



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON JUSTICE
AND COMMUNITY SAFETY**

(Reference: [Inquiry into annual and financial reports 2020-2021](#))

Members:

MR P CAIN (Chair)
DR M PATERSON (Deputy Chair)
MR A BRADDOCK

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 23 FEBRUARY 2022

Secretary to the committee:
Dr D Monk (Ph: 620 50129)

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.

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Amended 20 May 2013

The committee met at 9.34 am.

Appearances:

Inspector of the ACT Integrity Commission

McKay, Ms Penny, Acting Inspector of the ACT Integrity Commission

Morey, Dr Adele, Director, ACT Strategy Cooperation, Commonwealth and ACT Ombudsman

THE CHAIR: Good morning, and apologies for the late start. We all seem to have trouble being admitted so we will start slightly late. I welcome you to the public hearings of the Standing Committee on Justice and Community Safety for its inquiry into annual reports 2020-21. Today the committee will hear from the Inspector of the ACT Integrity Commission; ACT Inspector of Correctional Services; Director of Public Prosecutions; the Legal Aid Commission; the Integrity Commission; the Official Visitors Board; Corrections Official Visitors; the Sentence Administration Board; Minister for Corrections and Minister for Police and Emergency Services.

Before we begin, on behalf of the committee, I would like to acknowledge that we meet on the land of the Ngunnawal people. We respect their continuing culture and the contribution they make to the life of this city and this region.

Please be aware that the proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and web streamed live. When taking a question on notice, it would be useful if witnesses used the words, "I will take that as a question taken on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We will now hear from the Inspector of the Integrity Commission, and we welcome Acting Ombudsman Penny McKay and officials. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you all confirm for the record that you understand the privilege implications of the statement.

Ms McKay: Yes, thank you. My name is Penny McKay, I am the acting ACT ombudsman. I have read the statement and I am content with it.

THE CHAIR: Thank you. As we are not inviting opening statements, we will now proceed to questions. I have a question. On page 15, you referred to the fact that an inspection of the commissioner's conflict of interest register "was not carried out during the reporting period" but that the inspector subsequently, after 30 June 2021, conducted a review of the "commission's conflict of interest register" for all staff for the reporting period. Why was an inspection not carried out during the reporting period?

Ms McKay: Yes, thank you for the question, Mr Cain. Yes, we did not carry out an inspection of the conflict of interest register during the year and that was our mistake. We are still maturing the function of the Inspector of the ACT Integrity Commission, and we subsequently carried out a full inspection of that conflict of interest register. We have put a process in place where we will do that every six months from here on out.

We found that the Integrity Commission had sufficient procedures in place, were keeping a conflict of interest register and were actively engaging with that register—so, declaring matters regularly—and we did not find any matters of concern in that register.

THE CHAIR: So you did a bit of a review to check that, in your failure to check, something did not get overlooked. I will take that as a yes. Do you have a view on how long a matter should take?

Ms McKay: I do not. In terms of an investigation?

THE CHAIR: Yes.

Ms McKay: No. Investigations can be quite short; investigations can be very long. It is very difficult to predict how long an integrity investigation will take. So we do not have a view on what the ideal time for an investigation might be. It really depends upon what they are investigating.

THE CHAIR: I see. I might throw to Dr Paterson now.

DR PATERSON: Sure. My question is to get a bit of understanding of your role and the role of the Integrity Commission. There was a media article yesterday, or the day before perhaps, about the Integrity Commissioner responding. It raised concerns about an Auditor-General's report and the Integrity Commission was putting out a general call for any other people that may have concerns about corruption. I just wonder: is it a normal process to have a general call when there is not even an investigation underway and to make general commentary like that?

Ms McKay: I would say that it is not a normal process, but it is not out of the realm either. I think that integrity commissions can use a wide range of different mechanisms to get information to inform what they might, or might not, investigate. So it is an unusual move, but not unheard of, either. I think other integrity commissions around the country have done such a thing before, but it would be the first time for this Integrity Commission.

THE CHAIR: Inspector, that does not give you any concerns in your inspectorial role?

Ms McKay: No, it does not give me any concerns in my inspectorial role because we are providing assurance over what the Integrity Commission does, how they operate, and if they operate within the bounds of the legislation. It does not cause me any concern that they have taken this route.

MR BRADDOCK: In your annual report you mention that you have spent a lot of the year bedding down the policies and procedures. Is that process of work now complete, or is there still more to be done in that area?

Ms McKay: I think we are content that we now have a full suite of policies and procedures in place, and, as I said before, we are constantly maturing this function.

The first step that we took was to put that bedrock of policies and procedures in place to inform how we will carry out the inspector function. I am content that we have done that now.

Dr Morey: We always look at what we can do differently, or improve, and it is still a relatively new function. That is a continual process of us reviewing how we do things and looking for opportunities to do things better. But certainly, the foundations are all there and now it is more a process of refinement and improvement, I would say.

MR BRADDOCK: Great. Will you switch over to a bit more of a proactive role in terms of seeking out areas which you could investigate or look at to see if anything can be improved in your relationship with the Integrity Commission?

Ms McKay: Yes. I think that is a really interesting question, because we are looking at how we mature the role. Until now we have been looking at putting those policies and procedures in place and concentrating on compliance, which is just making sure that the Integrity Commission is acting within the bounds of the legislation. What we would like to do in the future is to start to look more proactively at the probity, or the proportionality, and the reasons why they are using different powers. So that is more a maturing of the function. We have recently asked the commission to provide us with reasons why they are using particular powers. When we get that information we may then look closely at whether they are using those powers judiciously or reasonably—that sort of thing. So, yes, we are maturing and looking at different things.

MR BRADDOCK: I would be interested if you could include that in next year's report. I would be very interested to see what you find.

Ms McKay: It will be interesting. It is always a balance, Mr Braddock, as to how much of that function we can carry out within the resources we have because, of course, we need to concentrate firstly on compliance and complaints, and those sorts of things, but we would certainly like to move into that other realm as soon as we can.

DR PATERSON: I have a supplementary question. I am not sure where things are at, but the Integrity Commission has been calling for greater powers in their role and investigative powers. Do you feel that it is appropriate to have those powers when you are saying that we are just in that beginning stage of setting down policies and practices? Do you think it is too early to be instigating broader powers?

Ms McKay: We understand that the commission has asked for more powers under the telecommunications interception act. Whilst I will not proffer a view on whether I think they should have those powers or not, because I think that is a decision for government, what I can say is that most, or if not all, of the other integrity commissions around the country—including the commonwealth integrity commission, the Australian Commission for Law Enforcement Integrity—do have those powers. And, as with the commonwealth ombudsman, we oversee the use of those powers.

So we have a bit of an oversight of how they use those powers, and they use them as they need to in investigations. We look to whether they use them correctly within the bounds of the legislation, and what we find is that generally they comply. What we find is that they are usually much smaller agencies which would be aligning with what

the ACT Integrity Commission is. So they might not use them as frequently as some of the larger law enforcement agencies. But if we make recommendations for improvement in how an agency uses those powers, it is usually able to act on those recommendations quite quickly because it is a very small agency. So there are pros and cons that could be considered by government in making the decision as to whether those powers should be granted.

DR PATERSON: Thank you.

THE CHAIR: I think we will bring that to a close. Obviously, if committee members have questions that they would like answered, they can provide those within five working days to the committee's secretariat. I would like to thank the inspector and officials for their attendance today. I do not know if there are any questions taken on notice; I do not believe so.

Ms McKay: Not that I know of.

THE CHAIR: Thank you.

Short suspension.

Appearance:

Office of the Inspector of Correctional Services
Minty, Ms Rebecca, Deputy Inspector

THE CHAIR: In this session, we will hear from the Office of the Inspector of Correctional Services, and we welcome Rebecca Minty, the deputy inspector. Proceedings are being recorded and transcribed, and will be published. Also, these proceedings are being broadcast and web streamed live. When taking a question on notice, it would be useful if witnesses used the words, “I take that as a question taken on notice.” This will help the committee and witnesses to confirm questions taken on notice, from the transcript.

I remind our witness of the obligations and protections afforded by parliamentary privilege and draw your attention to the privilege statement. Could you confirm for the record that you understand the privilege implications of the statement.

Ms Minty: My name is Rebecca Minty. I am the Deputy Inspector at the Office of the Inspector of Correctional Services and I acknowledge the privilege statement.

THE CHAIR: Thank you. As we are not inviting opening statements, we will now proceed to questions. I will lead us off. Inspector, the Crimes Legislation Amendment Act 2021 was passed by the Assembly last year. One of the amendments was to the Inspector of Correctional Services Act 2017 to extend the minimum time frame for reviews by the Inspector of Correctional Services from two to three years. Could you explain the intention of this amendment, and has this amendment—obviously, it has been a short period—achieved the outcome intended?

Ms Minty: Yes, thank you for that question, Mr Cain. You are right that the amendments were introduced so that, basically, if there is a new correctional centre set up in the ACT, we were required to do a whole-of-centre review within two years, initially. That is what the legislation initially was, but we supported the amendment to change the frequency of our whole-of-centre reviews from two years to three years.

There were a couple of reasons for this. One is that we made many recommendations with our first Healthy Prison review, and we thought that two years perhaps was not sufficient time for many of these recommendations to be fully implemented. The way things are tracking, there has been a significant development in terms of some recommendations being implemented. I would say roughly three-quarters, according to Corrections, have been implemented.

We still take issue with a couple of those, and we are working with Corrections. As we come up to this—we are actually doing a whole-of-centre review of the AMC this year—we will be looking at some of those recommendations from previous reviews. So, essentially, yes, it does take some time to embed some of the bigger recommendations. One example is around the state of policies and procedures. When we did our 2019 review of the AMC, there were just so many that were significantly out of date, and it has been a very big process for Corrections to bring those up to date.

They are not all fully notified but there has been some progress there. So that was one

reason. Also, other jurisdictions with similar bodies to ours do not visit prisons quite as frequently. Obviously it is hard to compare the ACT with, say, New South Wales, or WA in terms of the number of correctional centres, but in WA I believe it is every five years and a shorter period for youth detention. So we thought that that provides an appropriate balance for oversight, whilst also letting Corrections get the job done in terms of implementing recommendations.

We are also a fairly small office. As the report notes, we have fewer than three FTEs, and we are also having a greater workload in terms of critical incident reviews than I would say was initially anticipated. When we were set up, I think that the preparatory material anticipated would perhaps have been one critical incident a year. As you can see from our annual report, there were five that we reviewed in the reporting period. So the frequency of these is higher than anticipated, which is obviously an additional workload for us.

DR PATERSON: I note your concern that the ASO 6 position within your staff is funded from your operational budget and that this prevents your office from being able to effectively carry out responsibilities with youth justice facilities. I share this concern and wonder if you can outline the impacts of that gap and particularly what it means for people in youth justice facilities.

Ms Minty: Yes, thank you for the question, Dr Paterson. As I said, we have fewer than three FTEs. So the inspector is an approximately 0.8 statutory office holder and there is me, and we have an ASO 6 that we fund from operational budget, so that we do not have that guaranteed certainty of a permanent position.

In 2021 we completed and tabled our first Healthy Centre review of Bimberi, which was quite an intensive process, and we had the ASO 6 doing a lot of the background work for that, which was very important and good. I guess the challenge is now keeping up our oversight of Bimberi. As I have already outlined, the significant frequency of critical incidents at AMC and the scale of the Healthy Prison review of AMC means that we do not have the resources or the time to go out or even with the frequency, which I would say we are obligated to do as an NPM under OPCAT, the Optional Protocol to the Convention Against Torture that Australia has ratified. We have been nominated as one of the bodies that provides regular monitoring. The essence of the OPCAT is about regular monitoring so that you are preventing issues before they happen.

I note that there is a range of oversight bodies in the ACT, and in the youth justice space there is excellent work being done by the Official Visitors and the public advocate, and the ombudsman also has a role. But these are slightly different. Some of it is advocacy and some of it is complaints handling, whereas we are looking at systemic factors. So I think that is the limitation—that in some ways when we are doing the Healthy Prison review or the critical incident reviews, we have no choice but to put our focus into that. It means that we are not able to get out to Bimberi as much.

DR PATERSON: Thank you.

MR BRADDOCK: My question is probably supplementary to that. Does that mean

we are not effectively meeting our obligations as part of that OPCAT, if you are unable to address those systemic issues, particularly in Bimberi?

Ms Minty: Thank you, Mr Braddock, for that question. I think it is early days. We were designated as part of the NPM only in January this year and I guess the treaty does not specify how many times you have to visit or exactly what sort of reports you have to do. So it is certainly early days and one thing that our office will do, and is doing, is to work with the other oversight bodies such as the Human Rights Commission to look at ways we can support each other's functions without duplicating.

To summarise, I do not think we can say that we are not meeting our function, but there is the potential that our preventative oversight will not be as effective as it could be. We have now done our first Healthy Centre review of Bimberi. We tabled that last year. Under our legislation, we are not required to do another whole-of-centre review for another three years unless there is a critical incident out at Bimberi—and so far, touch wood, there has not been, which is excellent. We can do thematic reviews out there, but in terms of regularity it does raise some concerns around following up on recommendations and so on.

MR BRADDOCK: All right, thank you. I have a substantive question about the Healthy Prison review of the AMC that you have just commenced. I want to understand what lessons have been learned from previous reviews and are they feeding into the conduct of this review?

Ms Minty: Thank you, yes. That is a good question. The first review was the first time we had done it, obviously. Although we were modelled on other prison inspectorates in other jurisdictions like WA or New South Wales, we are obviously very different in the ACT, given that we just have one prison and we have a very small staff. We always need to bring on people with additional expertise. For example, looking at health services, we need people with a health background. People with lived experience is an ideal thing to bring into a review team, and Aboriginal and Torres Strait Islander members of the review team and so on. So we bring this expertise on.

Last time we did it, we basically all descended on the AMC for one week in 2019. This time, we are staggering it out over a period of five to six months. We think that that will give us a chance to provide a more focused methodology. We are also keen to improve the awareness of us as a body. For example, we actually got some feedback from various parties about the survey we did last time. We did get a good response, but some detainees and some staff did not know who we are. So we made a little video; we have put it up on the prison PC to try and engage with detainees.

We would like, this time, to provide more of a feedback loop in terms of letting them know what the recommendations were. That is something that we can build on from last time; we did not really go back in and explain: these were our recommendations, and this is why we made them. So I think that is an important part of the review process—to close the loop and to keep it going as a cycle.

MR BRADDOCK: Thank you.

DR PATERSON: I was just wondering if you could explain the challenges of engaging detainees in the Healthy Prison review.

Ms Minty: I think the challenges are probably related to our resourcing, in that we have two staff in Canberra. We have a great relationship with Corrections, in that we can come and go. We do not need to be escorted around the jail. That is our right in legislation, but they have never provided any obstruction. So when we can, we go out and we walk around the units, and we talk to detainees.

We put the survey out on the prison PC, although there are challenges with that because not all detainees have access or literacy or the ability to use prison PCs. If we had a big staff body we could get out there a lot more, but I think we are doing the best we can with our current resources and we are also planning some focus group discussions in the coming weeks and months. I think we are in line with other monitoring bodies in terms of our engagement with detainees and with staff.

We have the staff survey that is currently out, and we will hold focus group discussions with staff, because obviously the staff wellbeing and detainee wellbeing are so closely linked that they are really two sides of the one coin. We would like, in this review, to bring that point home, in that it is not us and them; it has to be about better staff conditions, better detainee conditions.

DR PATERSON: Yes. Thank you.

THE CHAIR: I have a question about the National Preventative Mechanism. As at January 2022, Australia is now obligated to be compliant with the UN Optional Protocol to the Convention Against Torture, OPCAT. This includes having a designated National Preventative Mechanism for each state and territory. This has been created by multiple bodies. These bodies are the Office of the Inspector of Correctional Services—this one—the ACT Human Rights Commission and the ACT and commonwealth Ombudsman. So my questions are: what additional duties will your office have to engage in with this new responsibility as a party to the ACT's NPM?

Ms Minty: Thank you, Mr Cain. I think this also touches on Mr Braddock's question before. This treaty requires regular visits to all places of detention in the ACT and, as you said, we have been nominated in relation to adult and youth justice. So, in terms of what our additional duties will be, I think it is making sure that we are visiting places of detention frequently enough. As I have flagged already, that may be an issue with Bimberi.

Unfortunately, because of the frequency of critical incidents at AMC, we are out there quite a lot, so I do not envisage the frequency of visits there being an issue. The other aspect that it brings to our role is collaboration and working with the other bodies, the Human Rights Commission and the ACT Ombudsman. The ACT Human Rights Commission, for example, is the NPM for secure mental health facilities, so that is for them to review. There is a lot of merit, I think, in us having a consistent approach, a consistent philosophy and potentially even sharing expertise so that we act cohesively as one body, because the treaty concerns all places where people are deprived of their

liberty, whether it is a prison, a mental health setting or even, in some cases, disability or aged-care settings. Aged care is not currently considered to be within the remit of OPCAT in the ACT, although many argue it should be nationally.

THE CHAIR: I have just a couple of supplementary questions. Do you require more funding to fulfill these duties to the required standard?

Ms Minty: Yes, I think we would like our ASO 6 to be funded permanently so that we do not have to draw on our operational budget and so that we can give certainty to our staff member and do long-term planning. Those would be, I think, the main additional resources. We have put budget bids in for a number of years. I think it is well accepted that when our body was set up in 2017, it was originally just envisaged as an adult corrections oversight body. Then, rather late in the piece, Bimberi was added, but the funding was not commensurately increased, so I do not think it is a very grand request or resourcing claim that we are seeking in that regard.

THE CHAIR: Okay, thank you. Finally, what benefits do you think could be gained by extending an invitation to the Subcommittee on Prevention of Torture to visit the ACT and inspect aspects of our justice and corrections system?

Ms Minty: Yes; that is quite a pertinent question because they were actually intending to visit Australia before the COVID pandemic hit, two years ago. That was even before the obligations of the monitoring bodies had started. I think the benefit of them coming is that they are not like other UN bodies that sometimes seek to really shine a public spotlight on abuse and ill treatment. Instead, what the Subcommittee on Prevention of Torture does is visit places of detention and then provide a confidential report to government. It is up to the government whether they release it. Many governments choose to do that, and I think that is good practice, but it is not a name-and-shame sort of tour.

The other thing that they do that is very useful is to work with the monitoring bodies and provide capacity building, advice and support. I think that would be particularly helpful, given that Australia has such disparate arrangements for monitoring, and it is a big job for the central coordinating NPM, which is the commonwealth Ombudsman, which has to bring all the NPMs across all of Australia, together. So I do see a lot of value. I am not aware if there are any plans at this stage, but certainly in the ACT the legislation is in place and that was well thought out early on in the piece.

THE CHAIR: Dr Paterson, a substantive question?

DR PATERSON: My question is around cultural safety and the Aboriginal and Torres Strait Islander detainees and staff and how you go about in carrying out the Healthy Prison review. How do you ensure cultural safety in those settings?

Ms Minty: With the Healthy Prison review, we are working with some contractors that are from an NGO that they have set up in Sydney, called Deadly Connections. It is Carly Stanley and Keenan Mundine. We are very fortunate to have them joining us and we have been briefing them about the context, but we do recognise that I am not an Aboriginal person and thus our office needs that additional expertise when we are engaging with Aboriginal and Torres Strait Islander peoples.

I have found really helpful already some of the advice that they have given us about how they would like to engage with Aboriginal detainees in the review. For example, yarning circles—we can do the intro, but they would like to have that space for a while. Likewise, follow-up mechanisms in terms of trauma-informed practices for any detainees that have issues that are triggered by their discussions.

I am really excited about this opportunity, because, yes, I guess Keenan Mundine actually has lived experience of the justice system and I think that will speak very powerfully to what a lot of the Aboriginal and Torres Strait Islander detainees are going through. In fact, our legislation does say that if we are doing a review concerning particular groups such as Aboriginal and Torres Strait Islanders, we have to bring on board appropriate cultural backgrounds, so that is what we are seeking to do. In a way, that lets us continue to improve our methodology and learn from what they are telling us is the best way to hear the experiences of this cohort. Once they have been on site, we will be having discussions with them about the best sorts of recommendations to bring about meaningful change.

In the 2019 Healthy Prison review we had an Aboriginal man from the Western Australia inspectorate join us and we had a few different recommendations. In one of them he brought our attention to the importance of having an identified female position as the Aboriginal and Torres Strait Islander liaison officer. That was accepted by Corrections and it was implemented, so there has been some positive change there. So we are looking forward to continuing that aspect of the review.

DR PATERSON: Thanks. In terms of your critical incident reports, how do you ensure in those circumstances that you are actually hearing Aboriginal and Torres Strait Islander voices and they are included in your reporting?

Ms Minty: Again, if the review concerns an Aboriginal or Torres Strait Islander detainee and it is an important or central issue in the incident, then we will bring on board the expertise. That is what we did with the use of force to conduct a strip search that occurred in the AMC early last year. We have since reported publicly on it, but we did bring in that cultural expertise of someone who had a lot of experience working in prisons in New South Wales with Aboriginal detainees. She is an Aboriginal woman.

We also engage with the community sector to the extent we can. We meet with Winnunga and we meet with ACTCOSS and various other organisations. And, yes, it is something we are continually open to—hearing about ways we can improve our engagement—but we see that as important expertise that we need to bring into the team.

DR PATERSON: Thank you.

THE CHAIR: Look, I do have something similar on the FTE equivalency, but I might see if Dr Paterson has an extra question.

DR PATERSON: I had a couple of questions around the Bimberi review. This might be a quick one. One of the recommendations was to remove CCTV cameras. Are you

aware if that has happened or not?

Ms Minty: Yes, it has happened, and Bimberi were very responsive. We actually flagged that one with them quite early—even before we had started writing our report, or as we were writing the report, so it was well before it was tabled publicly—and they responded quickly. They have moved the CCTV camera, so that was really excellent.

THE CHAIR: Thank you. I have possibly a short substantive question as well. In the ACT Inspector of Correctional Services 2019 Healthy Prison Review, the government was provided with 73 recommendations—page 127. It did not agree with two of those. Have I got that right? What were those two that were not agreed to, and why, from your point of view?

Ms Minty: One of them was one of the recommendations that the Aboriginal and Torres Strait Islander Services Unit, as it is now called, be provided with an administrative position to fulfill their administrative responsibilities, because we heard from the staff and from detainees that they had significant administrative duties that limited their ability to support Aboriginal and Torres Strait Islander detainees. That recommendation was not accepted. The second one, I will take as a question on notice. I do have it here, but I do not have it at the top of my head.

THE CHAIR: Very quickly, what time line was agreed to the recommendations?

Ms Minty: For each of the recommendations, Corrections provided a different time line. As you can imagine, some of them were quick fixes or should have been quick fixes. For example, one of our recommendations was about putting up appropriate signage as you enter the AMC to say, “This is a prison grounds, you can be searched,” because we had been hearing from families and community organisations that people were being searched in the car park and were not aware or not expecting it. That was causing them frustration. That should be a fairly quick one of changing or erecting signs. It actually took a little bit longer than expected, but that is completed now.

Other ones were much longer in timescale—for example, bringing all the policies and procedures up to a standard that should be expected. So that is still an ongoing recommendation. The process was that we sat down with Corrections and they identified their own deadlines. Unfortunately, many of those did not get met, but we keep tracking them with them, and we were getting quarterly reports. The last quarterly report we got was September last year, and the majority were reported as implemented, but, yes, there are still some outstanding ones. We have an opportunity now with the current review to revisit those.

THE CHAIR: Thank you. On behalf of the committee I would like to thank you as Deputy Inspector of Correctional Services for your attendance today. You have taken some questions on notice; could you please provide answers to the committee secretary within five working days. Thank you.

Ms Minty: Thank you.

Short suspension.

Appearance:

Office of the Director of Public Prosecutions
Drumgold, Mr Shane SC, Director of Public Prosecutions

THE CHAIR: In this session we will hear from the Office of the Director of Public Prosecutions and we welcome Shane Drumgold SC. Please be aware that the proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses used these words: “I will take that as a question taken on notice.” This will help the committee and witnesses to confirm questions taken on notice from the transcript. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you confirm for the record, Mr Drumgold, that you understand the privilege implications of the statement?

Mr Drumgold: Yes, I have read the privilege statement and agree to be bound by it.

THE CHAIR: Thank you. As we are not inviting opening statements, we will now proceed to questions. I will lead us off. Regarding statutory reform, at pages 55 to 56 you refer to the R v Daniel case where the offender did not receive a custodial sentence despite permanent damage done to the victim as a result of the crime. I note you reference that you have written to the Victims Advisory Board regarding statutory reform in this area. What sort of statutory reform are you looking for and what response have you had thus far?

Mr Drumgold: I will have to take the latter part of that on notice. The primary reform relates to the test for grievous bodily harm and the relevant state of mind. There was some law reform in New South Wales that broadened the test. We have not engaged in that reform and we wrote to the Victims Advisory Board identifying this as an issue. I have not checked whether or not we have received a response to that, but I can certainly take that on notice and advise if there has been a response.

THE CHAIR: Thank you. What reform do you think needs to take place, or are you in a position to say at the moment?

Mr Drumgold: No, I am not in a position to say at the moment. Broadly, it relates to what the state of mind is at the time of the conduct and the nature of the harm, whether or not it has to be of a general or specific type.

THE CHAIR: We look forward to tracking the progress of that.

DR PATERSON: The annual report talks about how other jurisdictions have tougher penalties for grievous bodily harm and that community-based orders are used rarely in other jurisdictions. In addition to talking to the Victims Advisory Board, do we look to other jurisdictions as to what they are doing and what their penalties are?

Mr Drumgold: We certainly do that. In establishing what the appropriate penalty is, it really is a two-staged approach, or a multi-staged approach. You look at the

objective seriousness of the offence, you look at the subjective circumstances of the offender and you look at sentencing practices, both local and around Australia. All of those come together and the judicial officer uses what the High Court refers to as “instinctive synthesis” to arrive at the most appropriate penalty. Part of that is looking at sentencing imposed for similar types of offences. But really, you are looking at the circumstances of the offence, aggravating circumstances and mitigating circumstances of the offence, to arrive at the ultimate sentence. But, as I say, the sentencing practices interstate feed into our submissions.

DR PATERSON: On that instinctive synthesis, is it concerning if we are a jurisdiction that has the lowest or the most lenient penalty for a crime? Do we review things if we see other states going harder on particular penalties for particular crimes, or is it when you get community pushback that you will review sentencing?

Mr Drumgold: Community expectation is certainly one factor that feeds into the sentencing. The sentencing principles are codified or they are in a piece of legislation. Certainly, the abhorrence with which a community views an offence will be a factor in the ultimate sentence that is considered. Different sentencing considerations will apply in different jurisdictions. You will not get unified sentencing for a similar type of offence all around Australia; it is very unique to the particular jurisdiction. But similar factors are considered.

DR PATERSON: I am interested in the targets in the business plan for the number of trials that you anticipate to return a verdict of not guilty. That is around 30 to 40 per cent. Can you talk us through that, because I do not understand how you come to that conclusion on guilty or not guilty and set those targets.

Mr Drumgold: It is not a performance measure. Part of the test in considering whether or not we should continue a prosecution is the prospect of conviction. A second test is the public interest test. We cannot make those primary decisions of the prospect of conviction in a vacuum. There are a range of considerations we have to consider. They are published; they are published in section 2.6 of our prosecution policy.

Part of that has to include the prospects of success for similar types of offences with the same sorts of issues. We look at that as part of a global view in how we exercise our discretion on that one part of the test, whether or not, in considering the evidence and all of the circumstances of that case, we ultimately determine that there is a prospect of conviction and that that prospect is reasonable. It simply provides us with one factor that provides some degree of objective guidance on how we are applying that.

Hypothetically, if we were getting convictions in five per cent of our matters, we would obviously have to review our test and how we were applying that test. Likewise, if we were receiving convictions for 100 per cent of our matters, that might alert us that there might be some matters that we are discontinuing that probably did have prospects of success. It is really just one factor, looking to give us some degree of objective guidance in the first part of that test.

MR BRADDOCK: Just a question about the drug and alcohol sentencing list. I

would be interested in your perspective on that and how that has worked for your office.

Mr Drumgold: Definitely it is resource intensive. As for effectiveness, that is a really difficult question to answer. Most people talk about recidivism. Recidivism is a very blunt tool. If you are a lifelong criminal career and you commit a drink driving offence a year later, you are a recidivist. If the question is how effective is it, I do not know that; we do not have the review data on that as yet. In principle, I think that addressing the criminogenic factors has to make sense. We support the Drug and Alcohol Court because it does home in on criminogenic factors.

DR PATERSON: In the inquiry that we were conducting last week on community corrections one of the things that came through was that the Drug and Alcohol Court should hear matters from the Magistrates Court. Is that something that you have a view on?

Mr Drumgold: Potentially it could. Criminogenic factors are universal. The same criminogenic factors feature in low level burglaries as might feature in aggravated robbery. It does make sense. It really is a question of resource balancing. They are resource intensive. You could have a Rolls Royce system from the summary jurisdiction to the serious indictable jurisdiction, but it would be a very expensive practice. I understand the policy behind it at the moment is to pick the more serious matters and to try and interrupt the criminal behaviour with the more serious matters. In theory it could, but it is a balancing act of resources. They are very resource intensive.

THE CHAIR: I have a question on retention and staffing. What is the retention rate for your lawyers and do you have any issues in that space?

Mr Drumgold: I do not have the specific figures of retention. It is really difficult to do the numbers because people leave for all sorts of reasons. New South Wales might have a recruitment round for crown prosecutors and that might see a surge in departures as people move to New South Wales to take on higher paid jobs and more serious work.

Anecdotally, I sit down with everybody that leaves, and if we do not know why they are leaving we have a chat about what their experience was like. My conclusion is that very few people leave because they are unhappy with the role and they are unhappy with the work. Most people leave because they want a different challenge or they have decided that prosecution work is not for them or they decided before they came here that they would come here for a year or two years or three years to build up some advocacy experience before moving on to the second phase of their career.

I have been here 20 years, and one thing that I am finding is that there is much more mobility as amongst lawyers. Lawyers, 20 years ago, would tend to start their career in the place that they would be for 20 years and beyond. Now lawyers are very mobile. Most of our lawyers move around a number of areas for maybe a decade before they settle in one particular location. I am certainly not seeing other indicia of an unhappy workplace.

THE CHAIR: Given that mobility, do you have any issues attracting staff to the DPP?

Mr Drumgold: No. In fact, the quality of staff that we seem to be able to attract is very impressive. The reason is that we are a very unique jurisdiction. Our prosecutor associates and up all sit at a bar table and appear in court, so they all get active advocacy. The bulk of their work is active advocacy, and that is very attractive for a young lawyer. In New South Wales, for example, you might be in the DPP there for 10 years before you stand up and start to become an advocate in court. Here you virtually do it from day one. So for people who are wanting to develop their advocacy skills and become advocates, we are a very attractive organisation and, as a result, the calibre of the people we attract is very high.

THE CHAIR: In terms of attracting lawyers to the ACT to work, if there is a reluctance to come here are there factors you have identified, like rental affordability or the price of land and houses?

Mr Drumgold: Certainly that has changed. One of the more attractive elements of the ACT, as opposed to Sydney, for example, was that it was cheaper to live here—housing was cheaper and you could get advocacy. That would cause people to leave their families and social connections and come to Canberra for work. Our housing affordability is probably not as attractive now as it once upon a time was. However, we do still have that second limb where we can offer practical advocacy and loads of it.

THE CHAIR: Are you able to take the retention rate of staff as a question on notice?

Mr Drumgold: I can. We would have those figures. I will produce those figures.

DR PATERSON: The sexual assault response and prevention steering committee produced their report at the end of last year, and I have introduced consent legislation. From a public prosecutions perspective, what are your objectives for this year in terms of engaging with the report or legislative change to address the issues that were identified in that report?

Mr Drumgold: I think it was at our estimates meeting that you asked me a question and I expressed concerns. In November last year the *Listen. Take action to prevent, believe and heal* report was released. There were some statistics in there that are very concerning. Some of the statistics, at page 24, were that 13 per cent of women who have experienced sexual assault report it to police. At page 36 it reported that in 2020 fewer than three per cent of those that reported it resulted in charges. There is some really concerning sub-data in there—and that is, at page 56 it says that people between the age of zero and 14 are nearly twice as likely to be the victim. So we are dealing with a large cohort of very vulnerable people.

I am very keen to engage. You will have noted that there are some recommendations in there. There are a couple that we are particularly interested in. Recommendation 15 talks about reviewing some of those matters, and we are keen to see what the outcome is in relation to that. Recommendation 14, which is equally important, has a number of elements. It talks about the AFP engaging us in decisions not to proceed.

The two priorities are looking at past matters where charges have not proceeded, which the report tells us are large in number, and a large number of very vulnerable people; and also building into our system today a review mechanism to look at matters, particularly sex matters, that do not proceed to charge and us engaging with the AFP to look at some of the reasons why. Recommendation 14 deals with that review process and recommendation 15 deals with looking at some of the past matters.

DR PATERSON: What steps have been taken to pursue those recommendations?

Mr Drumgold: The government has the report. The government is currently considering the report, and that is very important. It is very important that we do not rush into these and that governments and the various instruments have time to carefully review the strategies in response to the recommendations. We are keen to see the outcome of that and we are ready to engage as needed with any outcomes from those recommendations.

MR BRADDOCK: I am interested in the application of the prosecution policy to those who fail to vote. The Electoral Commissioner has mentioned, I think, that in the order of 1,400 people get pushed through to the Magistrates Court. How do you decide whether to prosecute or not in those matters?

Mr Drumgold: The application of the prosecution policy is pretty unified—and that is, is there a prospect of conviction and is there evidence to establish each of the elements? The second part of the test is: is there a public interest in proceeding? If someone, for example, had a reasonable excuse and it was a defence, we would determine that there was no reasonable prospect of conviction. Maybe there was not a reasonable excuse but there was some other element that made it not in the public interest, either by way of age or whether or not it might be oppressive to engage in a prosecution in light of demographic factors. We just simply apply the two particular parts of the prosecution policy in the same way as we do to all charges.

MR BRADDOCK: How much of a workload does that create for your office?

Mr Drumgold: It is a surge, but it only occurs every time there is an election. It is a surge that we factor into our work flows. We know that following an election there will probably be 1,500 to 2,000 of these matters that will come in. We know from previous records that for probably 800 of those the fines will be paid, so we will end up having to look at about 1,100 to 1,200. We know that with many of those we will see representations, and we can resolve the matters based on representations. If we need to go through to hearing, we go through to hearing. It is a manageable surge, because we know that an election is coming up and we factor it in.

MR BRADDOCK: Is there any consideration of certain demographics, like people with limited capacity, age or other factors—disability, for example—as part of that decision?

Mr Drumgold: Certainly that would factor into the second part of that test. If you have an elderly person that simply forgot about the election, we would have to carefully consider the public interest in proceeding with a prosecution in those

circumstances. So it would be a factor in our consideration.

MR BRADDOCK: Can you tell me anything about the demographics of the population that are prosecuted?

Mr Drumgold: No. We do not keep demographic data, so we could not get a distribution. I am not sure whether somebody would be able to, but our system simply brings in charges and we can search by way of charge. We do not have the facilities to search by sub-data, such as age or age brackets.

THE CHAIR: On page 42 you refer to teething problems with the introduction of criminal party conferencing. What were these problems and what are some solutions to this situation?

Mr Drumgold: Criminal party conferencing, just to be clear, refers to the conferencing that occurs in the Magistrates Court. We have criminal case conferencing for trials in the Supreme Court, which is highly successful. We settle around a third of our matters. There are some teething issues with criminal party conferencing, mostly surrounding defence lawyers' ability to engage early with matters. I suppose the economies of scale with a large number of summary matters create obstacles to defence lawyers engaging a long way out from the hearing and working out whether or not issues can be narrowed.

There is a stronger economy of scale to do that for a long, complex trial, but in a court of summary jurisdiction it is not directly translatable. At the moment we are trying a number of different initiatives. We have a listing coming up in the Magistrates Court for a hearing period. We have been working with Legal Aid to try and get some of the defendants there so that we can engage with the subject matter with a view to settling matters. Generally, the major hurdle is earlier engagement with the large number of summary matters that we have to deal with.

DR PATERSON: My question is related to page 85, the statistics, the criminal advocacy support and inquiry system. You note in the report that you comply with ABS standards, but a fundamental aspect that is different is that the ABS standards report against defendants rather than charges and that the ACT law courts use a different system. Can you explain why that happens and what the challenges are in complying with ABS data?

Mr Drumgold: I would need to take that on notice. I would need to refer to my statistics officer. We have the ANZSOG classification that determines what we report on and what we do not report on and we have matters, as opposed to individuals. An individual could have two discrete matters, each containing a number of charges, and we report on the matter. We do not collect together the data that works out how many of those matters have the same person or the same people involved.

Most of the ANZSOG data and the ABS data is designed to get that balance of what is most useful to the business operation. What I can say is that we comply, as we are required, with the ABS and with the ANZSOG data, which is a different reporting criteria. The ABS have larger datasets because they are in the business of statistical collection. We are not in the business of statistical collection. We collect data that is

useful for the business operation.

DR PATERSON: It may be a question on notice, but do you think there is data that would be useful and that we should be collecting but we are not?

Mr Drumgold: There are two issues. One is what data we collect and report in the annual report, and that is determined by ANZSOG and the ABS protocols. The second is what data we can collect, if need be. If I could use an example: I think you asked me a question on Monday about family violence offences and young offenders. We do not collect that and report on it, but I can extract it, and I have in fact extracted it following your question on Monday. There are two issues: what we can collect and what we do collect to report on, and we do not report on everything that we can collect.

DR PATERSON: Do you think there is useful information that is there that we could be using that might actually have outcomes broadly in the community in terms of prevention of crime? Perhaps should be further engaged with what options there are for data collection?

Mr Drumgold: Yes, there is, but it depends on the audience and what their area of interest is. That will determine what data is most important to them. The data is the answer. What data is most useful depends on the question. We can answer many questions beyond the data that is published in the annual report. If we were to publish every dataset in the annual report, it would run into volumes. But we can engage, and we frequently engage, with many interest groups and research groups on datasets that we can extract. Following your question on Monday, I can say that there has not been a significant growth in family violence matters commenced for young offenders. There were 38 in 2016-17, 50 in 2017-18, 49 in 2018-19 and 35 in 2019-20. I would expect that the 35 is probably a slight reduction due to COVID, but it does seem to be fairly consistent and not climbing.

THE CHAIR: I have a question regarding fraud training that you can take on notice. What percentage of staff have received fraud training? How regularly is fraud training delivered and is it compulsory?

Mr Drumgold: I can answer that it is not compulsory. It depends on the type of fraud you are talking about. We conduct fraud prosecutions, so there is regular training in how to conduct various prosecutions and how to collect datasets. As to fraud within the office—people within the office committing fraud—or how to deal with fraud, I would need some specifics in the question.

THE CHAIR: Would you mind taking it on notice, just to cover the field both within the office and, I guess, a simple understanding of what fraud is, as well as the percentage uptake of staff doing that training?

Mr Drumgold: Sure.

THE CHAIR: On behalf of the committee, I thank Mr Shane Drumgold SC, the Director of Public Prosecutions, for your attendance today. For questions taken on notice, could you please provide answers to the committee secretary within five

working days? Thank you for appearing before us.

Mr Drumgold: Thank you.

Short suspension.

Appearance:

Legal Aid ACT

Monger, Mr Brett, Chief Financial Officer

THE CHAIR: We will now hear from Legal Aid ACT, and we welcome Mr Brett Monger. Please be aware that the proceedings today are being recorded and transcribed by Hansard and will be published. Proceedings will also be broadcast and livestreamed.

When taking a question on notice, it would be useful if a witness used these words: “I will take that as a question taken on notice.” This will help the committee and witnesses to confirm questions taken on notice from the transcript.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Mr Monger, could you confirm for the record that you understand the privilege implications of the statement?

Mr Monger: Yes, I do, Mr Cain.

THE CHAIR: Thank you. As we are not inviting opening statements, we will now proceed to questions.

DR PATERSON: We have not heard from Legal Aid for our community corrections inquiry, but I do have a question that relates to that in general. One of the things that has come up is around the Sentence Administration Board. There may even have been a recommendation in your report on legal representation for people appearing before the board for parole or for breaches. I asked the Sentence Administration Board that and they said that, yes, sometimes people employ a lawyer. But do you believe that there should be standard legal representation for people who appear before that board?

Mr Monger: I am sorry, Dr Paterson; I am unable to answer that one. If you would not mind, I can either take that one on notice or, when Dr Boersig arrives, the actual operations of Legal Aid are best answered by Dr Boersig. I am sorry.

DR PATERSON: Sure.

THE CHAIR: Thank you. Take that on notice.

MR BRADDOCK: I am trying to figure out a question more on the financial side of Legal Aid that is applicable and can be answered right now.

THE CHAIR: Is Mr Monger being paid enough? That is one you could lead with.

MR BRADDOCK: I suppose my question is: what is the trajectory of Legal Aid funding and is it sufficient to meet those operational requirements?

Mr Monger: Mr Braddock, it is a very fine line between managing the finances of the commission and the community demand, and our workload associated with that. The

trajectory of our funding is that we are increasing quite dramatically. Over the last 11 years we have almost doubled our income and our staffing levels. Largely, this is to do with short-term funding by both commonwealth and ACT governments, and we get buckets of money to do certain funding initiatives. Is it enough to do what we want? There is always more that could be done. But right at the moment, yes, we do have enough money to do the tasks we want.

MR BRADDOCK: Does that provide you with enough funding certainty to give ongoing employment to staff, train them up and develop them, or are too many short-term projects impacting the opportunities and employment you can offer to staff?

Mr Monger: That is a really good question, Mr Braddock. Partly the answer is, yes, it does, because there are very much ongoing projects that we have. But there are lots of short-term projects that make it very difficult to offer permanency to staff. But we try to do that as much as possible. We would much rather have permanent staff than temporary staff, where possible.

MR BRADDOCK: Thank you.

THE CHAIR: I have a fresh substantive, and it includes a number with dollar signs in front. Mr Monger, you might be right on top of this one. I note that it has been cited that there are some delayed projects, leading to a stronger surplus in 2021. But I also note that there were cash holdings of almost \$10 million as at 30 June 2021. From the documents, ACT Legal Aid appears to run a current ratio of well over two, and around 1.8 in the previous financial year. This is compared to New South Wales Legal Aid, who have a current ratio of just under 0.6, and Victoria Legal Aid, who run a current ratio of approximately one. Given that most of the funding comes from government, can you explain why there was such a large cash holding at the end of last financial year?

Mr Monger: Yes, sure, Mr Cain. I am going to use an old accounting term: we have a lot of revenue received in advance. We have received the cash coming in, but it is in advance and we have not actually spent any of that money yet. There are a lot of projects that we have, so it is nearly \$1 million. I think \$981,000 for 2020-21 was for projects where we received revenue in advance. So that is a large part of why that number is so high: the cash levels.

The other thing is that there have been delays in an office refit. We had budgeted for \$500,000 to be spent on an office refit. There were delays in the contract associated with our office premises, so we did not get an opportunity to spend that last year. I am certainly hoping that we get to spend it this year, but that is largely up to our office accommodation. There were also underspends in both our employee and legal expenses in 2021.

THE CHAIR: I think you might have mentioned \$1 million, but could you confirm how much of that \$10 million is in advance?

Mr Monger: It is \$981,000.

THE CHAIR: So can you talk about the surplus \$9 million?

Mr Monger: Yes. If you have a look on page 89 of the annual report, note 17 talks about contract liabilities, and that is the \$981,000. That is the amount of money that we have received in advance that we have not spent, that we have committed to spend, going forward.

THE CHAIR: What about the remaining \$9 million?

Mr Monger: That is largely because, over the last two or three years, we have built up a bit of a cash surplus there. As I said, there was \$500,000 that we had put aside to do our office refit. We have not refitted our office for about 12 years. So we had been banking this money aside and we were going to use some of that there.

THE CHAIR: Do you have an estimated cost for the refit?

Mr Monger: At the moment we don't want to progress it too far until we get the contract signed for the current office premises, but we are looking at somewhere between \$500,000 and \$1 million for a refit.

THE CHAIR: So let's say there is \$8 million now. Why is it not being used to hire more lawyers to provide Legal Aid's core functions, to serve the more needy and vulnerable in our community?

Mr Monger: Partly, trying to get the workforce is quite a difficult thing. We are also somewhat limited by our office space. If we employ somebody, that is an ongoing cost; that is not just a one-off cost. So we need to be really careful and mindful that we do not employ people on an ongoing basis that will make us, in future, have to spend more money than we actually have.

THE CHAIR: So you are having trouble attracting lawyers; is that what you are saying?

Mr Monger: No, I did not actually say that. We can't go and recruit a hundred lawyers, for example.

THE CHAIR: I guess I am still a bit unsure about this extra \$8 million that could be spent on staffing.

Mr Monger: Yes, and we are looking at how to best staff and recruit the organisation.

THE CHAIR: Are you able to come back, as an answer to a question on notice, with the anticipated plan for that surplus?

Mr Monger: Yes.

THE CHAIR: In particular, I am interested in how many extra staff lawyers to deliver the core services.

Mr Monger: Yes; sure.

THE CHAIR: Thank you.

DR PATERSON: Are you currently recruiting?

Mr Monger: In 2020-21 we recruited 45 people over the course of the year, and we also had 42 departures. So we increased our staff level by three overall. But, yes, we are recruiting at the moment.

DR PATERSON: Okay; great.

Mr Monger: That is both lawyers and legal assistants, by the way.

MR BRADDOCK: I am interested in the quantity of support that volunteers and pro bono services provide to Legal Aid. Do you have any figures on just how many volunteer hours there are or on what the value of that support is and how much it contributes to your operations?

Mr Monger: Yes. If you do not mind, I will just refer to the papers. I think we have about 13 volunteers at any one time. That is some coming on every now and again—some for a week, and others for a bit longer. The value of volunteers was \$77,000; it is on page 82 of our annual report. The value that we have attributed to the cost of the volunteers is \$77,000.

MR BRADDOCK: Does that include the pro bono services provided as well?

Mr Monger: The volunteer services are free of charge. Regarding the pro bono by external legal solicitors, no, it does not.

MR BRADDOCK: Is there any figure for the pro bono, as to how much legal aid is basically being donated by the legal firms around town?

Mr Monger: I do not have that; I am sorry. I can take that question on notice.

MR BRADDOCK: Thank you.

THE CHAIR: This may be on notice too, Mr Monger. Are you able to provide information on the free legal advice you give to Afghanistan evacuees residing in the ACT?

Mr Monger: I am sorry, Mr Cain, I am unable to answer that one. Again, that is a question Dr Boersig would have to answer. I can take that one on notice, though.

THE CHAIR: Thank you so much.

DR PATERSON: I will start putting questions on notice regarding sexual violence matters brought before Legal Aid. Your annual report talks about family violence matters. I am interested to know the breakdown of sexual violence matters that Legal Aid deals with.

Mr Monger: I will have to take that on notice.

MR BRADDOCK: I am interested in the tenancy advisory services. What are the key issues that are arising when people contact that service? What are the volumes of inquiries, not just for the last financial year but also going into the 2021-22 year? And what measures could help prevent those issues from arising in the first place? Please take those on notice, Mr Monger.

Mr Monger: Yes. Mr Braddock, I can tell you some of the numbers that we have got. The number of TAS calls for the period from 1 March to 30 June last year was 1,231. The number of TAS calls in 2020-21—or Tenancy Advice Service calls—was 4,100. Right at the moment, we are tracking at 2,500 calls for the current year, which equates to roughly 4,000 calls this year. I will take the substance of the calls and issues on notice.

THE CHAIR: Something we touched on a bit earlier, Mr Monger, is the retention of staff. Are you able to provide the retention rate of lawyers, noting that you have some contractual arrangements as well?

Mr Monger: Yes, Mr Cain. We did actually provide an answer to a question on notice—late last year, I think it was—on this same issue. I can say that the retention rate for lawyers in 2021 was 61 per cent; in 2019-20 it was 73 per cent; and in 2018-19 it was 70 per cent.

THE CHAIR: Thank you. Is attracting staff an issue and, if so, what are the factors contributing to that?

Mr Monger: I will have to take that one on notice. I will say that, generally, through COVID a lot of areas are finding that people are looking for a sea change. We recently had four or five people who left and decided to go and live in Newcastle, as a sea change arrangement. I think the last two magistrates that were appointed both came from Legal Aid. We currently have three assistant registrars that all came from Legal Aid. So there is a real mix of why people are leaving the organisation. The actual recruitment of lawyers I will have to take on notice.

THE CHAIR: I am just interested in that cohort of staff leaving the ACT. Have you identified any particular reasons that are attracting them elsewhere, out of the territory, such as high rentals or housing affordability?

Mr Monger: Certainly not that I have noticed, Mr Cain. A lot of the lawyers that we get in come from other jurisdictions, and this is very much about a lot of them going home—cutting their teeth in the Legal Aid environment, getting the experience they need and then going back home, largely to the Northern Territory, Western Australia, Sydney and Newcastle.

THE CHAIR: On behalf of the committee, I would like to thank you, Mr Monger, for your attendance today. I applaud you for being in a very unexpected position and providing us with what you could and taking questions on notice. With questions taken on notice, could you please provide answers to the committee secretary within five working days. Thank you again for joining us. We do hope that Dr Boersig is

well and able to be connected to the real world as soon as possible. The committee will now adjourn for a short break and return at 11.20. Thank you.

Mr Monger: Thank you very much.

Hearing suspended from 11.04 to 11.20 am.

Appearance:

ACT Integrity Commission

Adams, Mr Michael, ACT Integrity Commissioner

THE CHAIR: Welcome back to the public hearing of the Standing Committee on Justice and Community Safety on the inquiry into annual reports 2020-21. We are now with the Integrity Commission.

Before we start, there are a few housekeeping matters. Please be aware that the proceedings today are being recorded and transcribed by Hansard and will be published. Proceedings are also being broadcast and webstreamed live.

When taking a question on notice, it would be useful if witnesses used these words, “I will take that as a question taken on notice.” This will help the committee and witnesses to confirm questions taken on notice from the transcript. Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could each official for the record confirm that you understand the privilege implication of the statement?

Mr Taylor: I understand.

THE CHAIR: As we are not expecting opening statements, we will move to questions. Also, the committee welcomes Elizabeth Lee MLA.

My first line of questioning is: following the media release yesterday calling on companies in the building and construction industry to come forward with concerns about ACT government procurement, can you detail what protections and anonymity these lodging parties will have?

Mr Adams: Hello?

THE CHAIR: Commissioner Adams, did you hear my question?

Mr Adams: No, I did not, I am afraid. I am sorry, I did not quite get through on the Webex link.

THE CHAIR: I will repeat it. It is not very long. Regarding your media release about the inquiry into Campbell Primary School modernisation, calling on companies in the building and construction industry to come forward with concerns about ACT government procurement, could you detail what protections and anonymity these parties will have?

Mr Adams: I have already, in a communication with the Master Builders Association, explained that we do have powers to maintain anonymity and confidentiality. These need to be negotiated on a case-by-case basis. We have very wide powers of preventing reporting and publicising or publication of information. Of course, these questions become more difficult when you move into, say, writing a report which becomes public, where although you may anonymise persons the circumstances themselves might identify the particular corporations.

We cannot do anything about this. What we have to do with people who come forward is explain to them the risks that might follow. Up to that stage we are quite confident we can keep people fairly anonymous and their identities confidential. but, where you launch into hearings and you are referring witnesses to particular circumstances, this means we are looking at a particular transaction. Of course, there is a jump that needs to be made between someone who is merely a witness who you might expect to be called in such an inquiry and someone who is identified as an informant, a complainant or a whistleblower.

We could pretty well guarantee that that problem would not arise—that is, you might not be able to disguise the fact that a certain witness has been called, simply because of the nature of the evidence, even if you do not mention names; but you can, and we would, not disclose anything to anybody that would identify a complainant.

This is particularly important in this area, as you would know, because there can be no doubt that being named a whistleblower in this field, when you are wishing to do continuing business, would be regarded as a potential embarrassment or deterrent. People do not want to be called troublemakers when they hope to have a continuing business relationship.

THE CHAIR: Related to that very point, what training have your staff had regarding the handling of sensitive information and whistleblower protection and how do you prevent staff from sharing who has come forward?

Mr Adams: Staff have been directed in relation to the confidentiality of all material that comes into the commission. Material that goes out is carefully monitored by me, by the senior lawyer and by the senior investigator to ensure that no disclosures are made of a—can I use a general term?—problematic kind. It is necessarily case by case. So the training that we have is, “Don’t do it!”

MS LEE: Thank you, Commissioner, for appearing today. The chair referred to the media release that was issued by the commission yesterday, and I note that that media release states—and this is a direct quote—

“Businesses which have tendered for government contracts are encouraged to contact the Commission where they reasonably suspect corrupt conduct has occurred, or is occurring, in government procurement or in relation to any aspect of the ACT public sector’s operations with which they have been involved. *We want to hear from you.*”

That is a very broad statement to ensure that people who are potential witnesses come forward. Can you just explain in terms of what the commission is looking for that is talking in that broad context and also where that inquiry will extend to?

Mr Adams: Certainly. The mere existence of the commission—and this appears on our website—we hope, would operate to invite people who see maladministration or wrong conduct to come forward. We are here focused on the procurement area. But, since we thought this release was likely to have wide publication, we wanted to, as it were, remind the public that we are here to look at all issues of wrongful conduct, and that is why that added clause is there. But the main focus, of course, is the

procurement area because the Auditor-General's very thorough report identified problems which, as we state or at least imply in the release, are likely to be endemic. It is very unlikely, I think, that this kind of thing has only happened once.

MS LEE: Your media statement is very clear that the Auditor-General's report is what drove you to call for broader submissions. Can you talk us through the process of that? As you have just stated in your answer, it is a reasonable assumption that you have that this could be endemic? Can you just talk us through your process in coming to this?

Mr Adams: Yes. First of all, not surprisingly, we were aware of the Auditor-General undertaking the performance review. Ultimately we were not aware of the conclusions until they were actually stated, although there was a fair suspicion that this conduct was going to be criticised.

Having got the report then, and it being in the public domain, it enabled us to rely on it without cutting across reputational problems. It is in the ether, is it not, in Canberra—and it is from time to time in the news, problems which maybe exaggerated or unfair; one does not know—about the procurement area. They appear from time to time in the media.

But my problem was that if I were to call generally for information about that matter it might imply more than I had and people's reputations might be adversely affected. Here we are being really careful to limit ourselves to the Auditor-General's conclusions and what reasonably follows from those conclusions so that the reputational damage is no greater than that which is already in the public domain as a result of the necessary publication of the Auditor-General's report.

But having got that far, it just seemed inappropriate to focus on merely one instance where one has a reasonable basis for thinking that other instances may be out there. It seemed to me inappropriate for an integrity commission's general responsibility, because one is always much more focused on dealing with endemic issues or systemic issues—indeed, our act requires us to do that—rather than on particular instances. Particular instances where people get criticised for this or that are all very well—but what you want to do is make a change to a system that led to it, and for that you need a wider range of data. Does that answer your question?

MS LEE: It does, and it actually gives me a follow-up question—

DR PATERSON: Chair, Ms Lee has had multiple questions—

THE CHAIR: Ms Lee, one more supplementary.

DR PATERSON: Mr Cain—

THE CHAIR: I am the chair, Dr Paterson; will you take notice to let the proceeding continue.

MS LEE: The Auditor-General's report was pretty scathing in terms of its findings, which obviously led you to making that announcement yesterday, I have had some

feedback from the community that, whilst they are very concerned about the scathing report of the Auditor-General, there is a big question mark about why it has happened? Can you explain, for the benefit of the committee and for the community, the powers that you, as the commissioner, and the Integrity Commission, have that do differ from what the Auditor-General's powers are?

Mr Adams: It is not only our powers but also our role. He is not essentially concerned with corrupt conduct but essentially with mismanagement. But we have extensive powers of search and seizure. We have powers of conducting hearings, both private and public. We have powers of requiring documents to be produced.

In another kind of way, the Auditor-General has those, but they are far less forensically driven and forensically managed. Our focus is capably more forensically driven because we have the means in our act to coerce responses.

DR PATERSON: The media report said that there was an examination of the evidence collected by the Auditor-General to consider whether the commission investigation into the procurement process is justified. What is your process of making a decision about an investigation?

Mr Adams: What we have done is we have obtained all the relevant documents—I might say that I think there are about 13,000 documents just for this one transaction—and we are gathering from the Auditor-General the interviews and other material that the Auditor-General relied on. I expect we will have that material in a week or so. It has to be gathered from various sources. That is in the course of what we call a preliminary inquiry.

When we have looked at that material we will decide whether there is a reasonable suspension of corrupt conduct. If there is a reasonable suspicion of corrupt conduct we will then consider whether we should use our coercive powers. Almost certainly, the answer is yes because there are some answers, as is perfectly obvious from the Auditor-General's report, that require someone getting in the witness box and being cross-examined to explain behaviour and explain decisions. That will be the process. I cannot give you precise timing on that. We have not yet got all the material we need. We have got, in a documentary sense, perhaps 80 per cent of it. It is not impossible, of course, that our request to the public will produce further material that we need to examine.

But investigations are always ongoing. You cannot wait until you have got everything in your bag. You wait until you have got sufficient in your bag and then you expand your scope as material comes forward. That is the way to do it. Does that answer your question?

THE CHAIR: I do note that, for this committee, this is a most significant occurrence. Will the matters that you are interested in include the sale of land and is there a closing date for such submissions as you have invited?

Mr Adams: No, there is no closing date, because we want people to come forward when they feel comfortable about coming forward. It is not impossible that it will involve sale of land. Under the general request for information, we have already had

complaints about sales of land at Throsby and Whitlam. I have just written to the director-general about the results of our inquiry into those matters. I am expecting a response. I do not want to say anything more about it until I get a response from the director-general. That of course was a year or two ago.

The sale of land is an issue that comes up more than once in complaints. We have not yet had a complaint that has moved to the investigation stage once we have examined its basis. But in this jurisdiction they are fraught matters.

THE CHAIR: Again, the committee is very, very interested in this extremely significant announcement yesterday.

DR PATERSON: In the budget statement it says that the Integrity Commission's purpose is to strengthen public confidence in integrity of the ACT government by preventing, investigating, exposing corruption. How do you balance that with, for example, the media release that may cause concern for integrity in the ACT government—unfounded, un-investigated?

Mr Adams: That is always a problem, is not it? The mere existence of the Integrity Commission is on the assumption that there are matters that do need to be looked at. Can I give you an example, though, of an outcome. Our recent special report which dealt with the purchase of land adjacent to the casino showed that in fact there was no corruption and no lack of probity in the process, although there were certain administrative shortcomings which were not insignificant.

But I think that that would be an example where the Integrity Commission can say "At least in relation to this transaction, you can be confident that what went on, so far as the evidence goes, was appropriate." In that way you are restoring or, hopefully supporting, a sense of the integrity of government.

Naturally, because of our role, we select bad conduct. Because what you are asking people to do is come forward with suspicious conduct; you do not ask them to come forward with good conduct. In a sense, you are always going to be selecting for bad conduct. I suppose the hope is that between all the organisations that look at government actions, including for example, the Legislative Assembly, the public accounts committee, the Auditor-General, the police and us, there is a sufficiently robust and independent questioning and interrogation of doubtful government decisions. The existence of that potential for exposure and correction gives people a feeling of confidence that what does go on is proper.

I suppose one cannot really say anything more about that matter. It is what it is.

THE CHAIR: I have a supplementary on that. It is regarding yesterday's media. Do you have the resources and staffing to take on something of this scale—calling for a whole-of-government investigation effectively?

Mr Adams: If we get, shall we say, 10 matters of substance, the answer is no, without substantial delays. I think what we would have to be would be selective; look at what would be productive and possibly going back to the Legislative Assembly and asking for some special budgetary allowance to deal with the investigation of others.

My costs of investigation are trivial when you are comparing the cost of some of these tenders. The Campbell Primary School tender was \$17.5 million. We have not found fraudulent conduct at all yet, or corrupt conduct—there may be none; there may be proper explanations, so I do not want to pre-empt. But as an example, if there was a thumb on those scales, the amount of money spent on investigating could be very small compared to the public interest in ensuring this kind of thing did not happen.

THE CHAIR: I assume that the dollar impact would assist you in how you prioritise your cases.

Mr Adams: Yes, it would. It would be certainly one of the factors.

THE CHAIR: And other factors being?

Mr Adams: The other factor would be the apparent seriousness of the potential corruption; I think those would be the two. The third would be timing—something that occurred 10 years ago as distinct from something that occurred two years ago—you are going to be much more likely to be able to effectively investigate the more recent than the earlier. The means of investigations and the likelihood that there is evidence which you can actually examine are also relevant factors.

MR BRADDOCK: I am interested in the number of confidentiality notices and the private hearings that you have held. Whilst there might be very good reasons for those, I just note there has been no public examinations. Do you foresee a situation where that would be of benefit?

Mr Adams: There is certainly one matter which may well benefit from a public hearing. The role—and all integrity commissions undertake this—is you have private examinations first as part of weighing up the material to decide whether or not a public examination is justified. Although we have had a significant number of private examinations, because of COVID problems, a very large number—in excess of 20—could not go on. We are now dealing with those and we are going to resume hearings, we expect, in March.

I can say that there is at least one matter and potentially two that I can see at present justifying a public hearing. But we need to move along somewhat further before that decision is made.

MR BRADDOCK: What are your criteria for deciding if it should be a public hearing?

Mr Adams: I think we placed this on our website but I am perfectly happy to take it. First of all, generally there has to be a public interest. By that, I do not mean public curiosity. I mean that there is something significant to be gained for public governance and confidence with a public hearing.

Among a number of the significant features is will people be encouraged to come forward if they see that a particular matter is being dealt with not only publicly but thoroughly? People who hesitate about trusting an integrity organisation or feel that it

is some kind of kangaroo court, but who actually see the process, will come forward and feel confident that they are going to be dealt with fairly and the issues are going to be exposed without fear or favour. So that is an important aspect.

Another is that sometimes the matters will already be in the public domain, insofar as they can be. Reputations have already been attacked. The persons whose reputations have been attacked may well want to be able to make a public defence of their position or have a public examination of the conduct that they have been publicly criticised for. A public hearing would be an opportunity for that to occur. Generally, another is if there is a wider interest than the particular conduct of a particular public servant. After all, by and large, when someone in the employment sphere does something wrong, they get dismissed but their names and their conduct are not blasted over page one of the *Canberra Times* so that their hopes for future employment are forever destroyed and there are other knock-on personal effects that can be tragic.

Merely being a public servant does not mean that everything that you have done is necessarily—because in a public hearing you are trying to find out the facts—going to be the subject of public controversy.

There are good, sound reasons why most hearings would be private. But where there are public issues—acts are done publicly as distinct from merely internally, say, within the public service—those would be indicators that a public hearing is required. I might say I have instituted a process so if I decide that a public hearing may be desirable, then I approach the particular people involved or potentially involved in a public hearing to tell me why it should be or why it should not be done. We take into account their own private concerns. Sometimes there are real private concerns.

I know time is a real problem; so I think I can leave it at that. But I am happy to have a private conversation, if you wish, at another time about these matters.

THE CHAIR: Thank you very much, Commissioner Adams, for your time. On behalf of the committee, I would like to thank you for your attendance today. If you have taken questions on notice then could you please provide answers to the committee's secretary within five working days. Again, I thank you and your staff for attending today. We will now hand over to our next session, the Official Visitors Board and corrections official visitors. Thank you everyone.

Short suspension.

Appearances:

Justice and Community Safety Directorate

McNeill, Ms Jennifer, Deputy Director-General, Justice and Official Visitors
Board Chair

Pickles, Mr Shannon, Official Visitor, Corrections/Mental Health

Quinn, Ms Vickie, Official Visitor, Detainees

Public Trustee and Guardian

Taylor, Mr Andrew, Public Trustee and Guardian and Official Visitor

THE CHAIR: We will now hear from the Official Visitors Board and corrections official visitors. Before we start, please note the following: please be aware the proceedings are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live.

When taking a question on notice, it would be useful if witnesses used these words, “I will take that as a question taken on notice.” This will assist the committee and witnesses to confirm questions taken on notice from the transcript. Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you each confirm for the record that you understand the privilege implications of the statement?

Mr Taylor: I understand and accept the statement.

THE CHAIR: We are not taking opening statements; so we will proceed directly to questions. I have a question regarding employment at the AMC. The official visitors annual report detailed a situation where changes were made to the requirements around fit-for-work certificates. This resulted in many detainees not being able to work for several months. The ROG states that employment in the AMC is at 86.6 per cent, with most detainees in the service industries; none in the commercial industries. What were the changes to the fit-for-work certificate that resulted in months-long delay? What were the requirements before the change and what are the requirements now?

Ms McNeill: I will ask Mr Pickles, who is one of the corrections visitors, to deal with that question.

Mr Pickles: The issue regarding fit-for-work certificates was primarily a disagreement between Justice Health and ACT corrections in terms of the responsibility for the assessment and provision of them. In essence, ACT corrections did some change in terms of their internal policies in relation to quite a large number of roles. It was decided that detainees would need a confirmed fit-for-work certificate before they could do those roles. For example, if they had identified previously that they may have had a back injury or hurt their leg prior to entry, there was now a requirement that they had to have a fit-for-work certificate to do those roles—whether it was maintenance, ground works, cleaning; they had different requirements around different roles.

The concern raised by Justice Health was that they were not funded, nor had the

resources, to provide and do those fit-for-work certificates. So there was an extended period of time—I believe it went on for somewhere between six and eight months; it took quite a long time for it to get worked out—where a number of those detainees that identified those issues were not able to have gainful employment.

THE CHAIR: Why are not there any detainees in commercial industries?

Mr Pickles: I am unsure what is determined by commercial industries, to be honest. I would have to take on notice clarification of what is classified as a commercial industry rather than a standard industry. I am not sure if that refers to, for example, their bakery or whether or not they have got other industries that are classed as commercial.

THE CHAIR: I will take that as a question on notice. How many people are in the transitional services team at the AMC? Are they working to provide any increased opportunities for employment and skill development?

Ms McNeill: I wonder whether that is a question better put to AMC and the corrections minister this afternoon.

THE CHAIR: I will make a note of that. Finally, how does ACT Corrective Services calculate its employment rate at AMC? Is this the same formula that gives ACT Corrective Services the number that they provide to the Productivity Commission or to ROGS?

Ms McNeill: Again, that is really beyond the remit of corrections/official visitors, who are really engaging with detainees and with visitable places. I do not know that we are in a position to answer that question.

DR PATERSON: I am concerned about notes in the report that allude to challenges faced by Aboriginal and Torres Strait Islander official visitors, with evidence of institutional discrimination. I am wondering what has been done to overcome this and what your conversations are with corrections or with the minister to ensure that this is not an issue and that visitors can enter the prison without feeling that way.

Ms McNeill: Ms Quinn, is that a question that you feel comfortable answering?

Ms Quinn: That comment in the annual report was made prior to my term. It was made by the previous Aboriginal and Torres Strait Islander official visitor. I would say, in my term, since January 2020, I have not felt that way. I have been supported as an official visitor entering AMC.

Institutional discrimination is something that many of the detainees speak about for themselves. They feel that there is quite a bit of discrimination, that there is a lack of cultural understanding, that there is a lack of trauma-informed care, that there is a lack of services to understand their needs from a cultural perspective. Some of that problem stems from the specialist community of Corrective Services, and that is a team of usually nine. That has psychologists, social workers, disability liaison officers. They had difficulty with staffing, and they have been reviewing their processes. I know we are talking 2020-21 but to date they are still reviewing their processes to try

and work on that. However, I note there are no Aboriginal or Torres Strait Islander people in that team.

The ILO team, Indigenous liaison officer team, for corrections have had difficulty with staffing over the 2020-21 staffing period—difficulty maintaining staffing and recruiting staffing. That would speak to why some of the detainees feel that there has been some institutional discrimination.

Justice Health have an Aboriginal liaison officer, an Aboriginal health officer, that comes in from outside. But I have limited knowledge of what they were doing over the 2020-21 period.

MR BRADDOCK: Is there a reason why there is no visitor for seniors, particularly those in aged-care facilities, given you already visit disabled people in those facilities if they are aged under 65.

Ms McNeill: Ultimately, that is a policy question for government—the reach of the Official Visitor schemes. We have seen some changes in the last couple of years which have expanded the visitable places—in particular, in the disability sector. Arguably, there are some parallels between disability community homes and some aged-care facilities. At the moment the scheme brings together the five disciplines, with which we are familiar, and it is the corrections discipline that we are focused on today.

THE CHAIR: The minister put together an oversight committee to create a blueprint for change. One of the goals was to improve culture at AMC, for example, he said, to lead discussions around culture and to drive solutions to support staff. And the chair he appointed said, “to start reviews by tackling workplace culture.” The Official Visitor annual report noted a specific issue for this reporting period and that there was a greater level of adversarial relationships observed by Official Visitors. Can you elaborate on this adversarial relationship that has been reported?

Mr Pickles: A very simple example, when we are talking about adversarial relationships, is detainees and COs not feeling comfortable to speak to each other about simple issues. An example that I have seen recently is detainees do not feel comfortable to raise a basic maintenance issue to COs because they feel COs are too frustrated and angry and it will not be acted upon. It is always difficult, when talking about systemic culture, but obviously it is lots of those little examples that we see on a regular basis that have contributed to this.

THE CHAIR: Can you tell me what initiative or actions the oversight committee has taken to improve culture?

Mr Pickles: There is quite a long list. I am not sure how much I am able to give of that full list, but I know that the chair, Christine Nixon, and the policy department within ACT corrections have created quite a substantial list within their recommendations. I would imagine that you can get access to that list and that paperwork from the chair of that committee. I do not have that access to hand.

THE CHAIR: Can that be taken on notice and, obviously, you will provide what you

are able to?

Ms McNeill: That question, again, feels like a question better directed to the corrections officers who will be appearing, I think, this afternoon. The Official Visitors can really only speak to the engagement that they have had with the process, if any, and any changes that they have seen linked to that process.

THE CHAIR: Okay.

DR PATERSON: We heard from the Inspector of Correctional Services, or the deputy inspector, this morning. She was saying that key to a healthy prison is basically that corrective service officers and detainees are different sides of the same coin; so to have a healthy prison you have to have both sides working together and functioning together. I am interested in your views as Official Visitors, what your perspective of that is and do you agree with that?

Mr Pickles: I would agree that both sides need to feel that their needs are being listened to and are being met. I feel it is accurate in one way to say that corrections officers have to be supported and trained and are operating smoothly at the same time as detainees need to be provided with meaningful engagement, respect and transparency in terms of policy and decision-making. I would agree that one of the issues around culture is that has not always necessarily been the case. I think both sides are feeling a lack of autonomy and sometimes the other side is the only one there to vent that on, if that makes sense.

DR PATERSON: In 2021 you had an increase in expenditure beyond your budget allocation which, it was noted, was partly due to a greater awareness of the scheme. Presumably, greater awareness of the scheme is a good thing and future years will continue to see this trend. Are we ensuring that the scheme is adequately and appropriately resourced? Do you think there is extra funding that you need to do your job adequately?

Ms McNeill: In the last budget the scheme was allocated an additional \$140,000. At this time, I think we are very comfortable that the funding is appropriate for visiting. Obviously, as with any demand-driven service across government, it is something to keep under review, and the board will continue to do that.

MR BRADDOCK: I have just heard reports that some of the prisoners are going hungry due to not enough food. Have you received any complaints along that line?

Mr Pickles: We have. One of the issues, and this is an ongoing issue, is around nutrition and nutrition reviews. They quite regularly, based on feedback from nutritionists, change the nature of the meals. Sometimes that is more meat or less meat or a change to the nature of the salads. The issue, I think, we have raised is usually more around transparency of communication to the detainees around the changes to those meals.

A very simple example is that there used to be a salad meal which a lot of the detainees quite enjoyed. It was quite a full salad and there was quite a lot of meat in it. After nutritionists reviewed it, it was identified that the salad was meant to be a

low-calorie diet for specific detainees needing that. That was not necessarily communicated to detainees. All of a sudden the salad meals were arriving with much less food than they were used to and they were quite upset by that.

Another issue around that is that the meals are always targeted towards the, shall we say, average metabolism person. Regardless of whether or not you are a very skinny person who does not need much food or you are a quite bulked-up body builder that is on the weights every single day, which some of them are, the size of your meal is the same. Some detainees that have a very high metabolic rate, obviously, because they work out very regularly, do not feel the same level of satiation from those meals as others do.

MR BRADDOCK: Surely prisoners conducting in exercise is in the interests of a healthy prison population and adequate nutrition to allow them to do so is in the interests of that as well?

Mr Pickles: I agree, and we have made a similar recommendation that there needs to be consideration for meals based on individual circumstances. The argument back has been that detainees are allowed to spend their own money on bulk-up food if they wish, but obviously not all detainees have access to the same level of resources to do so.

DR PATERSON: Just further to that, in terms of when you receive feedback and how you feed that back into the system and ensure that changes happen, can you describe that kind of feedback loop? Do you keep checking in to make sure things are changing?

Mr Pickles: Simply, yes. We are there regularly every single week, several times a week. We have monthly meetings with the deputy commissioner and the general manager onsite. We have six weekly oversight meetings with all the statutory authorities and talk regularly. I suppose the issue is that we do not have the power to enforce change. We can just strongly recommend and identify issues, which we do on a regular basis. We do not always, obviously, get everything we would want though.

THE CHAIR: Thank you, officials, for being with us. On behalf of the committee, I would like to thank the Official Visitors for their attendance today. If witnesses have taken any questions on notice, could you please provide answers to the committee's secretary within five working days?

Short suspension.

Appearance:

Sentence Administration Board
Beacroft, Ms Laura, Chair

THE CHAIR: Welcome back. We will now hear from the Sentence Administration Board. We welcome Laura Beacroft. Before we start, there are a few housekeeping matters that I wish to draw to your attention. Proceedings are being recorded and transcribed by Hansard and will be published. Proceedings are also being broadcast and webstreamed live.

When taking a question on notice, it would be useful if witnesses used these words: "I will take that as a question taken on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript. I remind witnesses of the protections and privileges afforded by parliamentary privilege and draw your attention to the privilege statement. Could you confirm for the record that you understand the privilege implications of the statement?

Ms Beacroft: I do.

THE CHAIR: As we are not taking opening statements, we will proceed to questions. I will touch on the following: community correction order breaches and the increase of those. On page 277 you highlight an increase of 43.1 per cent of parole breach matters and 17.1 per cent on ICO breach matters. What can you credit this increase to?

Ms Beacroft: It is partly related to the growing population of offenders who are in the community corrections system. The ROGS reports have shown for many years that the number of offenders who are in community corrections, as opposed to prison, is a growing number, whereas, to some extent at least, the last ROGS report showed that the prison population had reduced.

That has been brought about by a whole lot of factors. One of them is the introduction of intensive correction orders. You have more people being sentenced to a community corrections order. When you have more people in the community corrections population then you are going to have more breaches. That would be an obvious explanation for that.

Intensive correction orders have increased quite a bit. They were introduced, I think, in 2016 and it has taken a while for courts to start using them and for offenders to be sentenced to them. You are starting to see breaches come through in that growing population who are subject to those orders.

THE CHAIR: Is there anything that you can think of to mitigate these increases?

Ms Beacroft: Mitigating breaches in general is about looking at the root causes for why people breach, and that is generally to do with the sorts of reasons why they offend in the first place. They have complex needs which need further support and treatment if they are in the community. An obvious one is having more tailored places in residential rehab facilities; also for people with mental illness who need more

support in the community. These are the sorts of themes that emerge from a lot of reports that have been written in this area, including by the Australian Law Reform Commission.

A point I would like to make about the breaches that the board is generally working on is that it is preferable, if the community is to be protected, that any kind of breach is identified and dealt with by the board. It is rarely reoffending that we are talking about. We are talking about the breach of a condition—for example, that they should be attending drug counselling on a regular basis and that drops off. It is what some people call a technical breach. It is not that they have reoffended.

Certainly, the board in the ACT tries to deal with breaches very, very quickly so that we get onto those sorts of things very quickly and so that that person can be steered and put back on track, rather than letting things unravel for them. With most of those breaches, it is rare that they are reoffending; it is more around making sure that what they are required to do when they are in the community is being done. That is usually of a therapeutic nature, like going to drug counselling.

DR PATERSON: I do not have a huge number of questions because of discussions with you last week, but in the annual report there is a sentence that women and Indigenous offenders continue to have lower community corrections completions than men or non-Indigenous offenders, which has caused concerns. Can you speak to that a bit and what the issues are there?

Ms Beacroft: That is a longstanding trend that ROGS has reported on. The gap has narrowed a bit in the ACT, but still there should not be any gap. That really comes back to the point about having complex needs met if an offender is in a community which is tailored to them.

Say a female offender has an alcohol and drug issue. Dealing with that can look quite different to how you might approach it with a male. There is often a history of sexual assault, domestic abuse; there is a great deal of anxiety, often, around children she may have. It is a very different situation, and there may be complex needs such as mental illness and trauma as well. There need to be more services that cater to women and the sorts of issues they are facing and, likewise, Aboriginal and Torres Strait Islander peoples. It is very widely known that many do have a need for tailored services and there just are not enough.

Again, when I say, “are not enough”, it is also for women and Indigenous people who have complex needs. There may be mental illness, as well as some of those well-known issues around trauma in the case of Aboriginal and Torres Strait Islander peoples. Generally speaking, I think the evidence is there about what has to be done; it is about getting it up to scale.

MR BRADDOCK: I am interested in the transitional release centre and its very low usage rates at the moment. I am just curious, from the board’s perspective: how do transitional release centres operate in your decision-making process in terms of making decisions about parole and so forth?

Ms Beacroft: The few people that do come through the transitional release centre are

very well supported through the parole process. It is very common for someone from the TRC to participate in the hearing. The person from the TRC usually has had a long relationship with the person, and the person has often had some release into the community. It is really a great model.

I had the opportunity to visit the Hawaiian parole body some years ago. They have a model there where they have an enormous transitional release centre. Their transitional release centre is set up for large numbers of persons leaving prison, and they can be there for a year.

I think the beauty of a TRC, if you can get it up to scale, is that, if an offender is being released into the community—at the moment they get released into the community and they have got everything they are trying to transition to—they are trying to work out how to get their meds; they are trying to work out how to catch a bus. They might have panic attacks when they go to a shopping centre—that is quite a common thing, by the way, if someone has done quite a bit of time—as well as having to meet all the parole conditions. They are often anxious to get work.

If you have a TRC—and that was what I saw in Hawaii—a lot of those things like getting their meds, having all the usual services available to them, like alcohol and drugs, are still there in the TRC. It is continuous. What they are leaving the TRC to do is stay over with family and go to work.

One of the brilliant outcomes is that not only do people who are leaving that Hawaiian TRC not have to deal with everything at once, because there is a slower process for them to get a lot of their therapeutic needs in place in the community, but they have something like 80 per cent employment the day they leave. That is because it is all set up through the TRC and, when they leave, they have been working for a long time. It is a very different model.

My experience, from seeing it work elsewhere, is that, over time, if the ACT could move to having a much larger TRC that would be a great thing. Obviously, building to scale has a lot of challenges but, certainly, in the small numbers that do come through the TRC, the board's experience is that those offenders are very well supported through the parole process and in their reintegration process.

THE CHAIR: You also mentioned that the time frames for hearing matters “were not often achieved”, due to increased workload and resources. What are the recommended time frames for hearing matters?

Ms Beacroft: The board has some statutory time frames—in other words, the legislation that primarily guides what we do—which provide us with outer limits for certain things. For example, a parole application, from when we first start, has to be dealt with within 60 days. The board has met and always meets all of its statutory time frames. The time frames I mention there are time frames that the board regards as sound goals, if you like. Of course, that is always subject to resources.

Unfortunately, about a year ago there was some movement of resources and we got reduced resources for a period of time. What you see written in the annual report there is a product of that. We were then granted temporary resources, which we are very

grateful for, in 2020-21. They have been made permanent, and we are in the process of recruiting people to provide that in an ongoing way.

Our time frames since that annual report was reported on—the time frame is till 30 June 2021—have improved. We have got the data; we can provide it as a question on notice. The time frames have improved since then in the sense that they have reduced. As those two extra staff get trained and come on board, they should reduce even further.

MR BRADDOCK: I am just curious as to how much of a positive impact the justice reinvestment centre, should that actually be realised, would have on what the sentencing board is trying to achieve.

Ms Beacroft: The justice reinvestment centre, did you say?

MR BRADDOCK: Yes.

Ms Beacroft: The strategy or the—

MR BRADDOCK: It is the actual centre that is planned to be built at AMC but is currently on hold. It was part of the Building Communities, Not Prisons strategy.

Ms Beacroft: That is like a transitional release centre, is it, that is being proposed? Is that—

MR BRADDOCK: It was a scaled-up version of the TRC.

Ms Beacroft: I do not know all the details of precisely what model is being proposed, but if it is a scaled-up version of the TRC—as I mentioned before, having gone to Hawaii and other jurisdictions—if it is thought through and done well, it can make a big difference to reducing recidivism and, indeed, reducing pressure on housing. If you are employed when you leave prison, you do not need social housing. It just makes a huge difference across many fronts.

THE CHAIR: I have a question regarding teleconferencing and digital transformation. The board issued a record 95.9 per cent increase in warrants, compared to last year. That is on page 277. This was credited to arrangements put in place for the COVID emergency. Will the board consider teleconferencing for the issuing of warrants in future; for example, when we are no longer in a declared emergency but just because we are moving to being more digital anyway?

Ms Beacroft: Teleconferenced hearings are not the preferred way for the board to operate, and they have come about through two factors. One is that we had to move to those remote hearings because of COVID. But even prior to that, regarding the venue that the board had had for many years, which was a room in the ACT courts complex, we had to stop sitting there because the Chief Justice advised us that she did not think it was appropriate.

At the moment, if we had access to a venue where we could do face-to-face hearings or quality audiovisual hearings for people in prison, we would do that. But we do not

have access to such a venue right now. The reason a teleconferenced hearing is not the preferred option is that we try to work what we call therapeutically, and it is very hard to do that on a phone. We cannot see each other and often the sound is very difficult. Especially with people in the community, if they are on a mobile phone somewhere it is really quite difficult.

The other problem we have—and this comes back to the point you made, Mr Cain, about warrants—is that if the board’s decision, for example in the breach matter, is that unfortunately the person’s order has to be cancelled, we have this challenging situation where we are advising the person on the phone, who is somewhere in the community, that we are cancelling their order. Obviously, that potentially creates a very dark moment for that person.

We then have to issue a warrant to the police. We do ask that person to hand themselves in, but some people do not. Currently, we have got quite a few of those warrants outstanding, and some of them have been outstanding for over a year. Where this leaves us, because we are having to work remotely—and it is not because of COVID right now—is that we have got people in the community who should not be, and they are only in the community because we have not got a venue where we can conduct face-to-face hearings. If we cancel them, we bring them immediately into custody. That is what we used to do, but we cannot do that right now.

THE CHAIR: I know we covered this a bit last week, but there may be a slightly different audience for annual reports hearings, compared to a particular inquiry. In your attempt to acquire a place to work in the courts precinct, what has been the Attorney-General’s response to that request?

Ms Beacroft: The attorney and the minister are very aware of this issue. They have been very supportive of finding a solution, and probably that question is better put to them. It is a difficult situation, but the board itself cannot solve this problem. We did a trial at the prison; we have done trials elsewhere. The long and the short of it is that the board’s view is that we should be in the ACT courts complex, as we used to be.

Tribunals like ours do sit in other court complexes around Australia. I have personally witnessed that. There is a dedicated room that was funded and built in the ACT courts complex. But it is a difficult issue because it is not just a matter for government either. As I say, the Chief Justice indicated that she did not want the board sitting there.

THE CHAIR: Are you anticipating that that situation will change in the near future?

Ms Beacroft: The board is, at the moment, constantly agitating this issue. We need a solution. We are very concerned about the situation with the warrants.

DR PATERSON: You said that there has been a person in the community on a warrant or it has not been served, or fulfilled, for a year.

Ms Beacroft: The data, as of 18 February 2022, just last week, for the warrants we issued because we were sitting remotely—that is, they were on the phone and we cancelled them—show that we have got seven offenders who are still at large. The longest has been at large for 514 days, and the shortest is 18 days. Three are on ICOs

and four are on parole. They are all quite serious offences that they are under sentence for. And three have committed new offences.

DR PATERSON: We have a hearing with the Minister for Police and Emergency Services and Minister for Corrections this afternoon; so we might put those questions.

THE CHAIR: On behalf of the committee, I would like to thank the Sentence Administration Board, Ms Beacroft, for your attendance today. If you have taken any questions on notice—I am not sure if there were any—

Ms Beacroft: Just one on the time frames.

THE CHAIR: could you please provide answers to the committee secretary within five working days. The committee will now suspend for a lunch break and we will return at 2 pm. Thank you, everyone.

Hearing suspended from 1.48 to 2 pm.

Appearances:

Gentleman, Mr Mick, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

Justice and Community Safety Directorate

Johnson, Mr Ray, Commissioner, ACT Corrective Services

Justason, Ms Corinne, Deputy Commissioner, Custodial Operations, ACT Corrective Services

THE CHAIR: Good afternoon, and welcome to the public hearing of the Standing Committee on Justice and Community Safety inquiry into annual reports for 2020-21. We will now hear from the Minister for Corrections. We welcome Mr Gentleman and officials from ACT Corrective Services.

Please be aware that the proceedings are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and web streamed live. When taking a question on notice, it would be useful if witnesses used the words, "I will take that as a question on notice." This will help the committee and witnesses to confirm questions taken on notice.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you confirm for the record that you understand the privilege implications of the statement?

Mr Gentleman: Yes, I understand the words on the statement and the effect of them.

THE CHAIR: As we are not inviting opening statements, we will now proceed to questions. This morning I inadvertently touched on employment at the AMC. The Official Visitor Scheme annual report 2020-21 detailed a situation at AMC where changes were made to the requirement around fit-for-work certificates. This resulted in many detainees not being able to work for several months. The ROGS states that employment in the AMC is at 86.6 per cent, with most detainees in the service industries and none in commercial industries. Minister, what were the changes to the fit-for-work certificate that resulted in this month-long delay for some detainees?

Mr Gentleman: I am pleased with the work that Corrections has been doing to provide some employment for detainees across AMC. It does give them a feeling of value; we know that. We want to do as much as we can within the prison, as well as having the opportunity to think about outside the prison walls. In relation to those specific questions on the certificates, I will pass over to Commissioner Ray Johnson.

Mr Johnson: I understand the privilege statement. The Deputy Commissioner, Custodial Operations, can answer that question, so I will hand over to her.

Ms Justason: I also understand the privilege statement. A while back, we implemented a policy that required every detainee applicant for a position to have a fitness-for-work assessment done specifically before a hiring process for the position. This was a 100 per cent requirement for every application for every position. Justice

Health rightly pointed out the administrative and work burden that this placed on them. As we consulted with them and the detainee population, it meant that for a period of time a number of those detainee applicants could not be employed.

With the change in process that we put in place, we have identified specific positions that may require such an assessment. For instance, if a position requires semiregular lifting of 50 pounds. If a detainee applicant for said position on their application has noted previous injuries or some sort of disability, we may seek a fitness-for-work assessment, or at least input, from our Justice Health partners in terms of the appropriateness of that particular detainee being granted that job with the limitations that they have noted.

THE CHAIR: What were the requirements before the change and what are the requirements now?

Ms Justason: The requirement before the change was that 100 per cent expectation for every detainee applicant for every position to have that fitness-for-work assessment. The change was to move away from that to a more common-sense-based assessment only where a detainee provides information to suggest that we need to review that.

THE CHAIR: Why don't we have any detainees in commercial industries?

Ms Justason: I am sorry; can you define "commercial industries"?

THE CHAIR: Is that something from the report or just something—

MRS KIKKERT: Chair, if I can clarify, it is prison employment; there are commercial industries, service industries. We have a percentage of inmates working in the industry services, but none in the commercial industry.

THE CHAIR: Do you have a page reference, Mrs Kikkert?

MRS KIKKERT: I do not have the page reference.

THE CHAIR: We might leave that for you to consider as a question on notice.

DR PATERSON: We heard from the Sentence Administration Board in the last hearing, before lunch. They pointed out in their annual report that women have lower community corrections completions than men. The board said that this was a problem across Australia—women are not completing their community corrections orders—yet the rate should be equivalent to that for men. What is being done to address this and where do you think the gaps are?

Mr Gentleman: It is an important question, as we look to ensure we can deal more with offenders outside the AMC and provide more opportunities for women in particular. I will pass over to the commissioner and directorate officials for the details of that.

Mr Johnson: You are right; the comments before from the Sentence Administration

Board are correct in terms of the trend across Australia. We have talked about this in previous hearings: we are working on an integrated offender management program. The first part of the integrated offender management program focuses on women, particularly. The whole program is designed to help people go from the point at which they arrive in custody, if that is where they find themselves in the system, right through to the point where they leave custody, return to community and, ultimately, finish their sentence. That would include a more holistic dealing with people both in custody and in the community.

We find that some people's needs in the community are greater than others, when they return to community. Some people come back into community, have family connections and have a reasonably good time with the community. They have not necessarily been in prison for that long, for example, so their need for ongoing support is smaller. Others come back with less support, and they would be the ones who struggle more to complete their community service and parole.

Through the IOM process, we have been consulting with community regarding building processes that will help us to manage within the community. One of the things that came up from our consultations was the community sector's belief that they can take a greater role in supporting us to support people within the community, to get them back into normal life and get their completion rates up.

It is an aspirational journey that we are on. We recognise the work that needs to be done in terms of helping women to return to the community, noting, as the Sentence Administration Board noted, some of the particular challenges for women returning after a period of incarceration.

DR PATERSON: Are there programs that we are looking to in other jurisdictions where they are also trying to tackle the same issue that are worth replicating here?

Mr Johnson: The team is certainly looking interstate for inspiration. Some jurisdictions are going quite good work in that space. Corrections is one of those areas where there is some really good cooperation across jurisdictions, and this is one of the places where we are trying to look for good practice and implement it ourselves. But we are a unique jurisdiction, in that we are not particularly large in terms of numbers. It gives us some opportunities; it also means that some of the programs that work interstate do not work quite as well here. We are certainly looking for opportunities; we do not want to necessarily reinvent the wheel, as they say.

MR BRADDOCK: I am interested in the Hume Health Centre and whether it has the physical capacity to upscale service provision to meet the demands of AMC's population.

Mr Gentleman: It is always a challenge, having regard to the physical ability to be able to manage these sorts of services. We do the best we can. Of course, should we need further resources for this, we would work together with our cabinet colleagues to do that. I will pass over to the commissioner to provide more details.

Mr Johnson: Recognising that the population, since the inception of the AMC, has grown, and the need for medical services has obviously grown over that period of

time, a range of work was previously done with the Hume Health Centre. For example, what we now call building J, which is an administrative centre outside the Hume Health Centre itself, was built—I would have to clarify this—a couple of years ago to allow the administrative work to be done outside the Hume Health Centre, which means the Hume centre itself becomes almost fully clinical.

That action in itself expanded the capability of the Hume Health Centre. At the moment we are coming back to some more work that we hope to have finished by the end of this financial year that improves the facilities for both Winnunga and Justice Health within the facilities that are available inside the footprint that is the Hume Health Centre. That work is not significant work; it is changing some rooms around and making them more useful than they currently are. We think we are getting pretty close to getting the maximum amount out of the Hume Health Centre.

MR BRADDOCK: Will that still be sufficient space, even with that additional work, to meet those healthcare needs?

Mr Johnson: Always, as prison populations expand, and the health, both mental and physical, needs of detainees become more complex, which seems to be a trend, there will have to be some consideration of how we deliver that. Whether there are opportunities to deliver it in a different way—for example, using satellite centres—or whether we need to expand the Hume Health Centre, is something we need to continue to discuss with government and with Justice Health and Winnunga.

MRS KIKKERT: The transitional release centre is being under-utilised. In 2021 it serviced only nine people. Detainees have complained that the eligibility requirements to be in the TRC are either too complicated or too difficult to meet. The TRC procedure and policy was not even accessible to detainees until quite recently, after the inspector pushed for it to become more publicised for the detainees to know what they needed to do to enter the transitional release centre.

My question is: how does a detainee obtain either standard or enhanced privileges when the policy that governs privileges does not exist and has not existed for more than three years, even after the inspector recommended that it be implemented as a matter of urgency?

Mr Gentleman: Thanks very much for the question. It is important, as we look at the ability to use the TRC and the transitional release program. That is a structured program designed to engage those eligible detainees in reintegrative activities that will assist them to transition from custody back to the community. For example, they may be able to leave AMC during the day to attend work; the program is open to eligible sentenced male and female attendees. There is really no limit on the detainees that can participate in the program itself, and that affects how we use TRC as well. I will pass over to the commissioner to give you more detail.

Mr Johnson: Mrs Kikkert, I will answer it in a couple of ways. First, I will talk briefly about the incentives and privileges policy. We are almost settled on an IEP policy, as we call it. What I have learned in my time here is that it is a very complicated thing to implement, and particularly within a relatively small facility like ours. We will have to step into it carefully so that we do not get it wrong. It will be

really important to get it right.

I am aware that, in the process originally of transitioning to the TRC, the earned privileges policy was assumed to be coming into play, and it has taken much longer than we thought it should have to reach that point. That said, people are still able to transition through to the TRP, then potentially to the TRC. There is work ongoing to simplify that as much as we possibly can. I made a change to the classifications policy earlier this year which allowed a simplification of that policy, which was one of the systemic barriers that we spoke about earlier for people to transition into one of those programs.

Obviously, with the other hiccup we have had, I hate blaming COVID for everything, but it has been a difficult pathway through COVID, because most of the underlying opportunities that our transitional release program provides involves returning to community to do education, to meet with family, or to start work and other things, which, with COVID in the community, become very difficult. It has certainly put a bit of a spanner in the works in terms of getting the TRP functioning to its best effect.

At the moment we have only two people qualified, one male and one female, for the TRP. We have four in the pipeline waiting for approval through the process. We have done some work to try to encourage detainees to be interested in the program because we want to get to the point where we can use it to the maximum effect.

You can be on the TRP without being in the transitional release centre. We can have more than the 20 beds, potentially, where we have people on the transitional release program. At the moment we want to use the TRC for those people particularly, because whilst we are trying to manage COVID, if we can get them into the TRC, we can manage the two cohorts so that we are not cross-pollinating and potentially raising COVID infections.

We are hoping to be able to open the TRC itself for habitation again by March or April this year—that is what we are working towards—and continuing to expand on it as we go.

MRS KIKKERT: The TRP is managed by two corrections officers, a male and a female?

Mr Johnson: The TRP has two suitable detainee candidates. There are two on the program.

MRS KIKKERT: There are just two on the program?

Mr Johnson: Yes.

MRS KIKKERT: I have heard from many inmates that they just do not have enough support to allow them to know what needs to be done. How are you making sure that inmates are aware that this is happening—that TRP exists and that they could actually get into the program? How many people can be in the program?

Mr Johnson: Ultimately, the requirement for the program is the right classification

level. For example, you could not have somebody in a high-security classification on the TRP. Once they are at the right classification level, there are limited things to prevent them from getting onto the program. We have to go through the process of assessing them for what bits of the program they are going to use and how we are going to facilitate that. Other than classification, everyone is able to apply for it. We have had a number of applicants, obviously, over recent times because we have done some promoting of the program.

Each detainee sentence management officer is aware of the program; all custodial officers are aware of the program. We have done some work with both custodial officers and sentence management. We have the transitional release team, which includes an employment officer to help people with employment, as part of the TRP, to manage them when they are successful in getting onto the program.

Mr Gentleman: To add to the commissioner's comments, there is no real limit on the amount of people that can be in the program. It is just whether they can qualify for it. We would set them up in the TRC as that program goes forward.

MRS KIKKERT: Will there be a work eligibility to get into the program?

Mr Gentleman: Yes, that is the test.

DR PATERSON: Can you confirm that the TRC has not been used to house COVID-19-positive detainees?

Mr Gentleman: No, not at this point. We did think about it at a stage. I will pass over to the commissioner, but I understand that has not—

Mr Johnson: We have not used it for COVID-19-positive detainees. It was considered as a possibility, but we dismissed it because we want to be able to use it for the purpose for which it was intended. We have gone down other paths to manage our COVID-19 admissions.

THE CHAIR: Regarding the CORIS system, during estimates, on 25 February 2021, when asked about the rollout of CORIS, the minister stated that it was expected that it would be fully implemented before the end of December last year. In estimates, in October 2021, when asking about what the implementation time line was, it had been pushed back to April this year. The final cost may end up being slightly higher than the original budget of \$7.773 million.

At the time of the October 2021 estimates, various pieces of information recorded on spreadsheets was being collected to be implemented in CORIS. My question is: given that the rollout of CORIS was originally to be mid-2018, it was pushed to 2019, then 2021 and now April 2022, is the rollout of CORIS for business-as-usual activities on track for full implementation by April 2022?

Mr Gentleman: Thank you very much for the question. Yes, it is an important one, and it has been a challenging time to move from that old physical storage capacity to the new one. It is being implemented. I will pass over to the commissioner to give you some of the time lines in regard to that.

Mr Johnson: Yes, we are working towards April or early May as a go-live date. Any go-live date brings its challenges. Of course, picking April-May as a go-live date puts pressure on us to get all of the training done before that time. We are finding now that a number of staff are having periods out of work because of COVID-19 infections or being close contacts, which has put some stress particularly in the custodial officer space.

We are still trying to work out how we can deliver the training we need to roll it out in an effective way by April-May. I would expect, if it slips, that it will slip on the basis of our need to get our people trained and in play before we can turn it on, so that it works pretty much as seamlessly as it can. In fact, all systems do not work perfectly from day one. But I am hopeful to have it fired up and working before the beginning of the next financial year, so that all of the data that it produces will be live out of the new system before 1 July. We will have hopefully worked the bugs out, if there are any, before then.

THE CHAIR: What is your estimate of how over budget this will be?

Mr Johnson: Thanks for the question. It depends on a couple of change requests that are still pending, but it could be in the \$300,000 to \$400,000 mark. I think that was the latest assessment I saw. Out of a \$7.7 million budget it is a small amount; nonetheless, we will need to absorb that cost.

THE CHAIR: Okay.

DR PATERSON: My question is about the AMC's approach to COVID and the planning that has gone on—who knows how long the pandemic will last?—and the challenges that the prison faces.

Mr Gentleman: Thanks very much for the question. It has been a challenge for all government departments. I think that our commissioner and staff at AMC have done quite a remarkable job in ensuring the safety of detainees and the staff at AMC, and those people that need to come and visit AMC as well. We have put in place some unique opportunities—for example, RAT tests with some health overlays to ensure that we can provide that safety. There is always a challenge, particularly for staff, in ensuring that you can get testing done in a timely manner and that people can get onto their shift pattern and stay safe during the process. The commissioner will have some more detail on that, so I will pass over to him.

Mr Johnson: Thank you, Minister. I would just like to echo the minister's comments. I am particularly in awe of staff over the last two years, in their ability to respond, react and deal with the very challenging circumstances and still make the facility and the work of corrections function, both in the AMC and in the community. It has been an exceptional effort. I would just like to put that one on the table.

Prior to my time, there were clearly considerable plans put in place for the AMC on the basis of a potential outbreak. Thankfully, in the ACT those plans did not need to be put in place for quite some time. The numbers of COVID cases in the ACT up until relatively recently were quite low.

But as you are aware, we found that when the outbreak occurred—I think it started in August—that really caused some challenges, particularly for the AMC. Obviously, trying to keep COVID out of the detainee population and trying to keep our staff safe has been quite a challenge. We have a range of plans which include, unfortunately, occasional periods of lock-ins for detainees while we work out where we are at with particular cases.

We have been setting out processes. Where a detainee is known or suspected of being COVID positive, they go through a process of quarantine and testing before they are put into the broader population. As the minister reflected on, we brought in a process of using rapid antigen screening for all those coming in and out of the AMC, including staff and visitors. That has allowed us to try and balance the opportunity for detainees to have visits whilst still keeping them safe from COVID. As of today, we are still managing a situation where there are limited physical contact visits, and certainly in-person visits, for detainees whilst we are using all the protections we can put in place to keep it out of the AMC.

So it has been fabulous work by staff, and our Justice Health and Canberra Health Services colleagues have been fabulous as well, helping us through that. For a period of time last year, we had an infection expert from Canberra Health Services come to the AMC and work through with us a number of things that helped us to prevent infection and set up systems to try to keep people as safe as we can. So we have learned a lot, we have done a lot, we planned a lot and we are thankful that, at this stage, at least, we continue to have no internally transmitted COVID-19 cases in the AMC.

DR PATERSON: Fantastic. Thank you.

Mr Gentleman: If I could add to the commissioner's comments there, these efforts have been put in place to keep our detainees safe. Looking after their welfare is a central part of the work that we do at AMC.

DR PATERSON: My supplementary is in relation to the vaccination program, or booster program, within AMC.

Mr Johnson: Thank you. I have not got the exact figures as they would be today; we get them regularly from Canberra Health Services. The last ones I saw—I may have them fresh off the boat—as of 3 February were: 82 per cent first dose, 79 per cent second dose and 46 per cent boosters. That is slightly lower than the figure that I saw before I went on leave, partly because we have quite a turnover of detainees, obviously. As people come and go, they come in without being vaccinated and they start the vaccination process in the AMC and then ultimately enter the population. We would like it to be higher than it is. We have worked very hard to get it up as high as we can get it within the population, but that is where it stands today.

DR PATERSON: Great. Thank you.

MRS KIKKERT: Are remandees being tested before they enter AMC?

Mr Johnson: Yes. Every detainee who enters the AMC is tested on day one and is then put into quarantine for a period of seven days. They are re-tested at—

MRS KIKKERT: Sorry, Mr Johnson. I meant before they enter AMC. If they are at the watchhouse, are they getting tested beforehand, at the watchhouse, and then transferred to AMC?

Mr Johnson: That would be a question you would have to ask the Chief Police Officer, I think. I know, anecdotally, that they are doing tests in the watchhouse. I think they are using rapid antigen screening in the watchhouse as well. We are obviously aware of what the results of that are, but we always take a precautionary position and everyone is in full PPE until their status is confirmed.

MRS KIKKERT: Yes. Who transfers the remandees from the watchhouse to AMC? Is it corrections officers or the police?

Mr Johnson: Corrections officers.

MRS KIKKERT: Are you concerned about their health and wellbeing, if you are not sure if the remandees that they are transferring from the watchhouse to the AMC are being tested?

Mr Johnson: Previously, before rapid antigen screening, the PCR would have taken quite a period of time, and the legislative requirements for us to take custody would have prevented us waiting until we got the PCR result. For the whole period of time, we have had all our court transport unit staff, when they are dealing with detainees, in full PPE—that is, gowns, glasses, masks, gloves, the whole bit. We continue to take that precautionary measure and even if ACT Policing are testing them in the watchhouse, we are still maintaining that precautionary measure.

MRS KIKKERT: Okay. Thank you.

MR BRADDOCK: I have a question about nutrition for detainees. Is there a budget or allocation of how many kilojoules per day detainees are provided in food and is any allowance made for detainees' individual circumstances, whether it might be physical labour or exercise or anything like that?

Mr Gentleman: Thanks very much for the question. It is an important one; we want to make sure that our detainees are as healthy as possible. We receive expert advice on the nutrition that can be provided for them and what is needed for them into the future. There are always some supplementary opportunities, if needed, as well. The commissioner will have some finer details for you.

Mr Johnson: Thank you, Minister. We regularly have the meals reviewed and the menu reviewed. It was done again in preparation for 2022, and it was done in consultation with detainees and nutritionists and Canberra Health Services. That is the process we have got in play and that is the menu for this year. We consulted with detainees when we started the process. There is limited ability to make too many allowances for individual choice in terms of meals when you are potentially serving 400 detainees.

I do make the point that, when people are in the cottages, they are able to cook meals for themselves. Even within the other facilities, there is the ability to purchase noodles and that type of thing. You can increase your food intake, if needed. So there are alternatives, if needed.

MR BRADDOCK: Can I please clarify that, because I have heard reports that detainees are not getting enough nutrition. Are those options available for all detainees?

Mr Johnson: They would be. If they are in the cottages, there are kitchen facilities and so forth and there is the ability to be provided that food. If they are in the other facilities, they get the meals that they are provided, that they choose, and whatever else they can have, so I would be surprised that anybody could say that they do not get enough nutrition.

MR BRADDOCK: Thank you.

MRS KIKKERT: My question is in regard to smoking at the AMC. Smoking is allowed in outdoor areas and it is banned in indoor areas. All other states and territories except for WA have totally banned smoking in indoor and outdoor areas for their prisons.

The annual report states that Corrective Services received an improvement notice from WHS due to workers being exposed to second-hand smoking. Shortly after receiving the notice, Justice Health began working on implementing a voluntary smoking cessation program. It was noted by the inspector back in 2019 that smoking happened as a matter of course in indoor areas of the prison, and since at least 2015 the ACT government has expressed a strong desire to ban smoking at the AMC but has never firmed up a plan to do so.

So my question is: the WorkSafe improvement notice indicated that there was a failure to adequately enforce compliance with the corrections management smoking program. Why did WorkSafe believe this was the case?

Mr Gentleman: Thank you for the question, Mrs Kikkert. We, of course, have been working on the problem. We are continuing to look at a solution for this. JACS is aware that second-hand smoke exposure is a problem. We did receive some funding in the 2021-22 budget year to be allocated for dedicated resourcing to progress the work on a comprehensive proposal to transition to a smoke-free AMC facility.

I have been a smoker myself. Many years ago I gave up, and I think it was one of the best decisions I have made in my life. So I would recommend that those that are smokers should do the same for their health and for other people's health as well. The AMC is continuing that work and we will have more to report on it later this year.

MRS KIKKERT: Is there any further remark? Is there a policy at AMC that says that smoking indoors is wrong? Do you ban smoking indoors?

Mr Gentleman: We have a smoke-free policy, and we are working towards that by

not permitting smoking within the crisis support unit, prior to custodial health staff visiting on their medication rounds. Holding face-to-face health reviews with detainees at the Hume Health Centre is another piece of work there, and the provision of fans in the CSU officers' station to improve air circulation. They have been some of the steps that have been implemented so far. But there is a lot more to do. I spoke strongly about this at the ACTCOSS forum last year. There is quite a bit of work still to do. The commissioner will have some more detail for you, though.

Mr Johnson: Yes, there is a policy that relates to smoking at the AMC. It does not prohibit it completely, obviously, hence the conversation, but it does limit it to certain places, primarily outdoors. The CSU is the only place that occasionally might be allowed for smoking at this point in time, considering that there are vulnerable people at risk in that space. Sometimes a choice will be made on the balance of the best good to allow smoking in that space. The provisional improvement notice sought for us to enforce more fully the policy as it exists, and that is what we have been working very hard to do in the time since that provisional improvement notice was issued, in preparation for the plan to go smoke free.

MRS KIKKERT: How do human rights factor into whether smoking can be fully banned and fully enforced? I note that Queensland also have a Human Rights Act and Victoria have their charter of human rights, yet both have banned smoking indoors and outdoors in their prison.

Mr Gentleman: It is probably really a question for the Human Rights Commissioner on whether or not there are limitations as to how you ban it. I know that smoking itself can calm people that are habitual smokers and be offensive to those people that are not smokers. We know, of course, that it is a health risk for those that are either smokers or inhaling second-hand smoke. In relation to the aspects of the human rights provisions at the AMC, I will pass to the commissioner for the detail.

Mr Johnson: Thank you, Minister. Look, I would agree. I think the Human Rights Commissioner may have a view on how they would see the balance between a human right around smoking and—

MRS KIKKERT: But do you factor that into your decision-making, Mr Johnson, in whether to ban smoking completely at AMC? Do you factor human rights in there?

Mr Johnson: Absolutely. The Human Rights Commissioner will be consulted in the process of the plan. They are one of our key stakeholders, and we regularly go through the process of negotiating and consulting with our stakeholders. Obviously, the Human Rights Commission are active and they are interested in our work, so we will certainly be consulting with them in the process.

MRS KIKKERT: And those human rights—

THE CHAIR: Thank you, Mrs Kikkert. We will move on from this line. You will have a chance to come back to it. I have a fresh line of questioning regarding the Justice Housing Program. How many people have accessed this program and how long is the wait list?

Mr Gentleman: Thank you very much, Mr Cain. The government is committed to reducing recidivism in the ACT. The Justice Housing Program is funded as part of the Building Communities, Not Prisons policy that has been running since May last year, and it will be evaluated and expanded as necessary. The government is committed to expanding those transitional accommodation options and looking after detainees leaving the AMC. With that, I will hand over to our directorate officials. I think Bruno is on the line, who has a good stream of knowledge on this.

Mr Johnson: Sorry, Minister, it is back to me at this point. We will confirm those numbers as soon as I can get them to hand. I did think I had them with me, but I will have them to hand any second.

THE CHAIR: Thank you. We will take that as a question taken on notice anyway, in case you cannot get back to us. So how long is the wait list for the program and are there plans to expand the program?

Mr Johnson: Thank you for the question. The wait list varies, of course, depending on what category you might be in. In fact, we have more beds for males than females, but the demand is obviously different between males and females. We are working with Yeddung Mura now to roll out another two residences with four beds, two beds each, particularly focused on Aboriginal and Torres Strait Islander communities.

We generally try to work for some time before someone is released, so we are not finding ourselves with wait list times. Of course, the wait list times will change depending on the time and space, so you could not quantify a particular wait list. The idea will always be to get somebody into housing at the time when they need it, which is the point of release.

THE CHAIR: Thank you. And a final one from me on this. How many have applied to the program and been rejected and why were they rejected?

Mr Johnson: I would have to take that on notice. I know that there have been a couple of people who have not been able to enter the Justice Housing Program, but I will need to take that one on notice. I would not have those figures in front of me.

DR PATERSON: I think I asked this question a year ago about the recruitment of female Corrective Services officers—whether that was a priority or not. I think you were going through a recruitment process when we discussed this. I am interested to know, a year later, what moves are being actively taken to employ female Corrective Services officers and also to have a more diverse workplace.

Mr Gentleman: I am very pleased with the work that the commissioner has been doing. It has meant that we have seen more recruitment. I have been with him for a number of recruit college graduations, which I am pleased to see have involved female staff as well. I will pass over to the commissioner for details.

Mr Johnson: Thank you, Minister. It is an ongoing body of work to try to increase the number of women interested in working in corrections. It is a not a dissimilar problem to what I saw in the policing context because, on average, about 30 per cent of your applicants are female. That, in and of itself, should not be an obstacle to us

increasing the number of female staff that come through on recruit courses.

We run a number of in-person sessions for anyone interested. In the last round of recruiting that we did, a number of female corrections officers attended those sessions to provide some detail about how it would work with female applicants and so forth. We have focused our advertising towards encouraging female applicants but also encouraging, as you have made the point, a diverse range of people to apply to become correctional officers.

It is a national trend that it is hard to get them. We get a reasonable number of applicants, but often not so many of them transfer through into successful recruits, for a range of suitability reasons which all jurisdictions are being challenged by at this point in time.

It is going to take quite a while to balance the male/female demographic in our corrections officers further; but I was pleased to see that, of the staffing increase, the physical increase in numbers—putting attrition aside—we increased by 15 officers in the six months from the middle of last year to the end of last year and seven of them were female. So we are making some small inroads into the balance, but it is still a challenge to get a good pool of applicants. That is where we are putting some focus now in our recruitment procedures.

DR PATERSON: Great.

Mr Gentleman: I can say that, in addition, leadership training and opportunities to act in higher positions have been provided to women within ACT Corrective Services to enhance career development. So it is not just about trying to get more female staff in at the ground level; we are trying to provide better career progression for them as well.

DR PATERSON: Fantastic.

Mr Johnson: Thanks, Minister. A good example of that was that we were offered two positions on a recent Australian Institute of Police Management program called the Balance program. It is a week-long program focused particularly on inspiring women leaders. We were offered two positions, and two female officers from corrections attended that course. By all accounts, they gained a great deal out of it. We hope to continue being offered opportunities on courses similar to that so that we can develop our middle and senior management women.

DR PATERSON: Excellent. Once women are recruited, are there mentoring programs and things within the AMC where they might work closely with other females who have been there for longer?

Mr Johnson: We have not got an official, formal mentoring program as yet. Unofficial programs, of course, work, and women who are working in the corrections space reach out and help new recruits, but that is an informal process. I think there is value in a more formal mentoring program. We are just trying to fit it into the program of other things that we are trying to get done at this point in time; but I am interested in a mentoring program because I think they work really well, having been part of some of those in the past.

MR BRADDOCK: I am interested in the status of the reintegration centre project and particularly the \$35 million that was budgeted for that. Can you please update me on where that is at?

Mr Gentleman: Yes. I will pass that straight over to the commissioner.

Mr Johnson: Thank you, Minister. We spoke a little bit about the transitional release centre and the work we are doing there. A decision of the government in the last budget gave us some money to do some more work in preparation for the reintegration centre, which has been paused at this point in time.

What I would say is that, if we can get the transitional release centre working, it will do what we want the reintegration centre, on a larger scale, to do anyway. It is the first step to get ourselves scaled up to a reintegration centre. We are focusing on what we are doing to get the TRC up and running, which includes a couple of staff to support it more fully. We are looking at what we might be able to do to provide more things at the TRC.

At the moment, because of the COVID challenges, once we get it up and running we are looking at having to bring people to the TRC to run programs and so forth, rather than people always going into the community, to try to keep them safe. So we are looking at that money as being spent on some of those programs. At this stage, the reintegration centre funding that you speak of has been paused, pending the budget processes into the future.

MR BRADDOCK: To clarify: how much of the \$35 million budgeted for the reintegration centre has been spent on the TRC?

Mr Johnson: This is probably a better question for the finance people. As I understood it, effectively this was new money provided by government to do this work with, and it was not necessarily repurposing of the reintegration centre money. I might hand over to somebody who is better able to answer that question.

Ms Doran: I might have a first go at this, noting that I am not the finance person. In a broader strategic sense, I can talk to the reasons for the change in approach to the reintegration centre. As the commissioner has indicated, it is a pause that we have currently put in place for that piece of infrastructure.

Importantly, it is not a pause for the work more broadly on reintegration and rehabilitation. There is a lot of work being done on the programming side of that: employment, education et cetera. We saw that as an important piece to have in place first and almost a prerequisite for the building of new infrastructure in this area. The moneys that you have referred to have been held in provision, essentially, in the budget, consistent with the pause. No moneys have been spent on the transitional release centre, as the commissioner said, but they are sitting there, pending the reconsideration of the timing of the reintegration centre.

I would like to, in this discussion, also note that at the original time of considering the reintegration centre business case, the AMC was facing quite significant detainee

population pressures, with the numbers sitting in the high 400s, close to 500. I think it even went over 500 at one point, which is very close to the maximum capacity of the facilities there.

At the moment, we have detainee numbers at around the 360 mark. While they do vary from month to month, they have been at that below 400 point for almost 12 months. That puts a very different context on the consideration of accommodation needs at the AMC and has allowed some time to look at the medium and longer term strategies around accommodation, including the reintegration centre as an important medium or longer term piece. It is also allowing time to focus on some of the other pressures. We have discussed the women's accommodation a little today, as well as some of the needs in the space of industry. All of those issues are being considered strategically now and will come forward in a new budget business case process and allow new consideration by the government.

Mr Gentleman: If I could add to the DDG's comments there, it is important to note that the pause really came about because, as Karen said, the capacity at AMC has dropped a little. There is also the capacity for the amount of construction that can occur in the AMC. It is important to do some of the repairs that are needed at the moment, repairs we have seen from storms and other damage as well. When I became minister, it was clear that the TRC and the reintegration programs were not optimal, so we have been doing the work to get this happening. As the commissioner said, we are hoping to get it so that the TRC can deliver what the reintegration centre would deliver.

MR BRADDOCK: I look forward to seeing that too. Thank you.

MRS KIKKERT: Who originally put forward the business case for the reintegration centre?

Mr Gentleman: JACS put it forward, through the minister.

MRS KIKKERT: The reintegration centre, from my understanding, is for educational purposes, to allow detainees some sort of an area where they can go and learn apprenticeship-type skills so that when they are released from AMC they are well integrated into the community. However, what I am hearing from Ms Doran is that it was paused because there are fewer inmates at AMC. So was it originally designed as accommodation, not so much as an educational, apprenticeship-type of reintegration centre, or was it both?

Mr Gentleman: Bringing those detainees back into the community is certainly part of the program and that education part is very important as well. The physical building is what we are talking about, in the construction sense, but it was designed as both, as the education building and also the place to house people as they reintegrate back into the ACT community. And it has been under-utilised.

MRS KIKKERT: My next question is in regard to the oversight committee. The committee was there to improve the culture of the AMC, address staffing issues and rostering issues and identify priorities for the AMC to work on. Most of the work has been confidential, but we know that they recommended 12 priority areas that

Corrective Services could work on. The majority of these recommendations were made by the inspector last year or in previous years. Why did it take so long for the oversight committee to actually provide these recommendations to Corrective Services and for the minister to act on them?

Mr Gentleman: Firstly, let me respond to the recommendations from the inspector. You have seen our very appropriate responses, as government, to those recommendations over time. We have put those recommendations in place as soon as possible. In response to the oversight committee, they have not been finalised yet. As soon as they are and there is a report made, we will certainly be acting on those. In relation to some of the detail, though, I will pass over to DDG Karen Doran to give you a bit of background on the work they have been doing.

Ms Doran: As the minister noted, the oversight committee is still finalising its processes and considerations, and it is due to report around the end of March. They are on time for that reporting date. The committee comprises representatives from the AMC staff and from the unions, and some of the oversight, including from the HRC, was that it have an independent chair. It has been focusing on issues at the AMC, as you have noted already, around staff culture, but also issues related to training out there, rostering, and general work conditions for staff, in order to facilitate their best contributions to the AMC.

There has been quite an extensive consultation process through the review. There have been a number of staff surveys and staff meetings. The chair herself has gone out and had sessions with staff. I should have also mentioned that on the committee are Aboriginal and Torres Strait Islander representatives as well.

The committee is looking to finalise its considerations. At the moment, we expect that the considerations will be around those key topics which have been the basis of discussions and consultations to date. Importantly, they will represent a balance of views as well, given the representation on the oversight committee itself. That is probably the update that I can provide at this stage. As I said, the report is expected at the end of March.

MRS KIKKERT: Thank you. But before the report is finalised, the committee has actually identified 12 areas that need to be prioritised and looked at. The inspector recommended these areas before—most of them, actually—maybe seven out of the 12 recommendations. Why were they not applied or implemented when the inspector identified those issues in the past?

Mr Gentleman: Thank you, Mrs Kikkert. Firstly, as I said, the report has not been concluded. I can say that the oversight process was largely designed to improve outcomes for staff, and doing this has a positive impact, of course, on detainees. This was a process that worked well within our ACT Ambulance Service, and that is one of the reasons that we went through this process. While the final report has not been provided, the stakeholders who are a part of the committee have provided me with some very positive feedback about the work of the committee and the positive impact that it is having at the moment. They will be able to provide that report when it is finalised.

MRS KIKKERT: One of the recommendations from the committee is about the detainee property policy. However, it was already being considered and reviewed as part of the government's response to the inspector's 2018 remand review, and it was supposed to be notified by 30 June 2021. Why was it not implemented prior to this, Minister?

Mr Gentleman: Mrs Kikkert, I will not be commenting on the committee's findings or focus areas before I have read the report.

MRS KIKKERT: Are you aware of the 12 recommendations from the committee?

Mr Gentleman: As I said, I will not be commenting on these matters until I receive the report.

THE CHAIR: Mrs Kikkert, we will move on. Dr Paterson.

DR PATERSON: Thank you. I was just wondering, in relation to the Walking with Women on the Pathway to Change Framework, can you outline some of the key strategies of the framework and how they are being used to inform future service models?

Mr Gentleman: I will ask our directorate officials to fill you in on that.

DR PATERSON: Thank you.

Mr Johnson: Thank you for that question. Perhaps the best way to answer it is that the Walking with Women Framework was the culmination of considerable consultation with interested parties up to March or April of last year. What it did was sit quite well with the then progressive Integrated Offender Management framework. The Integrated Offender Management framework's first priority was women and it coordinated itself nicely with the return of the women from the facility they were in, as a result of overcrowding for a period of time, back into the purpose-built women's facility. The framework sets out a number of principles, more than particular strategies, and that is being used to inform the Integrated Offender Management model for women.

I think we talked a bit about some of the work that we are doing now with returning to the community. I can provide more detail in written form, if that is helpful. If it is suitable, I can take the question on notice. But I can fill you in on part of the work that we are doing now in getting the transitional release programs and the throughcare programs working well for women.

Making sure that there is a more intensive case management process, for example, is one of the strategies where they are assessed as needed. When you return to the community you have got, for want of a better word, a critical friend that helps you get through the challenges of going back into community. Some of the strategies are to make sure that the programs that you can access within the community are programs that are suitable for you and that you can attend and get the best out of the programs, as well as a return to meaningful work, support for children, relationship counselling and so forth. It is to make sure that those are all coordinated.

A lot of these programs work and exist—and I think that, in part, they have not been particularly well coordinated in the past—to make sure that the people who need them get the programs that they need and not programs that they do not. That is the primary focus of the work that we are doing now. I think it might be better that I take it on notice, then we can draft up a bit more detail. I do not think I will do it justice here.

DR PATERSON: Thank you.

MR BRADDOCK: Coming back to the transitional release program, I am concerned about the 20 beds available in the TRC. That is nowhere near the same number as the 80 beds that were planned for the reintegration centre. I note that you did refer to the transitional release program as available for others within the prison population. How can they actually get used to transitional release if they are part of the general AMC population?

Mr Johnson: There are parts of the program. For example, it is not impossible for you to be released for work or to go to CIT and undertake a program if you are part of the program and still resident within one of the cottages. The idea would be that, instead of being in one of the high-security facilities in the AMC, you would be in one of the cottages. This is not as close as the TRC would like it to be, but it is closer to normal, looking after yourself and arranging meals and so forth. Whilst we accept that it is not the best model, it is one that we can use, and have done in the past, successfully. I accept that it might be better to have a different centre but ultimately the transitional release centre is still a detention facility, if you understand my point.

MR BRADDOCK: What would be the theoretical capacity of the TRP, then?

Mr Johnson: I guess, in theory, if everyone who was at the right classification and could meet the requirements applied, and we could deliver the services and we had the staff to deliver the services, then it would be as many people as were at that classification in the AMC. Primarily we are looking at people coming up to their release date. Obviously, priority would go to people who were 12 months, 18 months out from a release date, particularly those who have been in custody for significant periods of time, to help them transition. You might find that the TRP might start from inside the AMC and it might only be the last six months that they spend actually in the TRC.

I think that would have to be assessed on a case-by-case basis, because sometimes there is a degree of comfort within their facility—if they are in a cottage with their colleagues and have their support services around them and the ability for Forensic Mental Health or for our own mental health people to support them. Whilst it is arguably not a perfect model, it is certainly one that can work and has worked well in the past.

Mr Gentleman: Can I thank the commissioner, who has been working hard to access and assess the programs and pathways to get the TRC working. But I do not think it is prudent to build another facility when the existing one did not have anyone in it. We certainly need to look at that.

MR BRADDOCK: One final question is: how many people, on average, were discharged from the AMC each calendar year?

Mr Johnson: That one I would definitely need to take on notice. We can have a look at that, what the turnover would be, keeping in mind that some of them were discharged as remandees as a result of a sentence, potentially, or being not guilty or ultimately not getting a custodial sentence. We would have to look at specifically those that were sentenced and had been released. I am sure those figures are available; I just need to take them on notice.

MR BRADDOCK: I would appreciate that.

Mr Johnson: Just quickly, in terms of the TRP and the TRC and the COVID overlay, putting everything else aside in terms of the difficulty in making them work as well as they could—and we accept that there is more work to be done—COVID has put a challenge in front of us for both of those facilities because one of the greatest outcomes from TRP or TRC is to be able to go out and do your own banking or go and spend a weekend with your family or go to work. Each one of those things puts you in contact with the community. Currently, to keep the prison community safe, you would then have to come back in and go through a period of quarantine, which we do not want to do. We are even trying to work out how we do that through the TRC process.

Our issues at the moment are just making sure that we have got the right protocols in place to do what we can do but still keep it COVID safe. We will continue to engage with Justice Health, the community and Canberra Health Services to make sure we can do that. But we are at that point where we think we can do both of those things. For a period of time, I do not think the program will work to its absolute best effect because of the COVID situation we are in.

Mr Gentleman: What we really want to do is improve those processes so that detainees have a better exit pathway; they are not just released into the community with no support. We want to make sure that they are supported, and we did see that previously, of course. I might just ask the commissioner to give you a bit of detail about the work that the SAB does around parole as well.

Mr Johnson: I think you heard from the Sentence Administration Board earlier today. Whilst they are a separate entity, making their independent decisions, we try to work as closely as we can with them to make sure that we prepare people as well as we possibly can for their release. As I think you have heard, we would do reports, sentence management officers would do reports and present and provide guidance to the parole board, the Sentence Administration Board. As they reflected, they would try to take a therapeutic path. If there is any way possible that we can execute parole for someone and get them out of the AMC and back on a pathway to normality, they are very keen to take that pathway.

Albeit we accept their independence in terms of decision-making, we make sure that we provide them with all the material they need to make the decision and then, through our community corrections teams, supervise or take whatever actions they need to take to make sure that the parole board undertakes parole requirements.

MRS KIKKERT: Just last year I moved a successful motion on having onsite mental health specialists for our corrections officers. Can you please give us an update on where that is at?

Mr Gentleman: I will throw to the commissioner for that.

Mr Johnson: We have been working hard on our support to staff. Whether or not there are onsite services, there should be services available for people when they are needed. Recently we had an unfortunate incident at the AMC and, amongst a number of things, we had a particular expert come in and spend some time, for group purposes and for individual purposes, with those who were involved in that particular incident. We have also now onsite, at least once a week for the foreseeable future, somebody through the EAP system who has specialty in corrections work to support them as needed. The advice I have got is that they will reassess, as we go forward, whether that length of time onsite is sustainable and needed, because they will respond to need.

I think there are pros and cons of onsite all the time. It is just a matter of making sure that we can quickly access the services that staff need. We have done quite a bit of work with the peer support network and, in fact, the specialist we brought in for that particular critical incident also spent time with our peer support officers, helping them prepare, because the challenges of various trauma are considerable.

We are doing a number of bits of work in making sure that the new EAP which the ACT government has engaged is able to provide the service that it promised. At this point the service we have got has been well received. There are also some discussions I am having with an alternative in terms of prevention, an external body who can help us, with great expertise in the first responder world, to help prevention but also look at the role of families, how they can help support their loved ones working in the corrections space, how we can look after each other, and the role of management and how we can make sure we are doing what we need to do, day by day, in terms of looking after the mental health of our staff.

THE CHAIR: We might wrap up now. On behalf of the committee, I would like to thank the Minister for Corrections and ACT Corrective Services for your attendance today. If witnesses have taken any questions on notice could you provide answers to the committee secretary within five working days. The committee will adjourn for a short break and we will return at 3.30. Minister Gentleman will return after the break in his capacity as Minister for Police and Emergency Services. Thank you, everyone.

Hearing suspended from 3.16 to 3.30 pm.

Appearances:

Gentleman, Mr Mick, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

Justice and Community Safety Directorate

Doran, Ms Karen, Deputy Director-General, Community Safety

Whelan, Ms Georgeina, Commissioner, ACT Emergency Services Agency

Burkevics, Mr Bren, Executive Branch Manager, Emergency Management

Scott, Mr Rohan, Chief Officer, ACT Rural Fire Service

Jones, Mr Jason, Acting Deputy Commissioner, ACT Emergency Services Agency

Brewer, Mr Glenn, Acting Chief Officer, ACT Fire & Rescue

ACT Policing

Gaughan, Deputy Commissioner Neil, Chief Police Officer

Crozier, Assistant Commissioner Peter, Deputy Chief Police Officer

Whowell, Mr Peter, Executive General Manager, Corporate

Environment, Planning and Sustainable Development Directorate

Rutledge, Mr Geoffrey, Deputy Director-General, Sustainability and the Built Environment

THE CHAIR: Welcome back to the public hearing of the Standing Committee on Justice and Community Safety inquiry into annual reports 2020-21. We will now hear from the Minister for Police and Emergency Services. The committee will first discuss policing and then turn to emergency services. We welcome Minister Gentleman and officials from ACT Policing. I also welcome Mr Hanson MLA to our committee.

Please be aware that the proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses used the words, "I will take that as a question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you each confirm or indicate for the record that you understand the privilege implications of the statement.

Mr Gentleman: Yes, I do understand the privilege statement. Can I just advise that we are having a little trouble trying to get the CPO in on the call, but he should not be too far away. I might just ask the secretariat if they could provide the number to my office, and we will get him through there.

THE CHAIR: Okay. Members and visiting MLA, just note that, if it affects your questions. We are not taking opening statements, so we will move straight to questions. I will commence with regard to policing. Minister, you are probably aware, from previous committees, of the impact of COVID on officers and the community.

Can you provide an update on how COVID has impacted the force in terms of workload and the impact on personnel?

Mr Gentleman: Thanks very much, Chair. It is a very important question as we go to the safety of our community and the safety of our police officers, and their wellbeing into the future as well. It has impacted everybody across government and the private sector in Canberra. Particularly in regard to police officers we have seen some numbers stretched due to connection with COVID—either family connections or those that have had contact tracing and have needed to isolate for a short time.

I am very pleased with the operational response from Policing, and that they have been able to manage this. They have been able to use resources in a way that still provides safety for the community into the future. As you saw, there was a very good, strong response from Policing at the start of COVID and particularly when we were doing lockdown. Policing resources have been moved around the territory in response to other operations that have occurred, particularly, most recently, in relation to challenges with protesters that have attended the territory.

The CPO and his team have done a magnificent job. I also commend the AFP commissioner for the work that he has done in assisting the ACT to keep safe in these difficult times. With that, I am sure the CPO, who is now online, will be able to give you some more detail on some of those operations and the support that has been put in for staff.

THE CHAIR: Thank you.

Dep Commissioner Gaughan: Good afternoon, everyone. I have read the privilege statement and acknowledged its contents. Chair, we are happy to go to questions, acknowledging what the minister said.

MR HANSON: I have a supplementary question. Good afternoon, Minister, committee members and CPO. When we were at the height of COVID, certainly a number of police were pulled off investigations into things like organised crime. A variety of crimes were investigated and deferred. Can you give me an update on whether police are still being pulled off serious crime investigations and, if they are back on the job, what the impact has been?

Dep Commissioner Gaughan: Yes; thanks Mr Hanson. Obviously, our response to COVID has been somewhat diminished as the directions from the Chief Health Officer have also been changed. Certainly, over the last couple of months, we have pretty much gone back to BAU in relation to our police response as a result of COVID.

But as Minister Gentleman just alluded to, pretty much from early December—18 December—we have been required to be involved in protest activity around the territory. That has also required a shift of the resources. Certainly, with respect to serious crimes, such as the homicides or sexual assaults we have had in the territory, there has been a continuance of those investigations. But for what I would call proactive investigations—which goes to your point around organised crime investigations, where we proactively investigate matters—there has been, in some

cases, a cessation in those matters.

In some cases there has been a suspension and a slowing up of those matters so that we could target where the resources needed to be in relation to, firstly, our response to COVID and, secondly, our response now continuing in relation to the protests—which, I might add, have not stopped. We had protest activity again this morning, and the anticipation is that we will probably continue to see some rate of effort required on protests certainly over this weekend and indeed, until the lead-up to the federal budget on 29 March.

THE CHAIR: Any other supplementary question on this line?

MR HANSON: I do, but I do not want to be too pushy or I will get in trouble.

THE CHAIR: I have a question myself. With respect to these cases deferred because of the impact of COVID, is there a plan to catch up and are there resources to achieve this?

Dep Commissioner Gaughan: Chair, there will be a plan to catch up on those matters that are probably of a more serious nature. But, as I said, a lot of the investigations that we suspended were what I would call proactive investigations, where we had received a piece of intelligence in relation to someone, say, dealing drugs or something like that. We might suspend that matter but, ultimately, we are going to get back to that particular offender. There will be an opportunity at a later time to bring that person to justice, so to speak. But what I want to assure the community is that the serious matters such as sexual assault, homicide and those serious crimes against the person have continued and will continue regardless of what else is thrown at us.

THE CHAIR: Perhaps one more supplementary question, Mr Hanson, unless other committee members have a supplementary.

MR HANSON: My question is about the protesters and their ongoing protests. Particularly on the days where we have seen big activity, have you sought assistance from other jurisdictions to supplement ACT Policing—because, obviously, you are spread very thin?

Mr Gentleman: I might just go to it first, if I could, CPO. We received assistance from AFP national and other jurisdictions, and we are very grateful for that assistance. I have written to the federal government, Mr Hanson, in regard to my concerns about protest activity and what seems to be less action from the federal government in dissuading protest activity in the territory. I am very concerned that the results and responses I have received have not been that affirmative. It appears that they do not seem too worried about what is happening here in Canberra. It is most disappointing, but I will still persist and see what we can do. But, as I said, the assistance we have received from AFP national and other jurisdictions has been fantastic. I will pass back to the CPO.

MR HANSON: When you say “other jurisdictions”, are you talking about New South Wales? Who are we talking about?

Dep Commissioner Gaughan: I will take that, Minister. There has been no direct injection of state police or territory police to the ACT, Mr Hanson. Where the assistance has been invaluable, and it continues to be invaluable—and I have written to my interstate colleagues about this—is in the intelligence that we have derived from state and territory police in relation to people of interest that have come to the territory. That information has been passed squarely to us, in many instances without us even requesting it. We stood up a joint intelligence group here in Winchester Police Centre, which is still running, and it has been running since mid-December. That information and intelligence is collated, and it informs operational outcomes.

Without that intelligence from our state and territory colleagues, we would be running blind. Indeed, that intelligence obviously led to a high-profile search warrant that took place near Old Parliament House. So the intelligence was spot on. Indeed, our state police colleagues from far-away Western Australia and Queensland were actively monitoring convoys as they came to the territory and were able to pass onto us valuable information that enabled us to get an idea of the numbers, but also the types of people that were coming.

Adding to Minister Gentleman's commentary, we received not just physical assets from AFP national—and they came again from most parts of Australia, including Western Australia—but also assistance of some technical capability. Honestly, I am not going to go into it in an open forum, but that provided invaluable information and situational awareness that enabled us to manage the protests in a way which, overall, went very, very well. Certainly, it is the biggest protest we have had in the territory since probably the mid-80s, when we had the farmers' demonstration here, which was 40,000 people.

During the process of two months of growing protests we have made 23 arrests. I think that goes to show that we were able to manage it in a way that met the expectations of the Canberra community, and all our members acted in a professional and very resilient way, sometimes facing some pretty hostile crowds.

Mr Gentleman: These are some of the biggest protests that we have seen in the country. So being able to draw on AFP resources is an advantage that we have, given the unique relationship between the ACT and the AFP. I think it does go to some of the points I have made previously. Sometimes we see questions being fixated on the number of FTEs we have, rather than the capability or the surge capacity that exists within the broader ACT Policing and AFP.

DR PATERSON: My question is to do with the protests as well. How are these protests unique and what lessons have been learned from them, considering that there is more protest activity planned towards the end of March?

Dep Commissioner Gaughan: Yes; thank you very much for the question. It is a really valid one because I think this was a unique protest in that it went for so long. We basically started on 18 December, assisting the Aboriginal tent embassy in what they wanted to do around 26 January, and we saw what occurred at Old Parliament House with the fire. Then, commencing in early February, we had a rolling series of demonstrations that have tested our capability and capacity and the resilience of our

members to deal with. In my time here in the territory—I started community policing in 1984—I can never recall a protest that has gone on for so long.

That has made us have to think, Dr Paterson, about how we manage our resources, how we arrest our people, how we scale up when necessary, how we bring in resources from AFP national, and how we ensure that our people are getting adequate rest and sufficient food and drink to maintain that momentum, to ensure that we actually manage the protests as peacefully as we can.

But I have to say that the other thing unique to this protest was that it was not very well supported by Canberrans. Most people involved in these protests came from interstate, so we had the added complication of the fact that people were camping—initially near ATE, then behind the library, and then, obviously, at EPIC. So we had some complicating factors around how we move those people on—again, mainly peacefully. We have a formal debrief coming up in about 10 days, to work through getting ourselves ready for 29 March. There will be many lessons learned. I think that the day we stop learning how to manage these types of things is probably the day you should hang up your badge.

But, overall, I am exceptionally proud and pleased with the way we went. We received overwhelming public support, too, which is quite gratifying, to be honest. We do not always receive that sort of support. Indeed, even the *Canberra Times* was supportive of what we did, in a glowing editorial, which we have framed. But, poor jokes aside, we have to work with the community in community policing, and what this demonstration shows is that ACT Policing has the capacity to really work with the community to achieve an outcome, and I am very proud of the way we handled ourselves.

DR PATERSON: I was just wondering, can you speak to the differences in policing an active demonstration versus 10,000 people camping around the territory, and the issues that come from just that number of people in one concentrated area?

Dep Commissioner Gaughan: Once you have 10,000 camping in one spot, it becomes more than a policing issue. It became, at the time—and it continues with some of the campsites that are still established—a public health issue and a sanitation issue. And it became an issue not just for us but obviously for Access Canberra and, indeed, Events ACT and the ESA. The whole of the directorates came together to assist ACT Policing in managing EPIC because it needed to be done.

Again, all the directorates came together to manage the protest activity. You know, we are well versed in managing protests. It is the national capital and, unfortunately, as Canberrans we have to live with the fact that we are going to have protests here—not necessarily against any of us here on the screen, or about anything that we do, but as a protest mechanism about the federal government. It is something that we have to deal with, and that is one of the beauties of living here in the territory. But, certainly, the camping itself created a raft of issues that I think we have learnt some really strong lessons about. How we manage future protests that are similar in nature, we will learn from our previous issues at EPIC.

THE CHAIR: With a relatively massive diversion of police to manage the protests,

what extra resources were provided to do normal police duties and were there any increases in particular crimes during this period?

Dep Commissioner Gaughan: No, there were not, Chair. Obviously, we were supplemented not just by national resources from the AFP from interstate but there are a large number of protective service officers that normally look after Parliament House, the Lodge and the airport—all those locations—and we were able to utilise those as well. I have not received any complaints from members of the public in relation to a lack of service during the protests. I do not know whether the minister has, but we have not actually heard anything.

To be honest, I think the other thing that we were having at the same time was some level of COVID restrictions. Density limits and all those sorts of things had not been lifted, so we were not in a position where the town had gone back to normal, like it is now. So we were able to manage the ebbs and flows. People worked some extraordinarily long hours. I am not going to shy away from that, but no-one was forced to work. I will be very clear about that: people volunteered to do overtime and things such as that.

We still had enough resources to deal with BAU activities. Probably the area where there was less action than normally would be the case was our traffic enforcement, because most of our traffic resources were diverted to manage the protests, particularly when they were marching up Commonwealth Avenue et cetera.

DR PATERSON: You mentioned that you wrote a letter to the federal government outlining the need for resources and support. Are you able to table that letter and say what you were requesting?

Mr Gentleman: Yes, certainly. My office will send that to the committee now. There was correspondence to me and the minister originally, early in the year, correspondence back from the minister, and then I wrote again more recently. We will get that over to the committee as soon as we can.

THE CHAIR: Thank you, Minister.

MR BRADDOCK: I am interested in body-worn cameras. I know your guidelines are only dated 8 February, but I would be interested to see how the implementation is going and whether there have been any lessons learnt yet from that?

Dep Commissioner Gaughan: I will throw to the deputy chief police officer to answer that more fully, but I will start by saying that this is something that I pushed to get in place—the utilisation of body-worn cameras more broadly. What we are seeing since the introduction, a number of months or a year or so ago, is a reduction in complaints against police because both parties—police officers and the people we speak to—know that they are being filmed. So automatically it de-escalates the issue. I might get the DCPO to answer that question more fully.

Mr Crozier: I have read and acknowledge the privilege statement. Thank you, committee. Just a couple of key points around the body-worn cameras. As of 11 February, the amendments had commenced to the Crimes (Surveillance Devices)

Act, and primarily there are a couple of key issues around that. One is that our default position in relation to body-worn cameras is that a person's body-worn camera will be on and operating. That brings with it a range of requirements for people performing operational duties, but primarily that is just to inform the individual that you are engaging with that the body-worn camera is in operation.

There are a range of reasons why that might then not occur. There are some exclusions about that, but primarily it is to be expected that the body-worn camera is operating. Certainly, over the last 12 to 18 months, ACT Policing has moved to ensure that all operational members are equipped with body-worn cameras and can use them operationally. As the CPO mentioned, that has been significant in us being able to deal with a number of crimes, to have some real-time intelligence of what is actually occurring in situations and to reduce some agitation in some individuals because they know they are being filmed.

But also, as the CPO mentioned, it has reduced the time frames for PRS matters. Some that had previously gone for extended periods of time have gone down to weeks. That not only has given greater assurance to those individuals that are doing the operations but also assures the community that they have the opportunity to review that camera footage if they need to. To a certain extent, as a result, people who may have been agitated or inebriated at certain times, once they have viewed the body-worn cameras, find the circumstances are different and they have not wished to proceed with the complaint.

MR BRADDOCK: Have there been any instances where the body-worn cameras have substantiated the complaint or a breach of professional standards?

Mr Crozier: It certainly has assisted those people who are investigating a matter to be able to corroborate certain information about it. It is real-time and, assisted by other forms of evidence collection, including CCTV, that assists in determining the nature of the complaint.

MR HANSON: I would like to talk about the latest Productivity Commission *Report on Government Services*—their report for the year. They had a few things which were consistent from previous years in terms of per capita funding and so on, but there are a couple of areas I would like to talk about specifically. Part of that is the satisfaction rates of people who have had interactions with police in the last 12 months. That has slipped from where we used to be amongst the highest, if not the highest, in Australia, to now the lowest in Australia. I am just wondering if there is any reason why, in the last 12 months, that the figure has gone down so low?

Dep Commissioner Gaughan: Yes; that is a good question. I have got to be honest; that is something that does concern me. I note that it is in our report. There are probably a couple of things that, as a result of COVID, we have not been able to do that we have previously done—things that have enabled us to engage with the community. Community engagement for the last two years really has been non-existent, except for business as usual interaction.

We have not been able to do things like Coffee with a Cop and we have not attended community events or whatever it may be. So the general day-to-day interaction with

the community, which, here in the territory, you could argue historically has been soft interaction, has not occurred. The other thing that we have had to do—and this is not just an issue for ACT Policing, Mr Hanson; it is something more broadly that concerns all senior executives—is that as a result of the COVID health emergency we were asked to police certain aspects of health orders that historically have not been the domain of police. That could be things such as density limits in restaurants and hotels, ensuring that people have checked in and ensuring that people are wearing masks—a whole raft of other issues that historically police would not have had to interact with members of the community about.

I am not saying that is the pure cause, but I think if we look at the data as it was historically, and what has changed in the environment in the last 12 to 18 months, that is something that has occurred that we have not had to deal with previously. It goes to the whole issue of police legitimacy. What we are seeing in other jurisdictions is police being challenged on a day-to-day basis around this whole issue of sovereign citizens and all these other things that we are putting up with. Some of my colleagues are struggling with recruitment targets and a whole raft of things because police have had to interact with the community in a totally different way than we have traditionally, going back to Peelian Principles days.

I think this is a real strategic issue for us—not just something that is written in an annual report. This is something that we are going to have to focus on really carefully to rebuild that trust in community spirit. It is something that I am really focusing on with my members at the moment. As soon as we can, and it is safe to do so, we will get back out there in the community and be part of the community, because that is what Canberrans expect.

Mr Gentleman: Chair, if I can just follow on from the CPO's comments there, the ROGs also show that the crime rates in the ACT are, on average, lower than they were 10 years ago, with an 11 per cent decrease in the number of offences reported to police in the last decade, as a result of ACT Policing's strong performance. We know that Canberra residents do feel safe, with one of the highest levels of perceived safety in both the home and public places as well. And the ROGS data demonstrates that ACT Policing continues to enjoy the trust and confidence of the community. I think we saw that quite a bit through these last few months of demonstrators. We have high perceptions of safety at home, walking in our neighbourhoods and travelling on public transport, as well. So we will continue, with Policing, through the ACT government, to ensure that that remains the case.

MR HANSON: Can I just go back to the CPO's answer? The explanation that you gave was with regard to COVID and interaction, and the sorts of jobs that police are being required to do. As I said, there is more exploration that is required, but that is happening in other jurisdictions as well. That happens in Victoria, that happens in New South Wales, but what we have seen over the 12-month reporting period is a real decline in the satisfaction within the ACT of interactions with police. Are you saying that the way that ACT Policing dealt with the public was different from New South Wales and Victoria, or are there other reasons?

Dep Commissioner Gaughan: It was different. And the PJCLE—the Parliamentary Joint Committee on Law Enforcement—actually said that the way we dealt with

community overall was better. What I am saying is that the perception of the community here is much more highly educated et cetera. I think they are going to have a different bent on it, Mr Hanson, in relation to the way we interacted with the community, than other state and territories would.

Our arrest rates compared to other jurisdictions were also much lower. The number of infringements we handed out was substantially lower as well. What changed was the fact that we had to interact with people in a way we have not had to do previously. And our survey samples here in the territory are substantially lower than other jurisdictions. You asked me my views as to why it has changed; that is what comes to mind immediately. That is, as I said, something we have to work on.

MR HANSON: But that does not make sense, because you are saying that on the one hand the reports say that the way that we dealt with COVID for ACT Policing was better than in other jurisdictions, that Canberrans are smarter, that there were fewer infringements, but then you are also saying that it is because of COVID and the way that we interacted with the public that our satisfaction has plummeted. So it does not make sense to me.

Dep Commissioner Gaughan: But our perception of crime data does not make sense either. The perception of crime in the territory says that things are getting worse, but the data tells us that that is not the case, particularly around property crime. There has been a substantial reduction in property crime across the territory, except for stolen motor vehicles, but the perception of crime has changed. I cannot answer that question.

MR HANSON: Is that because we have the lowest clearance rates by far for property crime in Australia? Because the other things from the ROGS report—

DR PATERSON: Chair, Mr Hanson has had multiple supplementary questions.

THE CHAIR: Yes. Last one, Mr Hanson.

MR HANSON: It goes to the ROGS report. The clearance rate for property crime is the lowest in Australia by a long way. So there might be less crime but, from the actual clearance rates, they are not being cleared up. Is there an explanation for that? And does that go to the satisfaction rate?

Dep Commissioner Gaughan: Potentially it does, Mr Hanson. I mean, these are the sorts of things that need some more exploration than just going off the raw data.

MR HANSON: Sure. Can you give me an explanation as to why those rates are so low?

DR PATERSON: Chair, seriously?

THE CHAIR: Just a moment, Mr Hanson. It is kind of otiose because I recognise that you are here in your shadow capacity, and the next substantive question is mine. I am happy to pass that onto you, either to continue your line or to start afresh. Thank you.

MR HANSON: Yes. I will just continue with this. Thank you, Chair. What is the

substantive reason our clearance rates are so low, compared to other jurisdictions? Why is that?

Dep Commissioner Gaughan: I will get Peter Whowell to answer that. But one of the things I will raise is that the way things are recorded are different in every jurisdiction. So we are not comparing apples with apples. The other thing I will say, certainly in relation to certain crime offences, is that we need to look at some legislative reform that allows us to charge more people with substantive offences—particularly in the case of stolen motor vehicles. There were some recent decisions taken by the Supreme Court that have made it very difficult for us to charge people in relation to cars. I might get Mr Whowell to answer that in relation to the stats.

Mr Whowell: I acknowledge and have read the privilege statement. It would probably be best to take that question on notice, Mr Hanson, in the sense that what I have in front of me and what I have in my head is more about our annual report than the ROGS. I would actually rather have the time to give you a better answer than try to think of it on my feet.

THE CHAIR: We will take that on notice.

DR PATERSON: My question is about the police services model, how that implementation is going and what that looks like for people on the ground.

Dep Commissioner Gaughan: Certainly from our perspective, the police services model was very much welcomed in relation to the negotiation that took place with the former CPO. There was a fairly significant injection of funds, \$34 million, and 69 FTEs.

As far as what it is actually delivering on the ground to the team, which is the most important aspect of it, we do have our first proactive intervention and diversion team, which is looking at the recourse of crime and how we can actually stop people getting involved in serious recidivist-type action. We had some operation intelligence teams, which are embedded in our operations area, that also required real-time intelligence for the teams that attend matters to ensure that they have the most up-to-date information as they go about their investigations and other issues such as that.

We have also done a lot of work in relation to our DNA collection and processes for ACT Policing members. Again, we are keeping on top of some of those issues around recidivist offenders. With our inspector group, we have improved our delegations. We have also done a lot of improvements in relation to other processes around things like non-suspicious deaths. We have already spoken about the body-worn cameras and the importance of the rollout of those for ACT Policing members.

I think one of the biggest changes has been a secure mobile communications and technology platform rolling out to our sworn police officers, which pretty much enables them to be responsible in the field and reduces the requirement for them to go back to the police station to do a job. They can pretty much do it now on their handsets. What all those efficiencies basically mean is that we have the ability for people to do their job real time, with the ability to answer more calls to services, basically, and to keep people in the field.

We have also recruited an additional unsworn Aboriginal liaison officer, which I think is important for the work we are doing with the ACT community. An additional psychologist has also been recruited to support members with mental health issues. We have more people in relation to things such as our organisational health as well—things like wi-fi at police stations so that people are able to log onto the system wherever they are. Another thing that is really important is having the ability to enhance capabilities and download mobile phones from suspects. We actually, with pretty much real-time knowledge, have the ability to turn on what is on people's phones.

MR BRADDOCK: What is next for the PSM over the next calendar year or so?

Mr Whowell: I will answer that one. During the current financial year we have got some priority projects. We are going to be looking at launching our vulnerable persons capability, to attempt to reduce the number of complex vulnerable persons. On case referrals, we are testing an evidence-based policing project team to look at new ways to deal with systemic crime issues and inform our prevention work.

We are also going to—and we are just at the beginning of this—implement a court offender notice process, including a mobile application for our people to actually issue court attendance orders in a way that improves that efficiency for both the member of the public and us. We are going to be looking at our missing persons processes to ensure best process approaches to cases, which will solve the cases.

MR BRADDOCK: On page 15 of the annual report you say that one of the challenges of preparing ACT Policing for the future is transitioning to a more community-focused model. Is that the PSM or is that something separate? If so, what is that?

Mr Whowell: I can confirm that that is the PSM.

DR PATERSON: You were talking about evidence-based policing and the fact that police actually have data on them which is much more accessible. How does that look for a police officer out on the street? How does it change their job, to be more informed?

Mr Whowell: I will answer that one. One of the strengths of the PSM is real-time data, real-time intelligence. Through the PSM, one of the teams that have been established is the intelligence operations team. The intelligence operations team operates 24/7. When our people are attending investigations or incidents, they are able to draw upon that team to get real-time intelligence on the individuals they may be dealing with, the situation, the background, not only ensuring that they are able to address that effectively but that they understand the potential safety issues and any risks posed, any issues that may be at that location, including that it might be a family violence matter. We can effectively bring a whole lot of services with us.

It is not just a single source of data, a single source of intelligence. It is collecting a range across both AFP-held intelligence and that of our partners that are feeding into that. It ensures that the service that we are actually providing at the time is far more effective.

A key one for us, too, is officer safety. These individuals know what they are going into at that time, as much as is possible. But the other elements include some of the technology. As the CPO mentioned, it enables us to address a number of those issues really effectively. We are not caught up in doing a lot more of the administrative things that have been traditionally part of policing. If the matter is not proceeding, we are able to deal with that very quickly and move to the next incident. We are getting better time, more efficient time, and a greater response capability.

DR PATERSON: How does Crime Stoppers information feed into your intelligence collection?

Mr Whowell: That is all part of it. Crime Stoppers obviously is coming into our communications. It is an anonymous source. The information will go into the intelligence process, to understand what is going on. It contributes to the response, it contributes to our longer term planning and it gives us some target identification. Having that real-time capability and capacity means you are not just going on one piece of intelligence; you are going on what you have got from that Crime Stoppers call against all the other intelligence holdings that are available to inform decision-making at that time.

MR HANSON: CPO, in December last year you announced that some crime would be reported online and no longer have an officer attend a person's home. Has that started rolling out yet, or when is that due to roll out?

Dep Commissioner Gaughan: It has not started to roll out. As I think I have said previously to this committee, as well as today, certain things are already reported online. That could go to historical sexual assaults. We moved some time ago to working with Access Canberra in relation to reporting collisions online.

What we are trying to do here, I suppose, is actually give the community some choice in relation to how they want to report crime to police. It is not about us not attending jobs. If there is forensic evidence and people still want us to attend, we will do that. The timing for when we intend to implement this is probably over the next 12 months. It is going to be a slow process.

I do intend, before the end of the first quarter of this year—say, sometime next month—to start community consultations, just to explain what we are trying to do, just to ensure that the Canberra community fully understands that it is not about police not attending jobs; it is about giving them options in relation to how they can report crime, particularly incidents such as vandalism, minor property damage and minor burglaries where there is a little or no evidential matter. What we are trying to do is have people do things in a way that is more helpful for them.

I think the other thing that that does do is it actually puts us in line with most other jurisdictions across the country who offer a similar service. We will still attend crime, but we want to provide options to the Canberra community. Everything else is moving along. We want to sort of pick up with the times.

MR HANSON: When you announced this, you said this was due to resourcing and,

as a result, ACT Policing would be less responsive.

Dep Commissioner Gaughan: I do not think I said that. I was interviewed on 666. I think I was pretty clear with what I said. I have been on 666 a number of times since that day. I am clarifying that. I did not say anything to do with the resources.

THE CHAIR: Do you want to clarify that, Mr Hanson?

MR HANSON: No, I do not need to clarify anything. When this does come on, what crimes which were previously not reported online will now be reported online? Is there a list of categories of those crimes?

Dep Commissioner Gaughan: It is primarily what we would refer to as minor property crimes such as vandalism, minor property damage, minor theft, maybe a burglary in a garden shed. Those types of issues would be reported online but, as I said, this is a consultation process. Part of the consultation process will be to work with the Canberra community in relation to what they want. This is a service to them. It is not about making it easier for us.

We also anticipate that we will probably see a spike in crime reporting. The fact that it is easier for people to report, we anticipate means that we will see a spike, and that is something that obviously will be picked up in future annual reports and something we will have to no doubt discuss with the committee.

THE CHAIR: I have a supplementary, and you may need to take it on notice. How much will the online system cost, both to establish and to maintain?

Dep Commissioner Gaughan: I will have to take that on notice. I do not have that data.

DR PATERSON: I could put this as a question on notice. I raised at the last hearings the issue of dangerous driving in Uriarra, the roads there. I am very interested to know: have there been any developments or progress there?

Dep Commissioner Gaughan: I will have to take that on notice too.

THE CHAIR: It being 4.15, on behalf of the committee, I would like to thank Minister Gentleman and officials from ACT Policing for your attendance today. Could the witnesses who have taken questions on notice please provide answers to the committee secretary within five working days.

THE CHAIR: In this session we continue hearing from the Minister for Police and Emergency Services. We welcome Minister Gentleman and officials from the Emergency Services Agency. Before we start, there are a few housekeeping matters I wish to draw your attention to. The proceedings are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live.

When taking a question on notice it would be useful if witnesses used these words: "I will take that as a question on notice." This will help the committee and witnesses

to confirm questions on notice taken this afternoon. Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could you each confirm for the record that you understand the privilege implications of the statement.

Mr Gentleman: Yes, we do.

THE CHAIR: As we are not taking opening statements, I will move to questions. I would also like to welcome Mr Milligan MLA, in his shadow capacity. I have a question about ambulance service delivery and the responses to incidents, referenced on pages 88 and 210. How many priority 1 incidents came in under 10 minutes?

Mr Gentleman: Thank you very much for the question. We are still waiting for ESA and ACTAS to come online. Whilst we are waiting for them, I might just talk a little about the work that ACTAS has been doing. In the most recent budget the government announced that ACTAS will receive further investments to boost its capability to respond to emergencies and support our growing city well into the future. You have seen, of course, government making that budget work in ACTAS over many years, improving the way that ACTAS can operate and keeping those levels of responses down. We will have a look and see whether they are online yet.

THE CHAIR: In that case, I will let that be a question taken on notice, as will be a couple of substantive questions. What was the quickest response and what was the longest and why? They are my substantive questions.

DR PATERSON: My question, Minister, is about the recent storm events, including the most recent January storm. There seemed to be some confusion within the community about the ESA's specific role in response to recovery and response, especially around requests for repairs and clean-ups of fallen trees et cetera. I am just wondering if you can clarify the ESA's specific role in these situations.

Mr Gentleman: Yes, certainly, and thank you very much for the question. It is, of course, an important role that ESA has in responding and providing the emergency response to these sorts of events across the territory. You have seen it not only in the storms but in bushfires in the past as well. Their task is to supply that emergency response, where needed, in the community as soon as possible. Of course, they can also coordinate a response from other agencies across government, and they will look at an organic way of providing that response.

In particular, in regard to the storms more recently—they were happening over a number of days—you saw the build-up of the ESA response over those days, with the opening up of a community hub after a couple of days, when the storm started to get even heavier and our community needed more referrals of assistance to respond to the storm.

There is quite a bit of work that ESA do in ensuring the safety of the ACT community. That does not necessarily mean they go straight to the clean-up of course. They need to make sure that our community is safe in the way that they live, and they provide assistance during that process. They work with other government agencies and other suppliers as well to make sure that we can keep the community safe.

Then you look the recovery stage of that too—and I am sure the commissioner will be able to give you some more detail here—recovery does start to commence pretty quickly after that initial response and, as I said, is organic at the same time. With that, I will hand over to our commissioner, Georgeina Whelan, to give us more detail.

Ms Whelan: I acknowledge and agree with the privilege statement. May I beg your indulgence and ask you to repeat the question, because we missed that with the break in comms.

DR PATERSON: No problem at all. I was asking about the recent storm events. We saw some confusion within the community around the ESA's specific role and I was just wondering: can you specify the specific responsibility of the ESA in these types of situations?

Ms Whelan: I will start by outlining and giving context to both the hazard itself and the response from the agency perspective. In the first instance, what we were dealing with was a storm event, which is under the purview of the ACT State Emergency Service. In addition to planning, the role of the SES is to respond to incidents that pose a danger to our community before, during and after storms and floods. At the start point of this event, the hazard was a storm.

For the last two years, across the Emergency Services Agency, and based on numerous lessons that we have learned, we have extensively engaged with our community in our program called Be Emergency Ready. That has been focused on preparing the entirety of our community to be ready for an all-hazard response and to have a survival plan that can address everything from flood right through to bushfire and pretty much most hazards in between. That has been extensively communicated to our community through multiple avenues of our media. This is a key component of what we see as a shared responsibility with our community and a philosophy of our teams working together to keep each other safe.

In an event such as a storm and flood, what needs to be made very clear is that the ESA have access to the hazard data as we collect it. What we do not have access to and have never had access to, due to privacy laws, is information as to members of our community specifically who are vulnerable and their address; nor do we have specific information as it relates to members of our community who require medical apparatus to support them.

What I am sure you all know is that through Evoenergy there is an extensive program where members of our community that require medical apparatus to support them are registered with Evoenergy, and they have a responsibility to work with Evoenergy and they put together their plan in the event that they may lose power. I just wanted to put some context around that.

THE CHAIR: Commissioner, could you get to the specific answer to Dr Paterson's question?

Ms Whelan: Absolutely, and I believe the context lends itself to being specific. So a storm event—

THE CHAIR: We do have limited time; so as specific as possible, please.

Ms Whelan: The storm event on the evening of 3 January triggered 1,023 requests for assistance, and that was in addition to the power outage. The role of the Emergency Services Agency to support the lead service in response to the hazard, being the State Emergency Service, was to respond to those requests for assistance that we received through 132 500, which we did. At that point we also engaged with other directorates and service providers and brought them into our agency to provide information flow to our incident management team to prepare for, plan and conduct the response, which includes early stages of recovery within capacity.

The incident management team then prioritised its role, based on life and property, to support our community to respond to those 1,023 requests for assistance. At that point the advice we were receiving from Evoenergy for about the first 48 hours did not in any way indicate the extent to which there was a power outage. In fact, it is not unusual for us to have power outages that are related to storm events.

The ESA, however, from a public perspective—

THE CHAIR: Commissioner, excuse me, we might move to supplementary opportunities by other members that can be on the same theme. I am sure you will have a chance to provide other information.

MR MILLIGAN: Which agencies were called on by the ESA in response to the 3 January storms and what agencies or support was called on from New South Wales?

Mr Gentleman: Just before the commissioner goes to the New South Wales option—and considering the issues that you raised in the chamber with me about how we work through different agencies across government and what ESA does in the lead when it has the lead—we should show you the plans that we have in place in regard to response recovery. I might ask Mr Bren Burkevics to give a quick overview of how those work.

Mr Burkevics: Very quickly, at the highest level, the Emergencies Act, as the commissioner described, provides the overarching legislative arrangements for a response to actual hazards, with SES as a lead agency for storm. Below that there are two key sub-plans that were used and activated to respond to the storm event of 3 January—one being a storm plan, again under the management of the State Emergency Service, and beyond that the ACT recovery plan, which kicks in in a very similar time frame—to promote all recovery efforts in a coordinated fashion across the ACT government.

MR BRADDOCK: But what agencies, though? You have the ESA, but what other agencies did the ESA call on in the initial stages of the storm?

Mr Burkevics: Commissioner?

Ms Whelan: I will just clarify. Are you asking in relation to the response phase to the storm?

MR MILLIGAN: And during the storm. Obviously we have got the recovery, which I am well aware of, and the SES in company with other groups. But who was involved in the initial stages of the storm?

Ms Whelan: The Emergency Services Agency leads. The State Emergency Service is the service within the Emergency Services Agency that has the legislative responsibility to respond to the impact of storm and flood. The Emergency Services Agency—

THE CHAIR: Mr Milligan, we might let you come back on that theme. I believe Mr Braddock might have a substantive question.

MR BRADDOCK: I am interested in ambulance fees and just how much the ACT government gathered in ambulance fees over the past financial year and how much it waived. Is that information available?

Ms Whelan: The information in relation to the exact figure on ambulance fees is through our Shared Services agency. We can take that on notice and provide that to you. What I can advise you is that every request for fee waiver was approved by the Chief Officer of the ACT Ambulance Service.

MR BRADDOCK: I would also be interested in the number of waivers and the value of all those waivers as well, please, in that question on notice.

Ms Whelan: Yes, we can provide that for you.

MR MILLIGAN: There is the Strategic Bushfire Management Plan. That was brought on, obviously, by the catastrophic fires back in the early 2000s. Since then we have had numerous fires, particularly in recent times, in 2020. This plan is not due to be reviewed until September 2024. Do you think that there is a need to bring this review of this plan forward, considering what we have just been through recently?

Mr Gentleman: Thank you very much for the question. SBMP is an important part of our planning for the future and the work that the commissioner does with her team. The advice that we have from the Bushfire Council and other agencies feeds into how we prepare for the future.

I must congratulate the commissioner, the ESA and her team for the work that they have done. I think that the most recent devastation that we saw through bushfires was well responded to. Of course, the biggest challenge for us is climate change and what we will be seeing from the changes across all Australia and, in fact, the world, but being able to respond to that and prepare for that is very important. With that, I will go back to the commissioner for her comments on the plan.

Ms Whelan: The current Strategic Bushfire Management Plan is overseen by an independent committee, as well as the Bushfire Council, and we progressively work our way through all the objectives and the outputs of that plan. Not only do we monitor and evaluate the implementation of those actions but we capture any changes that we think should be introduced in the next plan. If we were to identify something

that was critical that needed implementation prior to the next version, we would bring that forward to government. At this stage our independent council, the Bushfire Council, have not identified anything that is required to be brought forward at this stage.

THE CHAIR: At page 221, regarding prescribed burning, it states that 421 hectares were not delivered. Are you concerned about the potential to increase fuel loads in those areas?

Ms Whelan: I will ask our Chief Officer of the Rural Fire Service to come forward as a subject matter expert but also to identify that the primary agency responsible for prescribed burning is EPSDD, not ESA. I will ask the chief officer to provide you with his assessment of the impact of the prescribed burning to date.

Mr Scott: I acknowledge and agree with the privilege statement. With regard to the hazard reduction burning, as the commissioner advised, EPSDD is responsible for public lands in the ACT, for the hazard reduction. Burning is only one method that they can use. There is also physical removal, slashing programs and the use of strategic grazing to reduce those fuel loads. Whilst there is a risk, it is a managed risk and it identifies other prescription matters that they can use to reduce that risk. We work very closely with our colleagues at EPSDD to look at what we call the residual risk that we are happy to carry until they can find an appropriate pattern in the weather where they conduct these burns in a safe manner.

MR MILLIGAN: I have also read in your report that in November 2021 the ACT Bushfire Advisory Council was to do a field trip for a study. I am just wondering: what was the outcome of that visit and what were some of the issues identified?

Mr Scott: The Bushfire Council has an annual field trip where we take the matter into the field to look at the work that we are doing, both with EPSDD and also with our rural landholders, who play a significant part in risk mitigation in the territory with their Farm FireWise program. There was not really an outcome of that field trip. It was just to give the new council an understanding of the respective fuel types and different conditions we have in the ACT.

We will do that annually. We take them to different parts of the territory, particularly where the risk is higher, which is out to the west at the moment, due to the reduced risk due to the Orroral fire which we had in 2020.

THE CHAIR: I have a substantive on the bushfire risk aspect of your activities. Bushfire-prone areas are mentioned on page 224. What specifically has been done to target communications for those living in bushfire-prone areas to prepare them for emergencies?

Mr Gentleman: Can I pass over to Mr Rutledge. I think he might have some answers that can assist you there.

Mr Rutledge: I think the commissioner is probably better skilled to answer this. We can talk further tomorrow in the EPSDD annual report hearings on this matter, but I think the commissioner is well equipped to answer this question.

Ms Whelan: There are two parts to this. I will take the first and hand over to the chief officer for the second part. As I mentioned earlier, we run extensive community engagement and education across an all-hazards approach for the ACT community, including bushfire preparedness and survival plans, as it relates to targeted communication for those communities that live in the bushfire-prone area. I will hand over to the chief officer to talk about Farm FireWise and our engagement with those aspects of the community.

Mr Scott: We have a Farm FireWise program for all our rural landholders. They have a five-year plan to outline their actions and their mitigation activities on their properties. With the elevated, prone areas, we do the survival plan, as George mentioned, but also targeted community engagement where our local brigades will be out in those areas. Also, the community fire units assist with the education and preparedness of survival plans and the emergency kits that we ask people to have.

When there are also hazard reductions in those areas, whether it is physical removal or particularly burning, there is a close engagement with the local residents, with letterbox drops notifying them of those activities being taken in those areas. But it is constant reassuring that they are prepared in a timely manner, which is typically before the season, and then we also have those regular engagements through the community section here in the ACT Emergency Services, with an all-hazards approach, not just a fire approach.

THE CHAIR: On page 117 those within a bushfire abatement zone have been contacted and most have a fire-wise plan. Should something similar be there for those in bushfire-prone areas as they form a border around the BAZ?

Mr Scott: The Farm FireWise is for the leased rural properties, and the survival plan that we talk about is something that we are encouraging all members of the community, particularly those in a bushfire-prone area, to fill out in advance of the hazard season. It is not just about fire; it is also about the storm and flood season as well.

DR PATERSON: Can you speak to the issues that arise because of the fact we are surrounded by New South Wales? Are the farms that are on the New South Wales side, in terms of hazard reduction and preparedness, at the same level as our rural areas are, and what are the challenges there?

Ms Whelan: I will ask the chief officer to talk through the memorandum of understanding with the New South Wales Rural Fire Service but also the very specific and detailed relationship with the four local government areas of New South Wales that surround the ACT.

Mr Scott: We have got a local MoU with the four surrounding districts of the New South Wales Rural Fire Service and we have also got one with national parks, which has a lot of land to the west of the ACT. We also have the regional fire group that comes together and we discuss those hazard reduction activities. The ACT Emergency Services Agency is leading a whole-of-territory spatial map that will overlay all the activities, all the Farm FireWise plans and also the works that across the border is

doing, which will then show us all those works that are going to contribute to the reduction of risk to the territory and also those four areas surrounding us.

Ms Whelan: We also are members of what is called the Commissioners and Chief Officers Committee, where we meet regularly with our fellow commissioners in New South Wales. We have very open lines of communication to share any concerns and address them accordingly.

DR PATERSON: Again, on the bushfire season, ACT RFS members were requesting better respiratory protection after the last fire. You previously advised that a number of masks were going through a trial. Can you provide the committee with an update on that?

Ms Whelan: Yes, we can. In fact, I was out at the Molonglo RFS shed with the chief officer on Saturday, talking to the members and having a look at the masks. I will ask Chief Officer Scott to give you more details.

Mr Scott: This is a good news story for the RFS and the members. We have conducted some significant trials of masks and some testing with other jurisdictions around Australia. I am pleased to say that every station now has a sizing kit of three different mask sizes so that members can get the best fit for them. They are personal issue half-face respiratory masks with varying filters. Currently, there have been 132 issued to the brigades, and those orders are constantly coming in. By the start of the next fire season, I am very confident that the majority of the members would have taken up this offer.

Subsequent to that, we have still maintained the P2 disposable mask, which has its benefits as well. Both of these masks have the same filtration rating which meets the Australian standard. It is just that the half-face mask is a better individual fit, which gives our members that better protection that they are looking for. They are a very good safety improvement for our members.

DR PATERSON: Are they comfortable to wear for long periods of time, if you are fighting fires?

Mr Scott: Nothing is really comfortable for a long period of time fighting fires, to be honest; but, yes, it does allow them to breathe better. If anything, a positive to come out of COVID is that people are used to wearing masks now, so they are a little bit less restrictive and they are used to putting something on. As I said, we still have both versions, the disposable and the personal issue half-face, which they would wear for those more heavy, prolonged periods of thick, condensed smoke.

MR BRADDOCK: I am interested in the workforce capability in terms of the level of training and skills of both your volunteer and paid workforces, given that COVID has impacted a lot of different training programs in a variety of ways. Are you able to provide an update?

Ms Whelan: Yes. In terms of training for our workforce, both paid and volunteers, as you can imagine, the onset of COVID challenged us to be innovative and think outside the box as to how we could deliver training. With regard to our paid

workforce, predominantly being Fire & Rescue and the Ambulance Service, training for our recruits continued throughout the COVID period, with very extensive COVID-safe procedures and practices put in place.

Initially, for our volunteer services, given the timing of the onset of both phases of COVID, we were able to continue training with online training; then, as COVID-safe opportunities presented themselves, we moved to small group activity and then transitioned into larger scale activity for both the RFS and the State Emergency Service. Prior to the commencement of this high-risk readiness season, we had an opportunity to run all four services through their preparedness activities and assess those. I believe, as the commissioner of the agency, that we moved into the season as well prepared as we needed to be.

Obviously, as we are now moving through this stage of COVID, we commenced recruiting new firefighters, new paramedics and new volunteers. What we have learnt from COVID is that we can deliver training in a different way, both face-to-face and practical. Also, we have received very positive feedback from the online training opportunities. We have now developed a hybrid program that meets the needs of our community and the needs of our members. I am very confident about the programs we are running.

MR BRADDOCK: To clarify, there is no training or skills shortfall going into this disaster season?

Ms Whelan: Going into this disaster season there were no skills shortages or shortfalls. We are, however, now moving on to our advanced skills training this year. In fact, last year, with the innovation, particularly the Rural Fire Service were able to introduce some advanced training that they had not been able to deliver pre COVID.

Mr Scott: Of our 516 members of the Rural Fire Service, during that COVID period we managed to get approximately 130 members upskilled to a higher qualification, which was a significant improvement for the capability, moving into the following seasons.

MR BRADDOCK: Is that because they were out of work and hence able to go through those courses?

Mr Scott: A bit of everything. That is one thing. It has been a relatively quiet season for us—unfortunately, not so much for the State Emergency Service, with the storms. Our members are a 365 membership; they are always keen and wanting to do something. With their spare time, they are volunteering, and they come into the stations, provided it is a COVID-safe environment. As the commissioner mentioned, the uptake of online learning and different ways of thinking outside the box has allowed our membership to upskill themselves and be better prepared for the community if another 2019-20 season were to happen again.

MR MILLIGAN: A strategic accommodation study was planned for the joint emergency services centre in Gungahlin. Has that been concluded and is a copy of the report publicly available?

Mr Gentleman: I am appreciative of the work that ESA has been doing in preparing for future accommodation right across the sector. Whether it is Fire & Rescue, SES or ACTAS, we want to make sure that we have the best accommodation available for them, and the most up to date, in terms of preparing for things like electric fire trucks and electric vehicles into the future.

We have added some extra funding to the master accommodation plan, \$1.658 million, to ensure that we can get that work underway. In the most recent budget there was \$11.4 million to improve accommodation for police and emergency services in Gungahlin. With respect to the specifics of the relocation, I will hand over to the commissioner.

Ms Whelan: As the JESC relates not just to the ESA but to ACT Policing, I may defer to the Deputy Director-General of JACS, Ms Karen Doran, to see whether she wants to make opening comments on the plan.

Ms Doran: I acknowledge the privilege statement. Yes, the strategic accommodation plans for the JESC cover both Policing and ESA components. Because of that, there is quite a complex, involved and staged process that is looking at how to best accommodate both services into the medium and longer term, while also acknowledging that operations need to continue in the meantime.

There has been a study done on the initial phases of that which identified that the best outcome for the current joint facility would be for it to service ACT Policing in the medium to longer term and to recognise their need for additional accommodation and offices in the expanding Gungahlin area. In order to do that, it necessitates the consideration of the ESA components of that centre and where they can be located, in order to free up the site for ACT Policing to take over.

The first stage of that process, which is the stage that is progressing now, is looking at moving out the volunteer services from the JESC. The SES and Rural Fire Service are looking to find a new site to appropriately accommodate those services, which will then allow the planning to move to the next stage, which is the appropriate fit-out of the site to service ACT Policing.

MR MILLIGAN: The report is done; it is completed. Is it publicly available? Will it be publicly released or not?

Ms Doran: The report that was done focused on, as I said, from the Policing perspective, the best use of the site to service their needs, so it is the first stage of that analysis. But that report does exist.

MR MILLIGAN: Is it publicly available?

Mr Gentleman: Mr Milligan, that would still be subject to cabinet decisions. There is still some work to be done from that report, leading to further decision-making, so at this point it will still be subject to some cabinet work.

THE CHAIR: I will move on to a question regarding human rights and the disability awareness training referenced on page 262. How many staff have completed this

within JACS and how does this fit into the disability justice strategy?

Mr Gentleman: The commissioner should have some details for you on that.

Ms Whelan: I will have to take that question on notice with regard to the specifics of completion of training.

DR PATERSON: When will the new hybrid electric fire truck arrive in the ACT and be operational, and what impact do you think this will have on reducing emissions and meeting the ESA's target?

Mr Gentleman: Thanks very much for the question, Dr Paterson. My understanding is that it is on the production line or very close at the moment. We are hoping to see it in the not too distant future. Of course, it will be the first one for the ACT and, I think, the first one for Australia. It does feed into, as you have suggested, our emissions reduction program for the future of ESA and JACS.

Whilst we are looking at this fire truck as our first, there is quite a bit of work to do for other transport units, as well as for our stations. We want to make sure that, if we get a resource such as this, we can look after it at the station, so that people are well trained to look after the mechanics of the vehicle and it can be used in the best and most appropriate way.

The design of the truck itself is unique in that it was not originally designed by Rosenbauer simply to be an electric vehicle and reduce emissions; it was designed around fire crews and giving them better ability to access and egress by vehicle. At the moment crews have a lot of resources to carry with them—backpacks, for example, and PPE that they carry with them all the time. Currently, they have to climb up into the cab, then alight and go to the next job. This was designed around the fire crew so that they can actually walk into the truck rather than have to climb up into it. It is a very innovative and clever design by Rosenbauer. I will pass over to the commissioner and Jason to see whether they have any idea of the time line.

Ms Whelan: Acting Deputy Commissioner Jason Jones is leading this project, so I will ask him to give you some specifics.

Mr Jones: I also acknowledge the privilege statement. The minister stole my thunder. That is exactly right; the vehicle is in production. It is due for delivery to Australia in about September-October 2022. That is after we do a factory acceptance test in June 2022 over in Germany. At this point, to answer the question specifically, we estimate that this truck alone, as a single vehicle, will reduce 40 CO₂ tonnes per year. As the minister said, we will also be going out shortly for tender for a further two, as part of our vehicle replacement program and our emissions reduction strategy.

MR BRADDOCK: I am interested in the building inspections conducted by the Fire & Rescue community safety section. The annual report says 422 of those inspections were done. How many of those came back with non-compliance issues or issues raised out, and how were they resolved?

Ms Whelan: Thank you for the question. I will ask our Acting Chief Officer, Fire &

Rescue, to provide that information for you.

Mr Brewer: I acknowledge the privilege statement. Unfortunately, I will have to take that question on notice, to make sure that I give you the correct information.

MR MILLIGAN: On page 189 there is reference to “station relocation and upgrade—phase 2 due diligence”. What is this?

Ms Whelan: I will defer to our deputy commissioner, who has been leading our infrastructure program, to take you through the station relocation upgrade program that you are referring to, and the due diligence aspects.

Mr Jones: Mr Milligan, what were you specifically asking about, in relation to the due diligence?

MR MILLIGAN: What is it, exactly? There is no detail. It says, “station relocation upgrade—phase 2 due diligence”. What is that?

Mr Jones: It may be referring to one of two options. One is our new Acton station, which is beyond the due diligence phase. The other one that it might be referring to, which was co-joined with that, was the recommendation to build a station in Molonglo Valley. The due diligence part of that build is to do the research into scoping the block of land and to look at opportunities and options with that block of land and, if it is suitable, to build a fire and emergency services station on that site.

THE CHAIR: On behalf of the committee, I would like to thank Minister Gentleman and the ESA for their attendance today. If witnesses have taken questions on notice—and there have been a few—please provide answers to the committee secretary within five working days. We have now reached the conclusion of the hearing. If members wish to lodge questions on notice, please provide them to the committee secretary within five working days of the hearing.

On behalf of the committee, I would like to thank the ministers and officials that have participated in these hearings over the last three days. I particularly want to thank our committee secretariat, Dr David Monk and his staff, and the OLA staff for arranging this virtual attendance and all of the intricacies involved in that. Thank you very much.

The committee adjourned at 5 pm.