

Questions on Notice and Supplementary Questions

Questions on Notice

- for JACS Annual Reports 2009-10 public hearing, Friday 19/11/10

Page references have been updated to refer to the final version of *Standing Committee on Justice and Community Safety, Transcript of Evidence, Canberra, Friday, 19 November 2010 (Reference: Annual and financial reports 2009-2010)*, as at:

<http://www.hansard.act.gov.au/hansard/2009/comms/justice22.pdf>

Regarding the apparent increase in energy and water use in JACS:

1. What policies and programs are being put in place to reduce greenhouse gas, water and energy use, and what evaluation is being conducted on them? Where have the policies and programs been put in place? What policies and programs are planned for the coming financial year? Could a general update be provided on paper use and paper recycling, in particular the percentage of paper recycled and total paper usage? (Ms Hunter, pp.3-4.)
2. What is the breakdown on greenhouse gas, water and energy use across different parts of the Department? (Mrs Dunne, p.4.)

Regarding the *Victims of Crime Amendment Act 2009*:

3. In the formulation of the bill, now the act that was passed in I think August, what was the consultation process and to what extent were non-government victims service groups consulted on that bill? (Mrs Dunne, pp.5-6.)
4. What consultation process was undertaken, and when, including with victims groups? Which groups were consulted? Who was on advisory committee? To whom the discussion paper was sent specifically? And who responded? (Mrs Dunne, p.6.)

Regarding Legal Aid:

5. On [page 12] ... the Standing Committee of Attorney-Generals talked about a new National Partnership Agreement on Legal Aid. Minister, could you let us what are the details around the new agreement and how do they actually improve Legal Aid objectives with the Territory? (Mr Hargreaves, p.6.)
6. 'I ... note that the Commonwealth grants in this annual report amount to \$4.946 million, I can not quite work out how we are getting indexation. According to the Annual Report, the \$4.946 and last year they were \$4.112, so I am just trying to work out how do we reconcile those figures with the figures for growth in the out years?' (Mrs Dunne, p.8.)
7. How much funding was the Women's Legal Centre seeking? (Mr Rattenbury, Ms Dunne, p.10.)
8. 'Was any consideration given to co-locating [Community Legal Centres] at the time that the Legal Aid Commission moved ... ? (Mrs Dunne, p.12.)
9. What has been the cost to the Territory of litigation instigated by Mr Eastman over last two financial years? (Mrs Dunne, p.18.)
10. 'Would you point to any particular jurisdiction where they have got [case management and streamlining work loads for courts] close to right or achieving perfection?' (Mrs Dunne, p.27.)

Regarding restorative justice:

11. '[D]o you keep some sort of a data or information around whether it is the same group of young people [moving through the criminal justice system] just to ensure that some young people are not falling through the gaps and are not having that opportunity of a referral to the restorative justice unit?' (Ms Hunter, p.20.)

Regarding corporate services provided to the Humans Rights Commission by JACS:

12. What amount of (percentage of) administrative work does JACS pickup on behalf of the Human Rights Commission? (Ms Hunter MLA, p.33.)

Regarding the AMC:

13. Can you also tell us as at ... 30 June ... the proportion of sentence to remand prisoners? And the average length of stay? (Mr Hargreaves MLA, p.48.)
14. Could 'the performance measures that have been set against some of the drug and alcohol programs [be detailed] and how the AMC is progressing against them?' (Ms Bresnan MLA, pp.53-54.)
15. 'Do you have any figures on [how many people complete programs, successfully get to the other end] as yet?' (Ms Bresnan MLA, p.54.)
16. '[I]n terms of the measures that are being undertaken now to prevent drugs getting into the prison, [do] you have ... figures on ... how many instances there have been where there has been ... an active stopping of something going into the prison? (Ms Bresnan MLA, p.54.)
17. 'Can we have a full list of the community organisations that are working now in the AMC?' (Ms Hunter MLA, p.55.) 'And what they are doing.' (Mrs Dunne MLA, p.55.)
18. 'Have you been able to track how extensive drug use is in the AMC and what drugs are been used commonly?' (Mr Hanson MLA, p.55.) '[G]iven all that testing has occurred can you give me an idea of what the drug use is in terms of quantity ...?' (Mr Hanson MLA, p.56.)
19. 'My question is in relation to on page 46 and 47 you talk about community based corrections, and it is just in relation to the table that is on page 47 about the number of offenders who are assessed risk has reduced over time, does Corrective Services have any target for reduction in the rates of reoffending in relation to these particular programs and how are you performing against the target?' (Ms Bresnan MLA, p.62.)
20. Question from Chair seeking explanation of Department's use of Level of Service Inventory (Mrs Dunne MLA, p.62.)

Regarding Courts Administration:

21. 'Could you give us on notice when [acting Judges] are here and when each one begins and [ends]?' (Mrs Dunne MLA, p.66.)

22. 'How many of those 18 judges ['who hold the primary commission as federal court judge, but can hear ACT cases'] heard cases in the reporting period in the ACT?' (Mr Rattenbury MLA, p.68.)
23. 'Have you done any modelling, minister, about the extent to which those lodgements will increase if you increase the jurisdiction [of the ACT Magistrates Court] to ... a quarter of a million dollars?' (Mrs Dunne MLA, p.69.)

Regarding Circle Sentencing:

24. 'I note on page 57, eleven indigenous offenders were referred to the circle sentencing court, how does this compare to the total number of indigenous offenders?' (Ms Hunter MLA, p.71.)
25. 'Would we be able to have a copy of [the 'practice direction of the court that sets out how the court is to operate and it does go through in some detail setting out the eligibility, requirements and suitability and how that is to be determined' in relation to Circle Sentencing]?' (Ms Hunter MLA, p.70.)
26. 'There was a project undertaken identifying work to strengthen circle sentencing in the ACT and that report was prepared for my department earlier this year.' (Mr Corbell MLA, p.72) - 'Are we able to get a copy of that report?' (Ms Hunter MLA, p.72.)
27. '[I]n the various divisions of the Civil and Administrative Tribunal, what are the clearance rates?' (Mrs Dunne MLA, p.72.)
28. '[A]re there any areas where there are particular stand out, either high achievements or where there is a backlog that needs to be addressed.'? (Mrs Dunne MLA, p.72.)
29. 'Are all planning matters [before ACAT] being dealt with in the statutory time frame?' (Mrs Dunne MLA, p.72.)
30. 'We have changed the Planning Act so that there is not two bites of the cherry in the ACAT, has that helped clear the, addressed any planning backlog that there might be?' (Mrs Dunne MLA, p.72.)
31. 'There was only a very small number of cases [before ACAT] that had attracted internal review before that discrepancy was identified and

rectified ... [but] I will take that on notice and provide you with that figure' (Mr Corbell MLA, pp.72-73.)

32. 'How often have these [sexual assault reform program] facilities been used in the last 12 months?' (Ms Hunter MLA, p.74.)
33. '[T]he fine enforcement unit ... has [had] contact with several government agencies to assist in the recovery of outstanding monies ...' (Mr Corbell MLA, p.74) - '[W]hich agencies have been participating in the court and those fine systems?' (Mrs Dunne MLA, p.75.) 'And how is that fitting into the court structure?' (Mrs Dunne MLA, p.74.)

Regarding Emergency Services:

34. '[H]ow much money has been paid out in rents for unoccupied buildings for the Emergency Services Agency Headquarters at Fairbairn?' (Mrs Dunne MLA, pp.74-75.)
35. 'Was there any time where we had to call on New South Wales to provide officers to help in the command centre?' ... 'How many, how long and how much?' (Mr Smyth MLA, p.77.)
36. 'I understand, for instance, at the most recent Murrumbateman Field Day we provided an ambulance for the duration of the field day?' (Mr Smyth MLA, pp.77-78.)
37. 'I understand that that ambulance came from the Gungahlin Station and left no services out of Gungahlin.'? (Mr Smyth MLA, p.78.)
38. '[W]hile our ambulance was in Murrumbateman at the field day did New South Wales ambulances have to come from Yass to assist us?' (Mr Smyth MLA, p.78.)
39. Does ESA provide Ambulance services into NSW? Could you provide details on whether an ambulance from Gungahlin was provided to NSW on a particular occasion, leaving Gungahlin without ambulance services? Do NSW ambulances come into ACT in a reciprocal arrangement? (Mr Smyth MLA, p.77.)
40. 'One [of the 'the underspends or rollovers' on p.29 of Vol 2] is around \$10 million for the new headquarters.' ... '[B]etween 1 July and now how much of that \$10 million has been spent?' (Ms Hunter MLA, p.78.)

41. 'Could you tell me where the six [CFUs] were in the financial year covered by this annual report and where the next six are likely to go if you have made up your mind about that? (Mr Hargreaves MLA, p.80.)
42. 'Should we just perhaps have a ... copy of the complete list [of CFUs]?' (Mr Hargreaves MLA, p.91.)
43. '[I]s it possible for the committee to have a copy of [attendance management policy]?' (Mr Smyth MLA, p.85.)
44. 'How many formal or informal interviews [have been conducted under attendance management policy]?' (Mr Smyth MLA, p.85.)
45. 'We were talking about the incidents. 51 percent of the incidents from the Fire Brigade are automatic alarm initiated calls. Do we have any numbers on how many of those are false alarms?' (Mr Hargreaves MLA, p.89.)
46. 'To what extent are they the same incidents that the Fire Brigade and the SES are attending?' (Mr Hargreaves MLA, p.90.)
47. 'Can I ask you then also to let me know what are, you have got 1,201 other incidents, what sort of things constitute other incidents?' (Mr Hargreaves MLA, p.91.)
48. '[I]s the proportion of [fires] that you know or suspect to be deliberately lit ... going up, is it turning up or is it the same or is it going down?' (Ms Hunter MLA, p.95.)
49. '[C]ould we have an update on the final cost of [the ESA headquarters] project?' (Mr Smyth MLA, p.97.)

Regarding ACT Policing:

50. What amount of funding was allocated to Police Consultative Committees? (Mrs Dunne MLA, p.98.)
51. Request for an update on Police Scouts. (Mr Hargreaves MLA, p.98.)
52. **Regarding the new Belconnen Police Station:** 'Can I just ask for some comparison's sake, what was the funding for the Woden Police Station?' (Mrs Dunne MLA, 100.)

53. '[C]an you give us a comparison in terms of the number of officers who will be using the - each of - using the Woden station and those who will be using the Belconnen police station?' (Mrs Dunne MLA, p.100.)
54. '[A]re you building similar numbers of holding cells, those sorts of things and how many workstations and things like that would be in the new site, the Belconnen site, compared with the Woden site?' (Mrs Dunne MLA, p.101.)
55. Correct figures to be provided for p.36 table of performance indicators re. Police complaints (Mr Rattenbury MLA, pp.104-105.)
56. Has the Government made public documents outlining the Continuum of Force doctrine, as it promised to do? Can it be provided? (Mr Rattenbury MLA, p.106.)

Supplementary Questions

- for JACS Annual Reports 2009-10 public hearing, Friday 19/11/10

Questions from the Committee:

Regarding the AMC:

Further to discussions about accommodation and the buddy system:

57. Were the cells at the AMC designed for one or two occupants?
58. How many cells were designed for one or two occupants?
59. How many accommodate two occupants under a buddy system?
60. The ACT Department of Health is responsible for mental health matters at the AMC. Who is making decisions regarding buddy arrangements for prisoners at-risk?
61. What are the criteria for decision-making on the buddy system?
62. How many cells house two occupants under a buddy system and how many house two outside of the buddy system?

Further to discussions about recidivism:

63. How many prisoners at the AMC are former clients of the Quamby Youth Detention Centre or the Bimberi Youth Justice Centre, by gender, Indigenous / non-Indigenous status, and ethnicity?
64. How many people have been transferred from Bimberi to the AMC under sentence?

Questions from Ms Meredith Hunter MLA:

Regarding the JACS Annual Report:

Further to the information on pages 15 and 16 relating to the High Density Housing Safety and Security Project:

- 65. How does the project link with the Healthy Communities project run by the Health Department or are they the same program?
- 66. How much have the Ainslie Avenue programs cost?
- 67. After Ainslie, are there other areas earmarked for the Project to work with?

Table 17 on page 39 records there were 74 civil partnerships registered during the last financial year.

- 68. Does ORS record the breakdown of ceremonies compared to paper based registrations? (ie registrations under section 8BA (ceremony) compared to registrations under section 8 (paper based?))
- 69. If so, what is the breakdown?
- 70. If not, can this be recorded in future reporting periods?

Regarding the Legal Aid Review Panel responsible for hearing reviews of decisions on grants of legal assistance:

- 71. How many appointments did the Attorney make to the Review Panel during the reporting period?
- 72. What process does the Attorney follow to make appointment to the Legal Aid Review Panel?
- 73. Are attempts made to ensure adequate indigenous representation amongst Committee members?

Regarding the Legal Aid ACT Annual Report

Regarding the Review Committee, as described on pages 21 and 22:

- 74. Does Legal Aid ACT have a role in forming the list of people who are appointed by the Attorney General to the Committee?
- 75. If so, what is that role?
- 76. Does Legal Aid ACT have a role in deciding which of the 22 Committee members (as at 30/06/10) are appointed to sit on the three person Committee who hear the review?
- 77. If so, are there attempts made to ensure Indigenous representation on the Committee where the review involves Indigenous applicants?
- 78. If not, can this be implemented in the future?

Regarding the DPP Annual Report

- 79. Further to the information provided on page 14 of the DPP's annual report relating to the Ngambra Circle Sentencing Court, does the DPP have a view of on how the Circle Sentencing Court is operating and whether an increase in resources is warranted to allow more offenders to be diverted through the Circle?

Regarding the ACT Ombudsman Annual Report

Page 22 indicates that you raised a concern with the Minister that the Crimes (Child Sex Offenders) Act 2005 may not be meeting its aim of reducing the likelihood of offenders reoffending.

- 80. In raising that concern did the Ombudsman take account of the risk assessments that ACT Police perform on registered offenders?
- 81. If so, were there any improvements to the risk assessment process identified that could address the concern?
- 82. Are statistics kept by the Ombudsman on the rate at which registered offenders are reoffending?

Regarding the Human Rights Commission Annual Report

On page 50 the report says that you were unable to undertake any major commission-initiated inquiries into systemic issues because resources are so tight.

83. What systemic concerns do you have that you wanted to investigate?
84. Can you please provide an update on what the financial impacts of the new National Registration and Accreditation Scheme will be on your office, and what progress has been made with ACT Health to resolving these finances?

Regarding the Office of Regulatory Services

Further to the statistics provided around the number of improvement and prohibition notices served by Work Safety inspectors, do you have any breakdown in the types of hazards the improvement and prohibition notices addressed?

85. Specifically, were any improvement or prohibition notices served in relation to mental health hazards?
86. Why were there no inspections of finance and insurance businesses in the ACT?
87. Of the 3,745 security licences issued or renewed, how many does ORS estimate were granted for security workers from interstate?
88. Has ORS or the Minister received any communications from NSW or other states in the last financial year regarding concerns that it is easier to get a security licence in the ACT than other states?
89. What is the approximate cost associated with ORS issuing licences for interstate security workers?

Regarding the ACT Police Annual Report

90. Noting the comment on page 14 that the ACT has the lowest number of police officers per capita in Australia, what was the per capita number of ACT Police officers for each of the ten reporting periods covered by the 2001 and 2006 Policing Arrangements?

Questions from Mr Brendan Smyth MLA:

Note: All these questions relate to the Financial Statements in JACS Annual Report, Volume 2, p.27.

91. Why did Non-ACT Government user charges increased by 13 per cent over the budget estimate?
92. What were the reasons for the increase in revenue from Non-ACT Government users?
93. Will this source of revenue continue to grow?
94. In Other [Income] Gains, what was the source of the \$3 million?
95. Will this source of revenue be repeated during 2010-11 or in later years?
96. What were the reasons for the increase in Employee Expenses of more than \$13 million over the financial year – from \$46 million in the Budget to an outcome of \$59 million, in addition to the increase flowing from the reclassification of paramedics?
97. Why was the effect of these other factors not budgeted for?
98. What are the likely indications for trends in employee expenses in 2010-11?
99. Why did spending on Supplies and Services fall below budget by 17 per cent or by more than \$4 million?
100. Will this pattern be repeated during 2010-11?
101. Why did the amount of funds allocated to Depreciation and Amortisation fall below budget by 19 per cent or by more than \$1.4 million?
102. What new equipment was taken into service by ESA during 2009-10?
103. Was a new Bronto fire truck taken on during 2009-10 and, if so, what effect did this new truck have on the allowance for depreciation?

104. What equipment was taken out of service and what effect did this have on the allowance for depreciation?
105. Why did spending on Other Expenses increase by 38 per cent or more than \$400,000?
106. Will this trend be continued into 2010-11?