Mr Rattenbury: Yes.

MS LE COUTEUR: In that case how confident are you that such a scheme can be compatible with human rights?

Mr Rattenbury: Perhaps I can make the overarching observation that the Chief Minister, in terms of the COAG process, was very clear that the ACT would not sign up to anything that was inconsistent with our human rights framework. From that broad ACT position, that is the policy approach we have been taking. I can hand it over from there.

Mr Glenn: The facial recognition capability that is being built by the commonwealth

has a number of components. It enables the use of biometric data from photographs to be used for purposes that range from simple one-to-one matching—that is, is this photograph a photograph of the person who they say it is?—to one-to-many matching, which is about potentially finding a face out of a crowd, to put it crudely, to be able to say: is this a photograph of someone who is known to us? And you might get multiple matches.

The work that we have been doing, consistent with the Chief Minister’s agreement at COAG last year, has been focused much more at the level of one-to-one matching, that is, put in a photograph, get a verification that that is the photograph of the same person. It is actually about structuring the responses to using the system so that it does not reveal more information than you already know about a person, for example, and for that to be used in the context of community safety and additional law enforcement purposes that are consistent with the general human rights framework.

Where we have placed greater restrictions on the use of ACT data has been around the use of one-to-many, which is much more of an investigative tool as opposed to an identity verification tool, and where those uses are for lower value criminal matters or for administrative purposes. We have targeted it at the high-end criminal matters and for the uses that will assist people in service delivery but we have tried to exclude all those things that are at the lower level and exclude particularly the privacy intrusive elements of the system that go around the one-to-many face matching, if that makes sense.

MS LE COUTEUR: What safeguards do you have that the scheme will stay as designed? I am particularly thinking here that every day we read about major data thefts or leakages or whatever you want to call it. This is going to be presumably a fairly useful database for someone to get their hands on and they would not be worried about human rights compatibility, obviously.

Mr Glenn: I think there are a couple of issues in that question. To the extent of security, the commonwealth, which is building the hub of the system which will house the majority of the data, has been doing a lot of work around its own cyber security and has been sharing information with us about how it will continue to keep the information secure.

In terms of future use of the facility, if you are thinking of scope creep, function creep, there is quite an elaborate system of agreements that underpins each jurisdiction’s participation in the system. It starts with a COAG agreement which says, “These are the general purposes for which we will allow our data to be used,” and underneath that sits a whole series of participation agreements which are legally binding between jurisdictions and which go to more granular detail about how the information will be used and the governance process around which development of the system in the future will be determined.

The ACT will continue to have the ability through time to be able to determine where its data goes and where it is used and to be able to determine the extent of our participation in the system at any given moment. Even if the system were, for example, opened up to a completely new area that is as yet unthought of, we would have the opportunity to be able to say, “That is something that we want to participate

in,” or, “That is something that we will not.” We will be able to determine the use of our data one way or the other.

MS LE COUTEUR: We will be able to say what we want our data to be used for. Are we going to have a capability to audit to ensure that in fact the commonwealth, or whoever the commonwealth gets to actually do the work, is following the rules? Will we be proactively doing this?

Mr Glenn: There is an audit capability within the system that will enable people to know what is going on within the system, and what we will be doing in our participation agreement arrangements is work out how we get the best information that will allow us to have confidence that our information is being used in the way that we intend it to be used.

MS LE COUTEUR: Are you talking to other human rights commissions about the implications of this? Of course I should include in that the ACT’s Human Rights Commission.

Mr Glenn: We are not talking to other human rights commissions. I have had conversations with the Human Rights Commissioner about this system. There is an ongoing conversation with the Australian Information Commissioner around privacy functions and there are a whole series of privacy impact assessments that are being managed by the commonwealth that we are observing as we go through the system.

MS LE COUTEUR: Any feedback from all these conversations?

Mr Glenn: The privacy settings are going quite well and there are a whole range of issues that are being raised by the Information Commissioner which have been broadly addressed. The general conversation around human rights compatibility with the use of these sorts of systems is around: are we getting the safeguards right and are we determining how our data is going to be used?

MS ORR: My question is mostly around the AMC and restorative justice processes. How are they going within the AMC? Is there anything you wanted to add to the quite lengthy response you gave earlier today?

Ms Lutz: I guess most of our referrals for AMC detainees come when they are on remand. They are initiated from the courts, and we go in there and do assessments and preparation in that space. The other type of referral is from the correctional officers or victim liaison officer in that space. We go in to provide information sessions, do presentations with staff and some of the detainees. As a relationship it is working well. We have got an MOU and we have had some pretty good outcomes. In terms of activities for offenders in a prison environment, making amends or addressing your accountability to a victim is a really positive thing.

MS LE COUTEUR: When is restorative justice going to be available for domestic and family violence issues?

Ms Lutz: Soon.

MS LE COUTEUR: “Soon” as in Christmas?

Ms Lutz: While we do not have a specific date, it is looking like it will be the latter half of this year.

Mr Rattenbury: Before Christmas, certainly.

Ms Lutz: Yes, before Christmas. We are just wanting to be really careful working with the stakeholders, finalising guidelines, tweaking any amendments to the act that will be useful for phase 3.

Mr Rattenbury: Certainly from my point of view, I have said to the team that we want to get it in place as soon as possible but we also do not want to rush and not have the system ready. It is obviously very sensitive to move into the family violence space.

There has been a lot of conversation with stakeholders. We had an excellent workshop probably about four months ago now with ACT Policing and a range of groups like the Rape Crisis Centre, Women’s Legal Centre represented. The first iteration of the guidelines was presented and we literally went through them line by line with all the stakeholders. Out of that feedback a new version is just being circulated about now to test that all the things that were heard in that session have been picked up and reflected in the final version.

MS LE COUTEUR: In this context it is going to be used as a diversion from or as an alternative to formal justice?

Ms Lutz: We anticipate that there might be some smaller, lower-end penalty matters that might be suitable but we have a very stringent assessment process, and we will be consulting with the referring entities and agencies with expertise to make sure that matters that are genuinely low end and low risk that might have potential for diversion only come through at the front end. We would imagine that most will be coming through at later stages.

A serious offence can be referred to us only after a plea of guilty has been entered or a finding of guilt made. We anticipate that, for serious matters, where there has been trauma involved, most of those referrals would come post-sentence.

THE CHAIR: I have a question regarding the issuing of hawkers licences. The question is around the criteria that are assessed for the issue of a licence.

Mr Rattenbury: The Access Canberra team are not quite here; so can we hold that one?

Ms Playford: Here is someone. Yes, here they are.

THE CHAIR: Straight into the hot seat.

Mr Rattenbury: Can you ask the question again?

THE CHAIR: The question was: what criteria are assessed in deciding whether or

not to issue a hawkers licence?

Ms Purvis: I will have to take that on notice. Sorry, it was too soon.

THE CHAIR: Okay, thank you, we will take that on notice, yes. No worries.

MS CHEYNE: I also have a question on fair trading policy, and just shoot me down if it is dumb. With fair trading policy regarding fuel prices, what do we actually do?

Mr Rattenbury: There are a number of matters that have certainly been looked at over the years. This is a long and gory story, as you would no doubt have seen in the press. There is continued frustration on the part of ACT consumers. We seem to pay petrol prices above the mark compared to nearby regions.

MS CHEYNE: Yes, last night was very expensive.

Mr Rattenbury: Yes, compared to Sydney, compared to Goulburn and Marulan and those sorts of places.

MS CHEYNE: Yes.

Mr Rattenbury: The ACT government has tried a number of things over the years. There is clear data that shows it is the case. The one area that I have specifically looked at—we are doing a little bit of work on it now—is the issue of fuel price boards. Certainly, one of the frustrations that some consumers have expressed to us is about having the actual price on the fuel board. What we see some outlets doing is if you have some sort of discount voucher from their affiliated supermarket—

MS CHEYNE: That is the advertised price.

Mr Rattenbury: that is the advertised price. If you do not have the voucher, you pay 4c or 8c above what is advertised on the board. We looked at this a couple of years ago. At the time, there was a national process going on. I actually presented private member's legislation to bring this in. I was not the responsible minister at the time. However, the minister's advice was we have a national process. We should see how that played and we would work from there so that we were consistent with other jurisdictions.

That national process I think could be best described as having petered out. What we have now is some jurisdictions simply moving ahead on the initiative, anyway. So I have recently asked Access Canberra to have another look at this to see whether we need to do it in the ACT just to ensure that people have that transparency around what the actual price is. People do get frustrated by it. It is certainly part of the story.

The other thing I would say now is that there are a lot of apps available with fuel prices on them. They provide real-time information. Consumers who are concerned about the price of their fuel can use them. They are free apps. People can download them and check. So if you want to go somewhere else in town or if you are driving across town, you can check where the best place is to go.

We looked at whether we should provide a dedicated one in the ACT but our view is that the ones that are available through other providers do not necessitate the ACT government's creating its own. We looked at that or whether we should partner with New South Wales. But our sense at this point is that there is adequate information available through a range of people who run these sites.

MS CHEYNE: What else can we actually do as a government? Is the answer, "Not much" in terms of trying to get these prices lowered?

Mr Rattenbury: Yes, we have over the years worked with the ACCC. The Chief Minister has made representations in various fora, which I cannot recall off the top of my head. But I know he has taken an active role on this. We have reached a point simply where I think the oil companies have a view that they can extract a greater price in Canberra.

It is not a satisfactory answer. It is frustrating, and there have been a range of efforts. Having lived in Canberra a long time, I am really conscious of how the market has changed to where there is limited competition. We do see pockets of competition. I have heard anecdotal stories about some of those independent retailers who do not have hours as long as other outlets. When they close, nearby petrol stations put their prices up. Certainly, competition is a fair part of it. They are anecdotal stories but they are the sorts of things that you hear around town.

MS CHEYNE: Minister, are you continuing to complement the Chief Minister's work in terms of raising this in whatever fora you can?

Mr Rattenbury: Yes, there are limited opportunities, but the fuel price board is the piece of work that I am particularly doing at the moment because I think it does at least provide accuracy and transparency for consumers.

MS LE COUTEUR: It may be a bit early but I have a question for Sentence Administration Board, which is supposed to be dealt in this session.

Mr Rattenbury: I did not have them on my list as attending this session. I think they come separately. They have that independent status. Sorry, no, you are right. They are listed on this section. Let me seek some advice. I can start with questions, Ms Le Couteur.

MS LE COUTEUR: It is continuing on the housing question. I was going to ask them how many people had been denied parole on the basis that they did not have appropriate housing to go to.

Mr Rattenbury: I have sought this information from the Sentence Administration Board. I cannot recall it off the top of my head. Let me take that question on notice and provide you with a response. It is not large numbers. It has arisen on a few occasions. But the Sentence Administration Board have said to me when I have asked them about this that there is usually a range of factors. Obviously, when they are making a parole decision, there is a whole lot of factors they take into account. There have not been, that I recall, many cases where accommodation has solely been an issue, but there has been a handful. But I will give you the exact number on notice.

MS LE COUTEUR: I have a question on retirement villages. I get a small but steady stream of correspondence from unhappy residents. There was recently one, which I am aware that you are aware of, where they have gone to ACAT. Basically, they feel that they have to enforce what ACAT said. They are not feeling that they are in a position to defend their rights; they are not getting a fair go. There are two questions: is there any possibility of legislative change? Secondly, what are the avenues for people who get a judgment in ACAT and then the other side ignores it?

Mr Rattenbury: Yes, on the first half of the question, you recall that the retirement villages legislation came in in about 2012. Then there was a review undertaken in 2014 or 2015. Off the back of that, a number of changes were recommended. We passed the first tranche of legislative changes at the end of the last Assembly, so in August 2016.

At that time we deferred a number of matters because there were some items that had been raised by the review that were more complex or more controversial, frankly. So I deferred those so we could get the first tranche done. We have continued work on those, and they are trickier issues. But I expect to have a piece of amendment legislation later this year.

One of the issues that we picked up in there relates to other dispute resolution options. I have had very clear feedback, as you obviously have as well, about the fact that people, some of the members, find ACAT a bit intimidating, even though ACAT is not the full court. But obviously the other side can at times turn up with very experienced lawyers and this can push the costs up for parties. I think a lot of our older residents simply find the idea of having to go to what is, in their eyes, a hostile environment—two sides up against each other, and so—

THE CHAIR: Adversarial.

Mr Rattenbury: Thank you, that is the word I was after; an adversarial environment. We are exploring another option with the Human Rights Commission for them to play a role in dispute resolution. I am about to announce more details of that a bit later in the year.

MS LE COUTEUR: Hopefully, that will include something which is enforcement of whatever the resolution is, because that has been identified as a real problem area. You can get a decision but it does not get enforced.

Mr Rattenbury: Yes, in terms of the issue of enforcement, Alison, are you able to assist?

Ms Purvis: Yes, my understanding is that once it comes from ACAT, to get enforcement action it needs then to go to the Magistrates Court for the enforcement to happen, which can be—

MS LE COUTEUR: That is another court. It is just making it harder and harder for the people to—

Mr Rattenbury: This is the very nature of the existence; I would expect that if a retirement village went to ACAT and lost their case, morally, if nothing else, they would accept that ruling or they would appeal it. But simply not to do anything about it and require residents to go to the Magistrates Court to seek enforcement I think would reflect very poorly on an operator who took that approach.

MS LE COUTEUR: Absolutely.

Mr Rattenbury: I have just been informed that the Sentence Administration Board—I am not sure why—were not invited to come today; so they will not be here at all.

MS LE COUTEUR: You have taken the question on notice; so that is fine.

THE CHAIR: They miss out on all the fun.

Mr Rattenbury: If there are any other questions, please feel free to submit them on notice. We will ensure they get a timely response.

THE CHAIR: Whilst we are on retirement villages, who is responsible for the enforcement of the Retirement Villages Act?

Mr Rattenbury: The act sits in my portfolio; then Access Canberra are the enforcement agency.

THE CHAIR: What kind of proactive engagement do they have with operators of retirement villages?

Mr Rattenbury: They had a program this year right through the retirement villages in Canberra where Access Canberra have gone out and made a presentation to residents on the act, explaining to them all their rights and avenues where they can seek redress. I went to one of those sessions. The operator was there on that occasion. Probably because I turned up, the operator turned up. It might have been the media presence as well; I am not sure.

That was a really valuable session, and the feedback we got from residents was that they really valued that. Access Canberra produced a booklet on rights as well, and worked with the Retirement Village Residents Association to make sure that that material was deemed to be the right level of information and answered the questions that they had. Part of that visitation program was also an awareness-raising program on scams. Our older residents get subjected to many scams, and they are not familiar with the internet and some of those kinds of issues. So that was a sort of dual strategy. That has been the main engagement. That has been a proactive effort by Access Canberra over the past six months or so. It started earlier this year.

THE CHAIR: How many staff are involved in Access Canberra in that engagement?

Ms Purvis: We have a compliance team, and they program it into their program each year. It is a team which would vary in size from time to time. I would have to take some advice on the size of the team.

THE CHAIR: What shape do their compliance activities take?

Ms Purvis: They have a program every year. Access Canberra works on a risk-harm model. We look at the data and we have a look and see which areas we need to look more closely at because there has been some increase in complaints or something else has occurred, for example, the ACCC has put out a notification of something that we need to follow up on. The team puts together a program each year and works that through. I will hand over to Ben.

Mr Green: The team is made up of 14 staff members at the moment. At any point in time, as Alison has explained, we are in proactive circles in a number of regulatory spaces. This particular program involves three of our staff.

THE CHAIR: As part of their compliance activities for the last year, how many breaches of the Retirement Villages Act have they identified?

Mr Green: The work undertaken in this space was about an education program where, as the minister has described, we went out and engaged heavily with this industry. We undertook 32 visits with retirement village complexes to work through the process. The engagement was not about taking enforcement action at this stage, but it certainly provides opportunity for that depending on how the industry responds to that engagement we had during this program.

THE CHAIR: Mr Hanson?

MR HANSON: I am not quite sure what has been asked, to be honest.

MS CHEYNE: We have covered every topic possible.

MS ORR: You might just want to read *Hansard*.

Mr Rattenbury: Fire away, Mr Hanson. We will let you know if it is a repeat.

MR HANSON: That is very good of you. On the victims of crime charter, have you got any responsibility in that regard because of your role?

Mr Rattenbury: Yes; I am the responsible minister.

MR HANSON: Can you give me an update? We spoke to the Victims of Crime Commissioner today. Can you tell us where we are at with it?

Mr Rattenbury: Yes. As you might have seen, on Friday we launched the public consultation on the charter. That is out for consultation for six weeks. Once that comes back, we will analyse that. I would like to get that in place as soon as practicable.

MR HANSON: What is your intent with it? What is your time frame? What are you trying to achieve with it?

Mr Rattenbury: The intent is to improve victims' experience of the justice system.

We were speaking earlier about the adversarial nature of the justice system in the context of talking about restorative justice. Our sense, and the feedback we get from some victims, is that by the time they have gone through the entire process, they perhaps do not feel heard; they feel that they have not had enough information about their case; and there may be issues where they feel they have not been adequately informed about why the prosecutor took a certain decision or the police took a certain decision.

My intent, very much, is to be in a situation where, at the end of the justice process, a victim feels that justice has been served; they have a better understanding of what happened; and they feel that they have been empowered to contribute in certain places.

THE CHAIR: I have a question in regard to what responsibility you have for the registration and licensing of motor vehicle repairers.

Mr Rattenbury: The policy side of it.

THE CHAIR: What does that entail?

Mr Rattenbury: I was just talking about this last week.

THE CHAIR: Nothing like asking a minister about something for which he is responsible.

Mr Rattenbury: There is a licensing system in the ACT. There are some contested views on what it should be. Is there something specific you want to go into?

THE CHAIR: Does the licensing system currently specifically relate to inspections for vehicle registration and those sorts of things or is it down to the mechanical level for your general oil change and service?

Mr Rattenbury: I am going to have to take that on notice as well.

Ms Purvis: We have a licensing program for motor vehicle traders. They apply for a licence with us.

THE CHAIR: That is for the sale of vehicles?

Ms Purvis: Yes, but also for mechanics. I am not sure which one you are—

THE CHAIR: Specifically on the mechanical side.

Ms Purvis: On the mechanics side. Yes, we do have a—

THE CHAIR: I am just after a bit of information as to where the delineation is for where a licence is required and where a licence is not required.

Ms Cubin: Mr Wall, does your question relate to whether there is a criterion for a licence or the types of activity that require a licence.

THE CHAIR: Please.

Ms Cubin: The criteria?

THE CHAIR: The types of activity and the criteria are almost one and the same.

Ms Cubin: If anyone is undertaking a repairer activity as defined in the act, they would be required to hold a licence in the territory.

THE CHAIR: What is defined as a repairer under the act?

Ms Cubin: I am going to take that one on notice.

THE CHAIR: I will move on from there then. We will see when the responses on notice come back.

MS CHEYNE: While you are there, what is the policy relating to the licensing of X-films?

Mr Rattenbury: X-rated films?

Ms Cubin: X-rated films?

MS CHEYNE: Yes. People have said X-films. I assume it means X-rated films.

Ms Cubin: In a policy context or from a licensing context?

MS CHEYNE: Both.

Ms Cubin: I will have to defer the policy question to my JACS colleagues. From a licensing perspective, there are criteria with regard to that. There are a limited number of X-film licences now issued, because the market has obviously changed over time, with the internet. If you are wanting further detail about the process we go through, again I will take that on notice.

MS CHEYNE: How many people do we have working on it?

Ms Cubin: As working on it in our team? Again, it is within our licensing branch. We have a team of people who would do a variety of licences. The exact number, again I will take on notice.

Mr Rattenbury: In terms of the policy, the broad policy approach is that it is a regulated activity in the ACT. As Ms Cubin said, there is a declining number of people. The ACT is not the distribution centre it used to be in the sense that, if you go back probably 25 years, the ACT and the Northern Territory were the only two places where it was legal in Australia, and vast numbers of video tapes were sent out from Canberra. My advice is that that is not the case anymore. I think there is only a small handful of licensees in the territory now.

MS CHEYNE: Could you take on notice how those licences have changed?

Ms Cubin: Yes.

MS CHEYNE: Maybe what it was like 20 years ago and what it is now.

Ms Cubin: Okay, a comparison.

THE CHAIR: I am guessing the licensees today are the retail stores that are still in existence.

Mr Rattenbury: Yes. I believe there used to be a production industry in the ACT but I do not believe there is anymore.

MS LE COUTEUR: I suspect I know the answer. You have policies for charitable collections. At this time of the year, possibly like other people, I have a lot do with charitable collections. They are ringing me up all the time. Do you have any regulation of phone canvassing or is it purely physical?

Ms Cubin: From an Access Canberra perspective, in the charitable collection area, basically I guess it is more from the face-to-face conduct that information would come to us. We do not really get any inquiries about the phone call aspect, unless you are talking more about a fundraising aspect or a door-to-door trading element.

MS LE COUTEUR: I guess I am. Maybe you are calling it fundraising but people are collecting for charities.

Ms Cubin: I guess there are a few delineations there. There is the Australian consumer law that covers elements of that and then there is also the Charitable Collections Act that covers elements of that as well. It might be beneficial if we take that on notice as well and provide you the delineations for the different types of statutes.

Ms Purvis: Adam Stankevicius is available to answer.

MR HANSON: I have got a specific question about this as well while he is coming up. I spoke to one today, and they were collecting for the Smith Family. I then asked “What percentage of what is collected goes to you, or to the Smith Family, or to another third party?” The individual collecting was unable to tell me. I am just wondering whether it is mandatory that they should be able to explain that or whether that is on the form that you sign, because often there is a subscription, is there not?

It bothers me that people think that they are donating a hundred per cent towards a charitable organisation but my understanding is that a lot of that money then goes to the salaries of the people doing it or to another third party. Is it mandatory to disclose where that money is going?

Mr Stankevicius: It is not mandatory under the law, for example, but there are a number of industry codes—in particular for overseas, foreign aid agencies that do collections—that have certain mandatory codes for their members that they sign up to and that they monitor as an industry and that do have percentage disclosures.

MR HANSON: But if it is a domestic charity—it could be any number of them—there is no way that you can then tell where the money is going in terms of percentages?

Mr Stankevicius: That was certainly part of the agreement by jurisdictions on the introduction of—and the ACT has been leading the way in this space—the Australian Charities and Not-for-profits Commission. The explicit purpose was to do exactly this, to make it much more transparent for donors and contributors to understand exactly where the charitable dollars of Australia’s tens of thousands of charities were actually being spent. But it is not mandatory at this stage.

MR HANSON: And that is, from a global sense, a government oversight body?

Mr Stankevicius: Yes.

MR HANSON: These people are, I think, called chuggers, are they not, charity muggers or something?

Mr Stankevicius: Charity muggers, correct.

MR HANSON: How does that person know? Obviously if people want to contribute to these good causes but do not know where the money is going, there is nothing there that requires that it be disclosed?

Mr Stankevicius: No. Certainly there has been an increased level of public disclosure amongst particularly the bigger Australian charities on their websites since the ACNC came into being. I do not know if you are aware but last Wednesday the Australian Senate voted to establish a select committee on charitable fundraising in the 21st Century. We have just got the terms of reference for that and obviously are looking at the ways in which the ACT government might contribute to that inquiry.

One of the specific terms of reference is state, territory and commonwealth collaboration, I suppose. We have already seen that in the registering of charities space. I think there is a question about whether there should be similar referrals of power for charitable collections in that space.

I think there was a question from Ms Le Couteur as well. Sorry, could you take me back?

MS LE COUTEUR: It was relating to whether you regulated in any way phone-based fundraising charitable collections. I was observing that from my personal point of view that was where I had a lot of unwanted interactions.

Mr Stankevicius: Again, the online and the phone space is definitely part of the code of practice that is specific to particular kinds of charities. We do not regulate that in the ACT. Obviously telecommunications is a federal responsibility. ACMA obviously maintains the do not call list. Some of them are counted out but some charities are actually exempt from the do not call register as well. I think that is all part of what led to the term “charitable fundraising in the 21st century”.

The modern use of charitable solicitation services is exactly what it is the Senate select committee inquiry will be looking into on a national basis. The chuggers, as Mr Hanson mentioned, are the subject of a current Fair Work Ombudsman inquiry at the federal level as well. There have been concerns raised from a range of groups about the employment chain—the link between the actual charity that they are raising for and the employment basis on which those people are engaged—and that would also then affect the percentage that they might be getting as part of the charitable collections they sign up to. Commissioners for fair trading, as Ms Cubin may have referred to before, have been looking at the context in which the Australian consumer law or parts thereof might actually apply to different parts of the fundraising activities chain as well.

MS CHEYNE: I am availing myself of all the things that have come under this very interesting part of our day—egg labelling. Is this area responsible for both policy around egg labelling as well as compliance?

Mr Rattenbury: Yes.

MS CHEYNE: I am aware there is a commonwealth standard, but we do not think it goes far enough, is that right?

Mr Rattenbury: Correct, yes. In 2017 there was a national agreement amongst consumer affairs ministers to set a new egg labelling standard. It sets the standard for free-range eggs of being 10,000 birds per hectare. Historically the ACT position has been 1,500 birds per hectare. Certainly the view of RSPCA and a range of other non-government operators in that space is that 1,500 birds is the appropriate standard. Various free-range industry groups would also put that view. This has left the ACT in a difficult position; we argued against the national position, but were outnumbered, for want of a better expression.

MS CHEYNE: By other states or by the commonwealth?

Mr Rattenbury: Both. All jurisdictions agreed to the 10,000 birds per hectare other than the ACT.

MS CHEYNE: That is very disappointing.

Mr Rattenbury: It was. That has just taken effect.

MS CHEYNE: The Access Canberra website says it took effect from 26 April.

Mr Rattenbury: At an ACT level we are looking at how that relates to our existing regulations. We will need to do some tidying up there and probably focus more on a consumer education perspective.

MS CHEYNE: In terms of compliance with egg labelling requirements, how does that work? How are the inspections carried out?

Ms Purvis: Access Canberra will include the new information standard in the annual

compliance inspection programs it runs which incorporate, amongst other matters, the sale and advertising of eggs. We generally tend to go to retail outlets to check eggs, but we will also give information on other requirements a business may have so we are covering off more than just eggs. There might be information we need to give retailers who have a tobacco licence, for example. We might be looking at their licence and doing a compliance check on that as well.

MS CHEYNE: And how do you determine if egg labelling is compliant?

Ms Purvis: Egg packaging labelling has to have a particular thing on it. The term “free-range” cannot be used on any type of packaging unless the hens laying the eggs were provided with meaningful and regular access to an outdoor range during the daylight hours of the laying cycle, were able to roam and forage on the outdoor range and were subject to stocking density of 10,000 hens or fewer per hectare. The labelling has to give that information and the density of hens on the property as well.

MS CHEYNE: How many instances of non-compliance were there in the past financial year?

Ms Purvis: I am not aware of any. We take the view of educating people about the compliance required. That is our first point. The Canberra community is excellent in terms of compliance, as long as they know the rules. Generally it is the education they need. Because new rules have come in, we will be making sure they understand those new rules.

Mr Rattenbury: Bear in mind that all of those eggs are coming from interstate, so they will be part of the national system. A big manufacturer from somewhere else will have their system set up, so I would be surprised to see labelling in the ACT that was not compliant. The local producers tend to operate at a scale that would come well inside 10,000 birds a hectare. There are no major producers in the territory.

MS CHEYNE: If something was not compliant, what do we do?

Ms Purvis: That is a good question.

MS CHEYNE: I guess it happens so rarely that we probably do not need to know.

Ms Purvis: It happens very rarely.

Mr Rattenbury: As Mr Purvis outlined, the first instance would be one of education. We would be saying, “These are your obligations under the regulations.” Probably on that first occasion they would not get a fine but inspectors would come back. If they continued to persist more serious regulatory action would be put in place.

MS CHEYNE: Is it a fine?

Mr Rattenbury: It can be, ultimately.

MS CHEYNE: Is it a costly one?

Mr Rattenbury: I cannot recall.

Ms Purvis: We have to take that on notice.

MS CHEYNE: No more on notice; I will not do that to you.

MS LE COUTEUR: I want to go to road safety. Am I in the right part of the world?

Mr Rattenbury: Yes.

MS LE COUTEUR: Great. I want to go to minimum passing distances. I note that we reasonably recently introduced the metre matters rule. Is that being successful? Is it being complied with? Are we enforcing it and is it being complied with?

Mr Rattenbury: We introduced the metre matters rule several years ago now, initially for a two-year trial period. That trial period came to a completion, and we have continued with the operation of the rule, based on feedback.

Also, you may have seen in the press recently that we have just launched a program in partnership with the University of Adelaide. They applied under our road safety grants program, and they have come to town and fitted measuring devices to a range of volunteers' bicycles, under the auspices of Pedal Power. A bunch of people have been riding around town with these devices fitted on their bike. It is actually measuring the distance between the cars and the vehicles. That will give us an opportunity to measure what is actually happening out on the roads.

The anecdotal feedback from the members of the cycling community that I have chatted to, which is varied in terms of the style of cyclists, and again from my own personal experience, is that the introduction of the rule had a significant impact in the sense that motorists were given a clear indication of what the expectations were. Prior to that, they probably were not clear. The education campaign that went with it—which was TV, radio, print, licence renewals, registration renewals and other bits and pieces—does seem to have had an impact.

There are still motorists out there who do not obey that rule, and some deliberately do not obey the rule, but the research we have done has indicated, through testing before and after the trial period, that there is an increased level of awareness amongst motorists about their responsibilities towards cyclists.

MS LE COUTEUR: Have there been any actual compliance activities? Has anyone been fined or prosecuted for this?

Mr Rattenbury: Yes, there have been a number of fines from ACT Policing. They have largely arisen from people using GoPro-style cameras mounted on their bike or on their helmet and taking that information to police. There have been a small number of enforcement activities.

MS LE COUTEUR: I guess if there had been an accident, they would not have been prosecuted for the one metre; they would be prosecuted for the actual harm done in the accident?

Mr Rattenbury: Depending on the circumstances and the evidence available, yes.

MS LE COUTEUR: Continuing on with vulnerable road users, is there any move to look at having different rules, a hierarchy, for vulnerable road users? I know this has been discussed in the past.

Mr Rattenbury: Yes. That was a recommendation of the 2013 or 2014 Assembly inquiry into vulnerable road users in the ACT. It did make recommendations about the investigation of reversing the burden of proof when it comes to accidents involving vulnerable road users. I would have to check on the status of that work, but it has not been completed.

MS LE COUTEUR: As a supplementary on that, how is this going to interact if and when we actually have autonomous cars in the ACT? Or is this just way too far away?

Mr Rattenbury: Yes. I think it is fair to say that the regulatory understanding of how we are going to work with autonomous vehicles is not well developed across the country. It has been discussed at the Transport and Infrastructure Council, which is the national body of state and territory and federal road safety and transport ministers. At this stage, I think it would be fair to say that, whilst a lot of people are thinking about it, there is not a definitive understanding of what that is going to look like.

In terms of autonomous vehicles, we do not anticipate seeing fully autonomous vehicles on the roads within, say, the next five years or so at least. There is a scale of autonomy that is literally one to five. The vehicles that we are seeing on the road now that have the various driver-assist facilities—automatic braking, speed checking and those kinds of driver-assist facilities—are deemed to be grade 3, and full autonomy is grade 5. I think most people anticipate that it is a big gap, particularly between the lower end of grade 4 and that full grade 5 autonomy. I think most people expect that it will be at least a decade till we get to any vehicles on the road with that kind of autonomy, because of the technological gap between grade 4 and grade 5.

MS LE COUTEUR: Going to speeding, we have been changing how we are doing the speed cameras, as I understand it?

Mr Rattenbury: Yes. We have increased the number of speed vans on the road in recent times. There have been a number of changes: in increasing the number of vans, increasing the hours that they operate, and increasing the number of zones where they can operate. In particular—I have been asked this before, and I do not know the answer—historically, mobile speed vans were not allowed to operate in school zones. I changed that regulation 18 months or two years ago now. I do not know why that was the case. I suspect that historically that was left to police to enforce. We formed the view that, in order to ensure that the 40 kilometre an hour zones around school were better enforced, that should be changed. We have changed the rules.

For most school zones now, there is a recognised place. We have to go out and make sure that it is not close to a pedestrian crossing, not close to trees, some of those safety requirements. That process has been completed now. All schools that can have a mobile speed van designated zone now have them, and they go out quite regularly.

MS LE COUTEUR: Good. My final one on the subject is: does the ACT still subscribe to vision zero?

Mr Rattenbury: Yes, we do.

MS LE COUTEUR: Great.

THE CHAIR: On traffic cameras, there is \$3.2 million allocated in the budget under “Keeping Canberrans safe on our roads”. Is that going to the installation of new cameras or mobile cameras?

Mr Rattenbury: Just remind me where that is in the budget, if you can?

THE CHAIR: Budget paper 3. I think it is on page 74, according to my notes.

Mr Rattenbury: Sorry, Mr Wall; I am just trying to think what the reference is.

THE CHAIR: It is a budget initiative under CMTEDD.

Mr Green: This budget initiative relates to the licence plate recognition cameras which have recently been rolled out. There is one vehicle currently across Canberra doing licence plate recognition, relating to parking infringements. This budget initiative increases the capability in that space, and is looking at alternative technologies around that.

THE CHAIR: How many vehicles will this fund?

Mr Green: It is anticipated that, in total, there will be four vehicles on road.

THE CHAIR: I have a final question just to finish up. Listed in this area of responsibilities is the civil unions legislation. What is the future of that now that the commonwealth has legislated for same-sex marriage?

Mr Rattenbury: We do need to examine that. We need to make sure that the ACT law remains consistent with the commonwealth law. Part of my directorate has been seeking legal advice on that matter, and I expect to be able to come out with a definitive position and legislation later this year. There will need to be legislative amendment in order to ensure that the ACT is—

THE CHAIR: Will it be an amendment or will it be a repeal of that legislation, given that it is covered by the commonwealth Marriage Act?

Mr Rattenbury: Potentially repealed. It is likely to be repealed.

Ms Playford: Yes, it will be repealed. There are also a range of consequential in various pieces of legislation across the ACT statute books that need to be amended.

THE CHAIR: I guess the handling of relationships under that act as well is a consideration?

Mr Rattenbury: Yes, and that is part of the transitional provisions. There will need to be some saving provisions for existing relationships, and then there will be no ability for people to enter into new civil unions in the ACT, because the commonwealth now covers that field.

THE CHAIR: Even if they wanted to?

Mr Rattenbury: Correct.

Ms Playford: That is a risk.

THE CHAIR: A risk?

Ms Playford: Yes.

Mr Rattenbury: If we were to maintain the legislation, and this is the advice we are clarifying at the moment, and somebody chose to go to the High Court, it could be deemed that the legislation is not consistent with the commonwealth Marriage Act because the commonwealth now covers the field.

THE CHAIR: Right.

Ms Playford: I think the legislation will also cover some other things. We found still remaining in a few of the statute books some gender language that needs to be updated to reflect the current state. We have mostly fixed all those things up across our statute book, but a couple more have been found that we will tidy up while we are doing that work.

Mr Rattenbury: We have one question we can avoid taking on notice. We had a penalty unit question.

Mr Green: Yes, the penalty unit question relating to eggs. If a retailer is found to be in breach of a particular section, it is 50 penalty units, and it is a prosecution that would need to be undertaken resulting in \$110 per penalty unit, so 5½ for an individual. As we have explained, the engagement with that sector is such that it has not required us to get to a point of prosecution at this point. That is a penalty that is available should we need to prosecute.

THE CHAIR: Thank you. We will conclude today's hearing there. I remind you that answers to any questions that were taken on notice, and there are a considerable number in this area, should be returned to the committee secretary within five days, day one being tomorrow.

The committee adjourned at 5.06 pm.