



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Dospot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

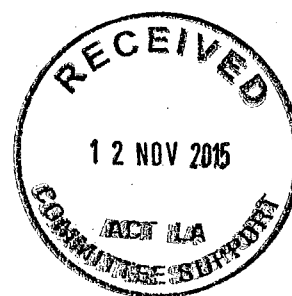
Inquiry into Annual Reports 2014-2015: Responses to Questions Taken on Notice

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Our Reference:
Your Reference:

12 November 2015

Dr Brian Lloyd
Committee Secretary
Standing Committee on Justice and Community Safety
Legislative Assembly for the ACT

Dear Dr Lloyd

**QUESTION TAKEN ON NOTICE
JACS CTEE PUBLIC HEARING 6 NOVEMBER 2015**

At the hearing on 6 November 2015, I took a question on notice from Mrs G. Jones (page 10 of the proof copy) as to whether there has been an increase in the volume of sexual offence cases.

The answer is that there has been an increase. As set out on page 6 of my annual report for the 2014-15 year:

I only have reliable data relating to particular offences for the last five years when my Office switched to a computerised case management system. The figures do indicate a significant increase in completed sexual assault and related offences over that period of time, viewed year by year. I expect this trend to continue.

Sexual Assault and Related Offences

Magistrates Court and Childrens Court

Year	Matters
2010-2011	15
2011-2012	65
2012-2013	55
2013-2014	87
2015-2015	80

ACT DIRECTOR OF PUBLIC PROSECUTIONS

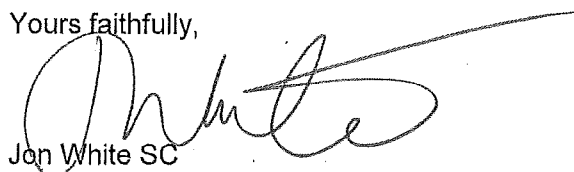
Supreme Court

<i>Year</i>	<i>Matters</i>
2010-2011	27
2011-2012	43
2012-2013	48
2013-2014	63
2014-2015	55

Those are **completed matters** in those courts for those years.

Please do not hesitate to contact me should any further clarification be required.

Yours faithfully,



Jon White SC
Director of Public Prosecutions

Dr Brian Lloyd
 Committee Secretary
 Standing Committee on Justice and Community Safety
 Legislative Assembly for the ACT



Dear Mr Lloyd

Question on notice – ACT Electoral Commission response

At the ACT Electoral Commission's appearance at the Standing Committee on Justice and Community Safety hearing on 11 November 2015, a question on notice was taken in relation to whether it would be practicable to change the alternative fixed date for holding an ACT election in the case of a federal election being called for the same day as the ACT election.

Section 100 of the ACT's *Electoral Act 1992* provides for a fixed polling day to be held on the third Saturday in October every four years. The pre-election period for ACT elections is also fixed to start on the Friday 36 days before polling day.

Section 100(2) of the Electoral Act provides that if polling day for an election of Senators or a general election for the House of Representatives is to be held on the same day as an ACT election, the ACT election is to be moved so that polling day for the election would be the first Saturday in the following December.

The intention behind the timing specified in s100(2) is that the first Saturday in December provides for the earliest occasion, taking into account the earliest and latest possible dates for the third Saturday in October, that an ACT election could be held if the legislated pre-election period of 36 days was to commence at the conclusion of the Commonwealth election. This timing would ensure that the ACT election period could not overlap with the federal election period. In particular, this timing would allow any candidates who were unsuccessful at the Commonwealth election to nominate for the ACT election if they wished to do so.

It is the opinion of the Commissioner that the current provision setting the alternative election date as the first Saturday in December, is the appropriate timeframe.

Yours sincerely



Rohan Spence
 Acting Electoral Commissioner

16 November 2015



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

**Inquiry into referred 2014–15 Annual and Financial Reports
ANSWER TO QUESTION TAKEN ON NOTICE
6 November 2015**

Asked by Ms Giulia Jones MLA:

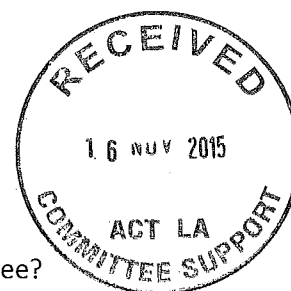
In relation to:

MRS JONES: And is the blueprint for change a document that can be given to us to see?

Mr Lane: It is on our website.

MRS JONES: All right, right, okay.

Mr Lane: We can certainly make it available as well.



Minister for Police and Emergency Services, Joy Burch MLA: The answer to the Member's question is as follows:—

A copy of the ACT Ambulance Service Enhancing Professionalism: A Blueprint for Change Report is attached as per the Committee's request.

The Blueprint for Change Report is also publicly available on the ESA website at this link —
<http://esa.act.gov.au/community-information/publications/>.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

A handwritten signature in black ink, appearing to read "JBurch".

Date: 13.11.15

By the Minister for Police and Emergency Services, Joy Burch MLA



ACT Ambulance Service

Enhancing Professionalism

A Blueprint for Change

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1. EXECUTIVE SUMMARY

The ACT Ambulance Service (ACTAS) has undergone significant change over the past five years, which has led to major improvements in capability during a period of increased demand. The reforms have occurred in front line resourcing, communications, design of service delivery strategies and clinical governance. These have led to ACTAS meeting the challenges of increased demand whilst improving the standards of service delivery. The effectiveness of ACTAS in delivering the highest quality and timely pre hospital care has been achieved by challenging traditional methods of service delivery through a sometimes difficult and confronting environment. ACTAS has continually improved over this period to a point where it rates amongst the best in the nation.

Government investment has contributed greatly to this outcome through significant increases in recurrent and capital funding to the ACTAS over successive budgets since 2011-12. This has enabled the successful implementation of major reforms in capability and organisational growth over the last four years, which has seen a total growth of 79 additional frontline and support staff in ACTAS.

ACTAS has also achieved a number of internal reforms such as the introduction Communications Centre (Comcen) Clinicians, nationally recognised qualifications in the Comcen, better rostering models, the Paramedic Tier and Demand Modelling to maximise available resources during periods of peak demand.

The demands on ACTAS have been growing year on year since 2010. This has placed added pressure on the ACTAS workforce and its leadership team to meet community expectation in which the organisation is expected to continue to deliver and improve on its current standards of response times and patient satisfaction.

This report brings together two reviews, extensive feedback from staff, and a literature review of ambulance culture worldwide, into a single document that will inform broader reforms necessary for ACTAS to realise its full potential and it will also help the whole of the ACT Emergency Services Agency (ESA) become a more integrated and professional agency.

In order to prepare for the future, two reviews were commissioned by the ACT Government to report on options for a management structure for ACTAS and related strategy improvements to meet the current and future challenges. These are the Evaluation of the Progress Made in Implementing the Recommendations of the 2010 Lennox review (Lennox 2014), and a review of current organisational behaviours (O2C Solutions).

O2C Solutions (O2C) was tasked to evaluate current organisational behaviour in ACTAS and to define the actions that will need to be embedded within ACTAS based on the ACT Public Service's behaviours and principles of professionalism and flowing on from the workvalue of the Intensive Care Paramedics (ICP).

This blueprint for change takes on board the feedback from staff, which includes an observation that the ACT could become “a world leader in ambulance services”, and it also identifies clearly that for ACTAS, and the ESA as a whole, to continue to progress towards professionalism, it needs to address, as a matter of priority, a range of challenges to building an adaptive and resilient workforce, improve cultural standards and address workforce concerns around trust, conflict resolution and leadership.

The recommendations that flow from this report are based around developing a leadership framework and leadership training programs, implementing 360 degree feedback systems,

conducting an ongoing series of staff workshops, developing an implementation charter, and an evaluation process to measure progress against the report's recommendations.

The ESA, as a unified service, is wholly committed to professionalism as a cultural standard. Responding to and addressing these adaptive challenges in ACTAS will be achieved by fully implementing this blueprint for change through the ESA's Strategic Change Management Process.

By implementing this blueprint and enhancing professionalisation, ACTAS will more fully realise the full potential of its people and ensure that it continues to deliver a high quality ambulance service to the community.

This report and its recommendations provide the blueprint and drivers for organisational change.

Dominic Lane AFSM

Commissioner

ACT Emergency Services Agency

2. INTRODUCTION

2.1 Background

The ACT Auditor-General tabled a Performance Audit on *Delivery of Ambulance Services to the ACT Community* in the Legislative Assembly on 18 June 2009. The Auditor-General acknowledged in the report that the ACTAS had delivered a complex range of services against growing demand and limited capacity.

Following this, Mr Grant Lennox, former Chief Executive Officer of the Tasmanian Ambulance Service was engaged via the Department of Justice and Community Safety and commenced a review of ACTAS in November 2009 (Lennox 2010). This review made a number of recommendations addressing areas of ACTAS operation including:

- managing demand;
- funding model;
- interface between ACTAS and ACT Health;
- ambulance service delivery models;
- ambulance education and training;
- clinical governance;
- non emergency patient transport;
- ambulance workforce issues; and
- management team capacity.

In response to growing demand for ambulance services the Government took a number of steps to enhance the capability of the ACTAS based on the recommendations of both the ACT Auditor-General (2009) and the Lennox Review (2010). During this period a professional rates pay claim by ACT Intensive Care Paramedics (Workvalue 2011) was also progressed and completed by the Department of Justice and Community Safety.

The outcomes of the Workvalue 2011 exercise recognised both the professionalism and high skill base of ACT Intensive Care Paramedics (ICPs). The decision resulted in a 21% increase in base pay for ICPs from 2011, a new classification arrangement and work level descriptors. At that time, discussions around the paramedic profession was emerging, including the recognition by the Government of ICPs as professionals in health care. This was analogous to the early progress of the nursing profession, which now has well established national industry regulation and supporting practice. The latter arrangements are an evolving area for the ambulance industry.

At that time, the commitments of both the employer and the Transport Workers' Union (TWU) recognised that:

“The workvalue decision represents a significant development in the recognition of ICPs as professionals. The second phase of the implementation of work value is to implement this significant cultural change within ACTAS over the long term.

Consideration will need to be made of what recognising the professionalism of the ICP role means for day to day operational and duties to ensure that our actions, commitment to our

*roles, and the working framework are reflected. These will be the object of discussion through existing consultative forums”.*¹

The growth in capacity which occurred following 2010 was a swift organisational response. This response included recruitment of 79 additional staff, assimilation and readiness of the new operational personnel, revised management and supervisory structures, and enhanced clinical governance arrangements and practices. The numbers of staff recruited to front line operations, communications, clinical services, non-urgent patient transport, specialist flight operations and general management increased the workforce by around 46% between 2009 and 2014.

Indicators of performance of ambulance services, measured through accountability measures and internal benchmarking of issues such as labour turnover, employee engagement, absence and complaints indicated:

- engagement of ACTAS employees, measured in 2010 and 2012 through a workforce survey conducted by an external provider, indicated a number of attributes for both emergency and non-emergency and communication centre operations had improved;
- labour turnover reduced by 50% between 2010 and 2014;
- emergency operations staff perceptions associated with employee’s satisfaction with their manager had improved²;
- engagement culture of ACTAS was identified as “blame”;
- executives demonstrating the ACTPS values in action was an area requiring improvement; and
- staff considered they received a fair days pay for a fair days work.

As programs and activities implemented during the period of growth related to resourcing, governance and service delivery, the willingness of employees to respond to change was central to achieving these positive outcomes.

The growth in demand for ambulance services continued at around 6% per annum for each financial year between 2010 and 2014. Noting the significant expansion of the Service and reviews in progress in other jurisdictions, evaluating the effectiveness of progress of the Government’s investment was timely. Evaluations were proposed to inform future decision making.

A dual focussed evaluation approach was determined. The first involved the assessment of progress against the Lennox 2010 report, with a focus on evaluations of programs implemented to manage growth in line with the increased service demand and improving response times. The second area of focus was on organisational behavioural aspects of the ambulance service, the characteristic necessary to continue to ensure commitment to change, service growth and progressing professionalism.

¹ TWU comments in 2011 on the Work Value exercise for ICPs.

² Best Practice Australia

The evaluations were intended to inform the strategic direction for ambulance services. In 2013-14 the Government also announced an Expenditure Review of the ESA, which includes consideration of ambulance operations.

The first evaluation was conducted by Mr Grant Lennox in 2010. The terms reference for the Lennox 2014 evaluation covered progress against the range of issues commented upon by him in his 2010 review. His evaluation identified a number of further areas of work for ACTAS including:

- consideration of the arrangements to “*maximise opportunities for cooperation and coordination between emergency services by enhanced interoperability by all ESA Communications Centre (Comcen) staff*”;
- consideration of changing reporting arrangements for Comcen Management directly to the ACTAS Chief Officer;
- work associated with the introduction of the Ambulance Paramedic (AP) classification into the ambulance service including addressing issues associated with credentialing; scope of practice and progression of that group;
- further strengthening of data analysis and reporting related to injury prevention and management for high risk workers such as paramedics;
- addressing cultural issues in progressing improvements in clinical governance and clarifying the clinical audit function and disciplinary processes which exist as a result of ambulance services fulfilling the role which is normal the purview of health registration bodies for other health professions.

2.2 Terms of Reference

In determining how to plan, progress and assess towards professionalisation for the future, consideration of organisational capability is important. An assessment of ACTAS progress can be gauged using the Australian Public Service Commission’s (the APS Commission) *Capability Framework*, which importantly identifies that organisational capability extends beyond the capability of employees, and that it combines people skills with the organisation’s processes, systems, culture and structures to deliver business outcomes. Crucial areas of capability and key enablers of successful performance include:

- Leadership: the link between government policy and strategy execution and delivery
- Strategy: how the government policy directions are planned for implementation; and
- Delivery: the quality of programs and services.

Figure 1 (shown in page 10) provides the basis to consider the enablers of successful performance to support these capabilities. ACTAS was independently assessed by Mr Grant Lennox in 2014 who reported that there was substantial improvement and that the service was coping admirably with ever increasing ambulance demand. This provides insight in to the areas where ACTAS requires further focus in order to meet its future challenges.

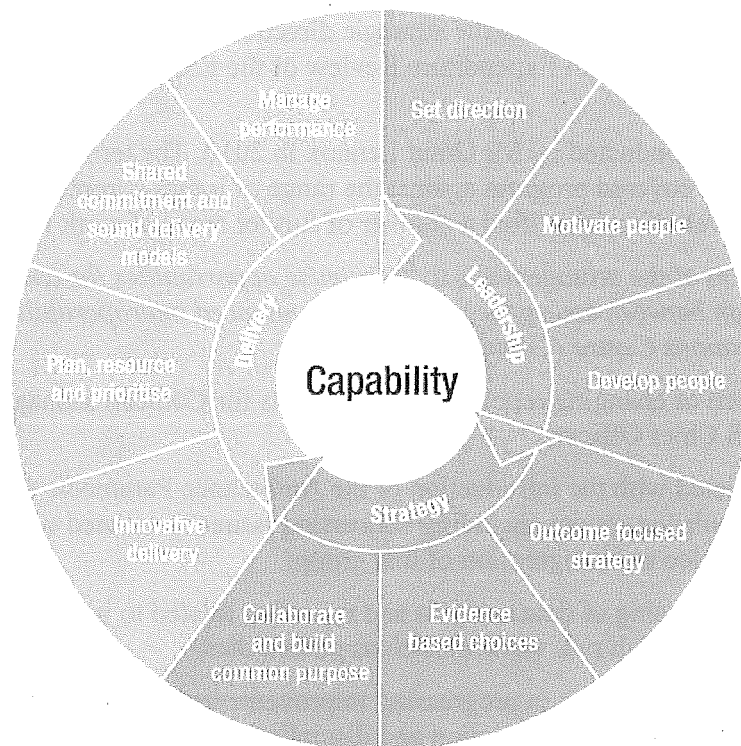


Figure 1: APS model of capability

Noting the Government's investment and the key areas of leadership capability identified previously, O2C Solutions (O2C) undertook a review of current organisational behaviours and the development of actions to progress and support the embedding of ACT Public Service signature behaviours and principles of professionalism flowing from the workvalue of Intensive Care Paramedics within ACTAS.

As part of this review process, the following components were undertaken by O2C to inform this report and its findings:

- A literature review of ambulance industry culture from both Australia and overseas identifying cultural attributes of progressive ambulance organisations;
- Observations on how the current organisational culture of ACTAS benchmarks against the cultural features of the ambulance industry;
- Consideration of the influence of current organisational arrangements such as:
 - supervision and management;
 - employee accountabilities and responsibilities;
 - recruitment, training and retention; and
 - work safety systems and clinical oversight.

- How current arrangements work towards shaping and promoting a progressive, resilient and professional culture.

The work conducted by O2C included the extensive literature review and associated report, consideration of existing available data, and information gathered through interviews with key stakeholders, workshops and confidential submissions.

The O2C evaluation identified areas of focus and developed supporting recommendations to achieve future characteristics of a professional organisation by addressing ACTAS's "adaptive challenges", which will in turn also meet community and service delivery expectations into the future.

3. ENVIRONMENTAL SCAN

3.1 ACTAS snapshot

ACTAS has a broad range of responsibilities in accordance with the *Emergencies Act 2004*. ACTAS is responsible for providing emergency, non-emergency, communication and aero-medical ambulance services to the ACT community in addition to supporting other response agencies in the delivery of their responsibilities under the *Emergencies Act 2004*.

Under nationally agreed indicators, the ACTAS measures Priority 1 (E000) response times against 8 minutes or less (50th percentile) and 15 minutes or less (90th percentile). In 2013-14, the ACTAS achieved a response time of 8.2 minutes against the 50th percentile and 12.9 minutes in the 90th percentile.

The ACTAS maintain a record of each call received into the Emergency Triple Zero (E000) Comcen, each call being recorded as a separate incident. Some incidents may be managed over the phone, with no ACTAS site response, and some incidents will have multiple vehicles respond on site. In 2013-14, the ACTAS managed 43,445 incidents involving 43,198 responses by operational crews. This represents an increase of 5.08% compared to 41,346 incidents in 2012-13. A breakdown of incidents in priority order is provided in the tables below.

ACT Ambulance Service Incidents

Table 1: Total Incidents

Priority Incident Type		Number		Percentage %	
		2012–13	2013–14	2012–13	2013–14
1	Emergency incident (lights and sirens), using emergency paramedic response	14,464	15,055	35.0	34.7
2	Emergency incident (road speed), using emergency paramedic response	18,869	20,147	45.6	46.4
3	Non-emergency ambulance incident, using emergency paramedic response	940	1,105	2.3	2.5
4	Non-emergency ambulance incident, using patient transport service resource	7,073	7,138	17.1	16.4
Total		41,346	43,445	100	100

3.2 Patient satisfaction

Each year the ACTAS participates in a national survey with all other Australian ambulance services seeking feedback from patients or the carers of patients to whom the ACTAS has provided clinical

care. Key objectives of the survey are to benchmark perceived service quality and customer satisfaction levels across all state and territory ambulance services. 1,300 surveys were issued during 2013-14. The survey results are collated nationally and the outcomes are published after the end of the financial year. In the 2013-14 survey the ACTAS achieved an overall patient satisfaction of 98%, up from 97% in 2012-13.

3.3 Snowy Hydro SouthCare

The Snowy Hydro SouthCare (SHS) helicopter aero-medical service is a joint venture funded by the ACT and NSW Governments, which provides aero-medical retrieval and rescue services to the ACT and surrounding region of south-east NSW.

Medical staffing for the service is drawn from Intensive Care Flight Paramedics employed by the ACTAS and Flight Physicians from the Capital Region Retrieval Service at The Canberra Hospital. Pilots, aircrew and engineering support is provided by CHC Helicopters (Aust).

During 2013–14, the life saving aero-medical retrieval service flew 466 missions, which included inter-hospital retrieval, search and rescue, and pre-hospital primary tasking. Operational activity has decreased by 32 missions (6.4%) compared to the same period in 2012–13. In addition, 74 road retrievals were undertaken by the rostered flight team. A summary of operational activity is provided below.

Table 2: SouthCare Responses

Mission Type	Number		Percentage (%)	
	2012–13	2013–14	2012–13	2013–14
Primary (accident scenes)	171	180	34.3	38.6
Secondary (inter-facility retrieval)	308	273	61.8	58.6
Search and rescue	19	13	3.8	2.8
Total	498	466	100	100

3.4 Rapid organisational growth

ACTAS has experienced a rapid growth in size since 2009-10. The enhancements to capacity funded by successive budgets have seen growth in staffing of approximately 79 additional full time equivalent employees (FTE). This represents a growth of approximately 36% in staffing since 2009-10.

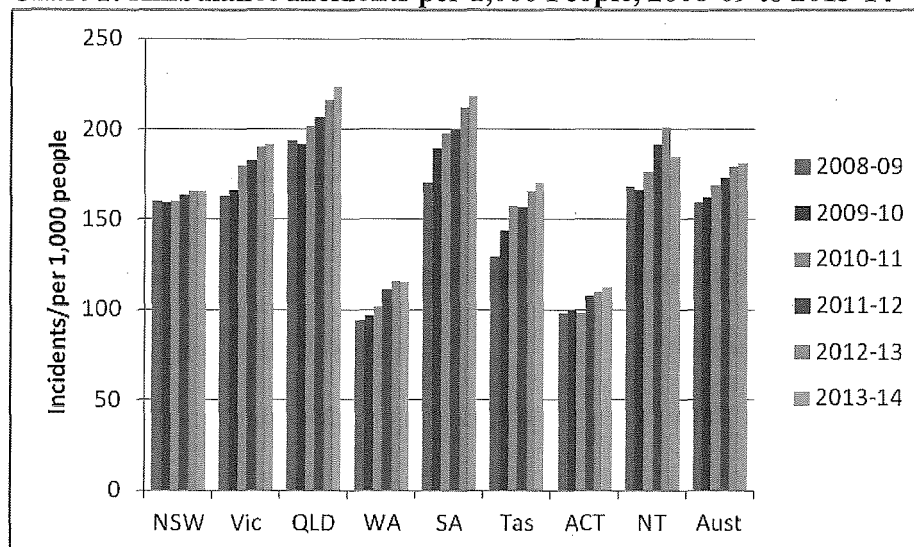
O2C observed that *“until relatively recently ACTAS was a small organisation: everyone knew everyone. Personal ties were important and the organisation operated like a family business. With roots in military structures ACTAS, as an ambulance service, developed a masculine culture based upon command. Staff were largely male and vocational education and training (VET) provided the basis for qualifications and competence.”*

Lennox 2014 notes that “the service has not only benefitted from the investment in new positions – it has grown in stature and wider perspective through an infusion of talented people from other backgrounds (including police and nursing/health) who have added wider perspectives based on their experience in other large organisations combined with their academic studies in various fields.”³

3.5 Service delivery

A snapshot of workload and performance of ACTAS indicates in 2013-14, the total number of incidents attended by ambulance services in the ACT was 43,445, which was 33.4% higher than the 2008-09 figures at 32,549, with an average annual growth of 5.9%. Over the same period, NSW experienced a decline of 5% annually and national growth rate was 1.2%⁴. This graph shows the significant growth in ACTAS.

Chart 1: Ambulance Incidents per 1,000 People, 2008-09 to 2013-14



Source: 2015 Report on Government Services Table 9A.33

The ACT had the third lowest number of incidents per 1,000 people of all jurisdictions in 2013-14 at 113.1 responses. An incident is an emergency event attended to by ACTAS officers in response to a Comcen call-out. This compared with NSW at 97.4 and nationally at 134.5, which is equivalent to around 16% above NSW and 15.9% below the national average⁵.

ACTAS performance standards are among the highest in the country. In 2013-14, 50% of Canberra’s ambulance Priority 1 responses were within 8.2 minutes⁶. This was the fastest response

³ Lennox 2014 page 27.

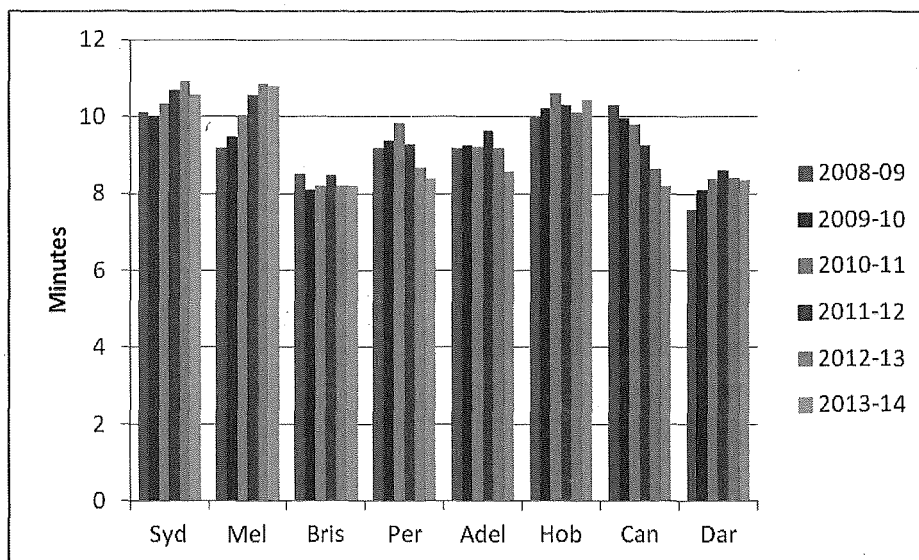
⁴ 2015 Report on Government Services Table 9A.33

⁵ Ibid

⁶ Priority 1 (also known as Code 1) responses to potentially life threatening situations that necessitate the use of ambulance warning devices (lights and sirens)

time along with Brisbane. Melbourne and Sydney had the slowest response times at 10.8 and 10.6 minutes, respectively. ACTAS response times have been consistently improving over the past five years.

Chart 2: Capital City 50th Percentile Response Times, 2008-09 to 2013-14

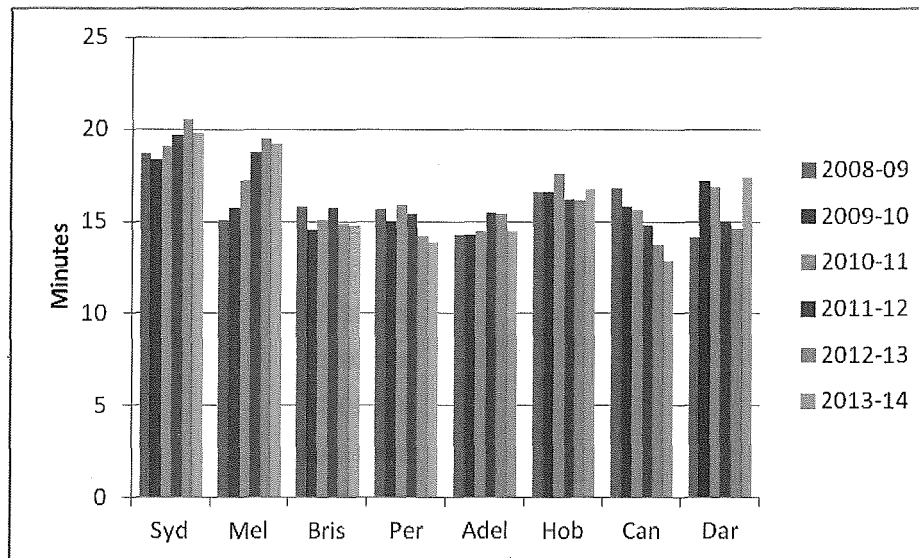


Source: 2015 Report on Government Services Table 9A.44

For response times at the 90th percentile, the ACT recorded the fastest response at 12.9 minutes, with Sydney recording the slowest response at 19.8 minutes. ACT's response time at the 90th percentile has also been falling over the last five years⁷ (see Chart 3), i.e. the ACT is consistently improving in responding to incidents.

⁷ 2015 Report on Government Services Table 9A.44

Chart 3: Capital City 90th Percentile Response Times, 2008-09 to 2013-14



Source: 2015 Report on Government Services Table 9A.44

3.6 Emergency and Non-Emergency Services

Noting the nature of the service provided by the ACTAS, generally emergency response to potentially traumatic or life threatening circumstances, the work it does is mostly reactive by nature. ACTAS has both emergency and non emergency functions, the latter being Non-Emergency Patient Transport. This group have similarly had changes between the period 2013-2014 with targeted investment being provided by ACT Health to deal with growth in Priority 4 transport functions and improve bed management strategies in ACT hospitals.

3.7 Stakeholders

O2C, through its review process, identified that ACTAS has a number of influential stakeholders including the workforce, management, the ACT Government and the community. O2C observed that the most active and closest of these stakeholders are the workforce, management (includes management and executive), the broader ACT public service, and the union (TWU).

Through its engagement with key stakeholder groups, O2C observed that while there are areas of strength across ACTAS stakeholder attributes, there were also areas of potential conflict, which helps explain the need for change and the strong requirement for cultural standards across ACTAS to be addressed. The following table summarises a broad assessment of the potential areas for conflict within ACTAS at present and possibilities to achieve successful change.

Table 3: Key Stakeholders Attributes

Union • Legacy issues • Realignment between work value and professional outcomes • Close relationship with workforce can disempower management + keen to work for positive change	ACTPS/JACS • Service operational focus conflicts with role as ACTPS + committed to ensuring “professionalism”, provide administrative support
Workforce • Generally well paid, increasingly university trained, younger, operationally focused • Office and operational elements • Unwedded to professional accountability but want to be a profession + independent and autonomous, well-spring of ideas	Management • Non-collegiate approach • Inconsistent vertical/horizontal communication • Functional or business unit focused • Reactive and require alignment as a team + passionate and committed to doing an individually good job

3.8 Literature Review

The extensive Literature Review conducted by O2C (at [Appendix 1](#)) provides a baseline of the ambulance industry and a foundation for the effective assessment of the ACTAS culture. This makes it clear that the ambulance industry as a whole is still in a period of transition to professional recognition and ACTAS has similar characteristics to many other ambulance services both nationally and internationally. Under the literature review, O2C describe the features of ambulance services nationally and internationally as follows:

- Leadership style – command and appointment driven;
- Risk – at the heart of every decision;
- Capability reviews – many reviews for little action;
- Blame – ‘us’ versus ‘them’ creates stagnation;
- Unionisation – high levels of union membership; and
- Engagement with staff – tendency to focus on capability at expense of staff.

O2C also draws on the work of Wankhade (2010), which identifies four occupational communities with organisations such as ACTAS, of ‘operators’, ‘engineers’, ‘managers’ and ‘executives’ that provides a framework for organisational and cultural analysis.⁸

3.9 Workforce observations

ACTAS employees are employed under the *Public Sector Management Act 1994* and bound by public sector values, and clinical governance arrangements relating to paramedic scope of practice, defined by ACTAS.

Following extensive engagement with the ACTAS workforce, O2C observed that a rapid growth in size, a transformation to the nature of work (such as more elderly care, less road accidents), university training as a prerequisite for entry, and an increase in women present both changes and challenges. The observations derive from extensive consultation including 124 respondents to a confidential cultural survey, stakeholder interviews, workshops, 30 worksite visits and 43 individual submissions via email, phone or personal meetings.

Of the changes made in the organisation, Lennox 2014 notes that *“resources have been used well by an energised management team to strengthen every facet of the organisation giving ACTAS a much better platform to face the continual challenges ahead due to further expected growth in ambulance demand. Staff at all levels of the organisation and their union also deserve credit for enabling such a wide ranging raft of reform to be successfully introduced to benefit community safety.”*⁹

Lennox 2014 also acknowledges the improvements and notes the remaining challenges for ACTAS that exist both in terms of attitudes associated with acceptance of deficiency or error; clarity around clinical review processes and disciplinary review processes and the progress of the paramedic profession to achieve registration nationally. His work also highlights the further work on Comcen, clarifying ambulance paramedic and patient transport expectations, focussing on injury prevention and management (employee wellbeing), and registration of the profession is required.

O2C concludes that a transition away from the old model started in 2010, with a review of capability (Lennox, 2010). Subsequently, the past and potential future of ACTAS *“has collided in this transition process”*. It is this conflict that forms the basis for these report findings and establishes a clear imperative for ACTAS to develop a blueprint to help it progress towards professionalism as a cultural standard.

3.10 Industry Direction

The ambulance industry as a whole is in transition towards improved regulation and professionalism. This is currently being progressed through a draft regulatory impact statement, which considers various options towards a national system of registration¹⁰. This requires a more outward looking perspective for ambulance professionals.

⁸ Wankhade, P., (2010), “Cultural characteristics in the ambulance service and its relationship with organisational performance: evidence from the UK.”

⁹ Lennox 2014 page 4

¹⁰ Draft Decision Regulatory Impact Statement (RIS) ‘Options for regulation of paramedics’ from September 2014 was considered at COAG Health Council (CHC) and Australian Health Workforce Ministerial Council (AWMC) meeting on 10 October 2014.

The Literature Review has highlighted that the ambulance industry is currently progressing recognition of paramedics as a profession. This includes consideration of accountability mechanisms and standards.

Various jurisdictions nationally are in the process of recognising the term “*paramedic*” in legislation and applying regulation of its use, which will be dependent on the COAG Health Council’s endorsement of the Regulatory Impact Statement (RIS) ‘*Options for regulation of paramedics*’. ACTAS is in the same position as the other jurisdictions i.e. the service will undertake a similar process of recognition and inclusion of paramedics in the National Registration and Accreditation Scheme (NRAS) for health professionals once COAG endorsement is finalised.

Lennox 2010 noted of ACTAS: “*The increasing professionalism of paramedic care is now progressively being recognised through transition of paramedics into health professional pay scales alongside nurses and a range of other health professionals*”. Lennox 2014 describes a professional as an “*individual who*:

- *Takes responsibility for their own actions;*
- *Adheres to good governance that direct behaviour;*
- *Meets entry and ongoing competence standards;*
- *Abides by ethical and moral principles; and*
- *Whose practices contribute to the leadership in their profession.”*

Progressing professionalism also requires adaptation of organisational processes, practices, leadership and greater visibility of ambulance activity in the broader governance of the ESA.

The focus, since 2010, has primarily been on acquiring the resource base and reforming operations and procedures to respond to service demands. The evaluation work undertaken by Lennox in 2014, demand analysis by Operational Resource and Health (ORH) on service demand, and advice from O2C, confirms that ACTAS has successfully acquired the necessary resource capability and reformed its practices to meet its current growing demand. However, to ensure that the organisation continues to achieve performance expectation, a number of actions are required to remain adaptive and progress towards professionalism. Referring to Figure 1 at page 10 of this report, this investment is in leadership and strategic capabilities. The associated key areas of focus include improved internal communication, talent management and development of people.

The analysis undertaken by O2C recommends the development of a strategic vision for the ACTAS and associated action plans, developed collaboratively with key stakeholders (staff, ACT Government, ESA and relevant stakeholders).

O2C suggest that the strategic vision should address the following key questions:

- Is the ambulance service the emergency arm of the health system or the health arm of the emergency system?
- How can the changes in scale and nature of the work within ambulance services be accommodated within existing structures and modes of operating?

- What level of risk is acceptable for the conduct of any cultural change?

The evaluation work conducted has made a range of observations, which provide the basis for developing future work programs. This work is complemented by the areas of priority highlighted in Lennox 2014 and the current integration project being progressed in the ESA. These priorities include:

- Implementing common and consistent approaches to planning, performance evaluation and people management;
- Taking an ESA wide approach to risk management;
- Integrating similar activities to ensure redundancy, consistency of approach and efficient use of resources;
- Investing in leadership.

O2C identified “*that the ideal cultural state is collegiate, coherent, and professional and uses best practice procedures. ACTAS is currently in the midst of a transition from what was, to what might be.*” The O2C Literature Review suggests features of high reliability organisations (HROs) as something that ACTAS should strive toward. The features of a HRO are:

1. They accept imperfection and failures as inevitable, but see them as opportunities to learn – and they *treat near-misses as near-hits*.
2. They don’t oversimplify system behaviour modelling, they use sophisticated systems to manage complexity, and they encourage more than one view and approach to operations.
3. Within the HRO someone’s express business is to maintain overall situational awareness.
4. They adopt and retain redundancy and; therefore, the flexibility and resilience to adapt to the unforeseen.
5. They rely on experience and knowledge more so than hierarchical command or management structures to manage the inevitable unforeseen behaviour of imperfect designs and processes.
6. They maintain optimum human stress (not too much, not too little).
7. They maintain an enthusiastic but nervous outlook on positive feedback (good trends) – they appreciate that modern system and processes will exhibit, by and large, non-linear, probabilistic behaviour, and the longer a good trend continues, the closer the next surprise is.

A possible organisational vision identified for ACTAS was “*a world leader in ambulance services*”. Similar phrases and concepts as those associated with peak performing organisations: shared vision, agile, resilient, accountable, leads by example, consistent and positive behaviours were expressed in commentary provided.

4. FINDINGS

Following extensive consultations and engagement with the ACTAS workforce it has been identified that ACTAS needs to implement a number of priority actions in order to quickly address leadership and cultural standards that are currently creating conflict and tethering it from further progression towards professionalisation.

In essence, for ACTAS to progress toward professionalism as a cultural standard, it needs to respond, as a matter of priority, to a range of challenges to address workforce concerns around trust, conflict and leadership. These adaptive challenges are summarised by Figure 2 at page 32.

O2C observed an assumption tacit within the literature that *good* performance may link with *good* culture. Conversely, *poor* culture may contribute to *poor* performance. A poor culture may still produce good performance, although, this may emerge in a less efficient way and the effects of the poor culture will still be apparent within the organisation. This raises the following questions:

Are organisations willing to accept poor culture as long as good performance is delivered in highly visible areas?

Where are the effects of poor culture occurring within the organisation?

The APS Commission indicates from its adaptive capability model that capability includes people and systems whether they be ambulances, communication systems, technical skills, financial or workforce planning “*to be consciously aligned to corporate outcomes and priorities, and lines of accountability for the performance of systems must be clear. Governance systems need to ensure that activities are managed with a strong emphasis on effective risk management*”.¹¹

Progress since 2010 has focussed in technical capacity and resourcing at the expense of investment in leadership, communication and strategy. The rapid change in ACTAS through growth, employee diversification and expanded workforces, such as the paramedic tier, introduction of new layer of management (Duty Officers) and new clinical governance arrangements requires consolidation and clear articulation of strategy going forward. Acknowledging completion of the acquisition stage (or plan, resource and prioritise) ACTAS requires a clearly articulated strategic vision, which needs to consolidate on progress to date and to focus on development of leadership and people management capability including improved processes around feedback, evaluation and workforce communication.

Feedback from the ACTAS workforce, Lennox 2014 and interaction between O2C and employees indicate that there is an immediate requirement to build trust and satisfaction of employees with both the organisation and its leadership.

ACTAS workforce concerns have identified that access to training, career opportunities and general communication within the organisation shows that unresolved conflict and distrust have the

¹¹ Australian Public Service Commission, *Agency Health: Monitoring Agency Health and Improving Performance*, Commonwealth of Australia, Canberra, 2007, p. 10.

potential to affect organisational health and effectiveness. These go to organisational performance about consistency in decision making which has, in some cases, led to suggestions of favouritism or nepotism and perceptions of inappropriate cultural standards being applied.

Improving levels of trust and reducing blame amongst ACTAS staff are critical factors in enabling the organisation to change and progress towards professionalism into the future. Indeed, this report provides an excellent vehicle and opportunity for ACTAS to draw a line in the sand, to reform under a united blueprint for change, to embrace the adaptive challenges identified for future success and to ensure professionalism as a cultural standard.

A number of major issues confront the organisation including introduction of tertiary qualifications as the primary mechanism for entry and recruitment, changing nature of workforce expectations, changing nature of the work and potential for acceptance as a profession.

Improvements in ACTAS performance measures including response times, patient care and satisfaction and call handling have been acknowledged in Lennox 2014.

The lack of personal development (as compared to technical training) was identified as an area of concern. It supports the observation that during the period of rapid organisational change and growth within ACTAS the focus was more on technical skill acquisition and resource capability with insufficient investment being given to corresponding capabilities associated with leadership development and cultural standards. While on one hand, ACTAS has developed and sustained strong technical skills, this capability was not sufficiently balanced in terms of people management capabilities, such as leadership, teamwork and communication.

O2C identify that growing cultural capability is a particular challenge when the internal and external perspectives of ACTAS expect perfection. As Lennox 2014 explains *“community expectation are that people who hold your life in their hands should be well paid according to their knowledge and skills. But equally the community has a right to expect professional and safe care; an appropriate level of accountability by clinical staff and that the organisation responds effectively to all issues which impact on safe patient care.”*¹²

Dealing with life threatening circumstances leaves little margin for error and requires skills, competence and expertise in treating patients. The level of skill and acumen associated with treating patients appears to encourage ACTAS employees to expect equal commitment in other dealings within the organisation including in activities such administration, training and employee relationships. These are seen as rarely likely to match their expectations. O2C recommend adopting the features of high reliability organisations detailed earlier, as a guide to addressing workforce concerns.

As a sub-agency of the ESA, key business objectives of the ACTAS aligned with the Government’s policy direction and priorities are identified within the Strategic and Corporate Planning Framework of the ESA. If this framework is to be retained, the strategic vision of the ACTAS needs to be much

¹² Lennox 2014

more visible and communicated to enable senior leaders to engage and lead all staff and the organisation towards a shared future where professionalism is adopted as a cultural standard.

Important themes emerged from the literature review and from consultation with ACTAS staff. These include progressing a vision that ACTAS is positioned due to its size and agility to be a leader in the ambulance profession, and that organisational infrastructure such as remuneration and employee conditions are considered as good. The observations detailed by O2C provide the foundation for the actions required going forward.

The associated findings and recommendations are summarised as follows.

4.1 Finding 1 – Nature of the workforce

Conflict and distrust seem to be widespread across the ambulance industry (*see Literature Review*) and in the case of ACTAS there are high levels of conflict as borne out in the range of observations, feedback and workshops conducted by O2C. Similarly the comments made by Lennox about cultural issues in progressing improvements in clinical governance, support observations by staff that they do not receive a lot of positive feedback, that they generally hear negative feedback and are only sought out when something is wrong.

One of the main issues raised was the sharing of confidential or personal information, especially from management.

There appears to be a lack of communication associated with the strategic direction and reasons for some decisions. Staff feedback indicates that they are being told that something is in the “*big picture*” but are unclear of what the “*big picture*” actually is, or what it relates to.

Shift work, workload (service demand) and the costs associated with staff being off-shift and unavailable to the roster, present a range of challenges from balancing family responsibilities, encouraging collaboration, and delivering training over and above technical and professional development requirements. Each of these is identified as concerns of ACTAS staff.

On the issue of divisions among workforces, comments such as “*if not in green you are not seen*” summarise perceptions about the primacy of different workforces within ACTAS and their likeliness to have more favourable treatment and organisational opportunity.

O2C note that “*few real explanations are offered by those interviewed for the conflict beyond the existence of work pressure (both in terms of the amount of work and its challenging nature) and the lack of fully adaptive organisational structures*”.

O2C also observe that little was said by those consulted about the needs for and delivery of leadership and management training. They note that in organisations where the leaders are typically promoted from the operator level, this can lead to a major gap in capability and without future investment in this key enabler (leadership), individual and hence organisational performance may be compromised.

The O2C evaluations have not explored the effectiveness of workplace wellbeing strategies or the nature of the work (ambulance response) and its impact. Lennox 2014 also identified this as an area for further focus.

Summary: Dispelling fear and promoting trust within ACTAS is essential to developing a professional future for the service. The acceptance of individual accountability for performance, actions and behaviour is also crucial.

4.2 Finding 2 – Blame and bullying

Linked to Findings 1 and 3, issues of blaming and bullying (alleged or actual) are widespread features of the ambulance world according to the literature. The review finds ACTAS is no exception¹³.

It was generally found that ACTAS staff were often too focused on themselves (a “me first” focus) rather than as a collective or service and this, in part, contributed to the blaming effects. O2C advised that *“individuals at all levels of ACTAS were quick to blame the ubiquitous and amorphous ‘they’ for their individual troubles. When pressed, ‘they’ quickly transformed into anyone and everyone above ‘me’ in the organisation.”*

This individual focus limits self reflection or an organisation focus and significantly constrains ACTAS (and potentially the ambulance industry) from progressing towards professionalism as a cultural standard, or embracing a culture of continuous improvement. The APS Commission’s capability model notes that *“an evidence-based approach (to determine strategy) can be strengthened by a culture that is outward facing and willing to evaluate and measure outcomes through feedback”*. An integrated performance management system and associated staff feedback is lacking in ACTAS.

A focus on evaluation, self reflection, taking responsibility for actions and strong performance feedback are key to both being professional and effective organisational capability.

Summary: Understanding, identifying unacceptable behaviour is crucial to creating an acceptable culture. Establishing and enforcing appropriate procedures for unacceptable behaviour is necessary.

4.3 Finding 3 – Implementation of Respect Equity Diversity Framework

Linked to finding 2, recent consultations by O2C suggest that there has been a decline in confidence of cultural standards by its employees.

It was found that ACTAS does not sufficiently adhere to, or support, the ACTPS Respect, Equity and Diversity (RED) framework. O2C advised that *“the RED framework is not seen to be lived in ACTAS.”* While ACTAS staff feedback indicates that the ACTPS values enshrined by the RED framework were not seen in action by executive leaders, those results did indicate that there had been an improvement at that time in *“the training provided in the last 12 months to address harassment and bullying.”* Similarly there was a perception that managers were prepared to eliminate harassment and bullying. These results followed the delivery of the RED Framework Training to ACTAS employees.

¹³ Investigation of specific claims was beyond the O2C remit.

The principles of respect, equity and diversity are not only true, but they are fundamental and critical to the success of the any high performing organisation. The benefits of valuing diversity, creating respectful and fair workplaces and promoting opportunity include increased levels of employee engagement, heightened levels of workplace participation and innovation, and significantly enhance the productivity and sustainability of an organisation to adapt and meet the needs of the future. Fundamentally, a positive workplace culture rests on the principles of respect, equity and diversity and enables people to be more involved, contribute and achieve their full potential; and for organisations to also achieve their full potential.

Adopting the ACTPS RED framework and ensuring that all ACTAS staff fully understand, embrace and ‘live’ its values is an essential element of the required change process for ACTAS to improve cultural standards and progress towards professionalism.

Summary: Implementing the RED framework in a coordinated and effective fashion including regular auditing of progress is necessary to address this and the first two findings.

4.4 Finding 4 – The role of the ACTAS Chief Officer and leadership

The role of the ACTAS Chief Officer and leadership is critical in helping to build an adaptive and resilient workforce that has a strategic vision, a unified sense of purpose and direction, high behavioural standards, open lines of communication and feedback, high levels of trust and workforce harmony.

The APS Commission’s work on organisational capability suggests that “*leaders have a significant impact on levels of staff motivation and engagement. When these levels are high, they provide a basis for unifying staff around a common set of values and behaviours that promote enthusiasm to achieve, and challenge the organisation to improve. Effective leaders inspire and earn respect and, in return, are provided with loyalty and the confidence of staff and stakeholders*”.¹⁴

ACTAS has undergone considerable change in the last few years and the role of the Chief Officer to lead and clearly communicate a strategic vision for the organisation has not been sufficiently visible according to O2C consultations. Concerns about transparency in decision making and managing performance across senior leadership roles has resulted in levels of conflict and mistrust developing across ACTAS affecting overall cultural standards.

There is a strong and definite need for the ESA Commissioner and ACTAS Chief Officer to clearly articulate an understanding of themes and issues raised by employees, to clearly outline a personal plan of action and commitment towards change, and to provide a supportive environment for ACTAS to embrace the necessary ‘adaptive challenge’ required to progress towards professionalism as a cultural standard.

¹⁴ Australian Public Service Commission State of the Service 2010-11 <http://www.apsc.gov.au/about-the-apsc/parliamentary/state-of-the-service/state-of-the-service-2010/chapter-10-organisational-capability>

The ACTPS Executive Capabilities emphasise setting direction, motivating people and developing employees as key characteristics of leadership capability. The Chief Officer is an executive role and is required to achieve these capabilities.

O2C note that Lennox 2010 recommended a significant shift for the organisation and that Lennox 2014 evaluated the progress of the implementation of many technical and clinical changes. These changes have altered the way things are done within the organisation with O2C commented that many “*personnel within ACTAS felt challenged or threatened by these changes*”.

Leading change successfully is fundamental to the role of the ACTAS Chief Officer and work is required to ensure that any future direction is developed collaboratively with the workforce and provides a compelling and coherent vision for ACTAS to embrace as a whole. The ACTAS Chief Officer is responsible for leading and managing change and galvanising the action necessary for improved cultural standards. The perceptions expressed by staff during the various evaluations and consultations warrant a clear acknowledgement by the ACTAS Chief Officer that fully embraces and acknowledges the key themes identified, as well as a clear statement of intent, supported by the ESA Commissioner, describing the actions to be taken to implement and drive the necessary change process.

A key accountability of the ACTAS Chief Officer is to ensure that the range of systems and processes are in place so that:

- ACTAS has the people with the right skills to deliver strategic outcomes, including identifying and addressing capability gaps;
- alignment of staff performance with strategic priorities and that performance is managed transparently and consistently—rewarding good performance and tackling poor performance; and
- ACTAS effectively identifies and nurtures leadership and manages talent in individuals and across teams.

Noting the organisational governance arrangements within which all ACT emergency response services operate, the employees of ACTAS are employees of the ACTPS. The employment relationship includes the Director-General of the Justice and Community Safety Directorate and the ESA Commissioner, should have a clear and active role in supporting and monitoring the progress of the ACTAS Chief Officer to implement the Change Implementation Program, which responds to issues raised through these reviews.

Summary: Determining the requisite skills and behaviours for leading ACTAS now is essential to steering ACTAS through the transition process.

4.5 Finding 5 – Links to military systems

The *Literature Review* demonstrated ambulance services have a long history as ‘*uniformed*’ hierarchies with a ‘command and control’ logic. O2C suggest that this seems largely unquestioned, which is problematic since the application of this methodology, neither strongly conforms to military best practice on the one hand nor, on the other, does this fit with the changing nature of ambulance work. The collegial nature of a profession, for example, is likely to further impact on this leadership model. Indeed, given the small team nature of the work of ambulance services

(including ACTAS), the most appropriate military model to identify with, if any, would be special forces units. These units often operate in small teams require a high degree of autonomy, have a considerable degree of operational flexibility and skill level. O2C suggests that ACTAS, like many other ambulance services, has yet to resolve the issue.

O2C identify that being a uniformed service brings clear advantages in emergency situations, principally centred on recognition by the public and by other emergency services. At the same time, a rank based hierarchy with expectations that *'orders will be obeyed'* cannot function effectively without a strong system of leadership training and development as well a clear resolution of the boundaries between rank based authority and professional expertise and judgement. This is identified as major weakness in the way ACTAS currently operates and is something that needs to be addressed as part of its progression to professionalism.

Summary: Investigation and adoption of an appropriate leadership style and framework is necessary.

4.6 Finding 6 – Talent management and succession planning

The review found common concerns were expressed about level of access within the organisation to training and career development opportunities.

O2C observed that “all organisations have underlying assumptions (often unconscious) driving talent management, succession planning and career development. Organisations typically promote like for like, which some sociologists label ‘homo-social reproduction’. That is, the leaders of an organisation promote subordinates that match and align with their own views and behaviours. So, unconsciously people behave in ways that align with the promotion authorities within their organisation – typically the senior leaders. Often these assumptions manifest in perceptions concerning explanations for promotions.”

Both O2C and Lennox 2014 refer to a driving perception in some parts of: *“if you’re not in green you’re not seen.”* O2C suggest this implies that you need to be a paramedic to make any career progress and that progress relies on access and acceptance by the senior leaders. Lennox 2014 notes that through tiering of ambulance activity the *“widespread desire of many PTS (patient transport staff) staff in every jurisdiction to progress to paramedic roles. However the difference in clinical knowledge and skills and selection criteria for the two roles (i.e. paramedics and patient transport officers) are significantly different and tertiary study options are available and open to those who meet entrance requirements.”*¹⁵

The introduction of different service tiers and operational personnel and the perceptions of each group’s contribution to the organisations strategic direction and outcomes require acknowledgement and communication to employees.

As per findings 1-4, O2C concludes that the *“system of leadership, the type of behaviours and the culture all highlight the lack of appropriate talent management and succession planning.”* They

¹⁵ Lennox 2014 page 35

indicate that what “*was noticeable during workshops and interviews with the different levels of leadership was how often they complained/blamed the other levels*” without sufficient awareness that “*their behaviours were aligned with those they complained about.*”

O2C identify that the lack of investment in leadership training and professional development has created organisational blind spots. The review process noted that the type of behaviours observed and workforce feedback received highlight the weaknesses of appropriate talent management and of succession planning being adopted.

Summary: Talent management, succession planning and leadership development are hallmarks of peak performing organisations and assist with future proofing the organisation.

4.7 Finding 7 – Lack of strategic vision

A number of ambulance services in other jurisdictions have developed and, in some cases, implemented a strategic vision (including Tasmania, NSW, Victoria and South Australia).

Both leaders and management of ACTAS appear to reflect the nature of the business - reactive and operationally focused. This hampers the establishment of a strategic vision and planning. Leadership is required to demonstrate its capability to set direction by developing and providing a compelling and coherent vision for the organisation. The absence of an articulated and understood vision developed through engagement with staff limits the ability to plan for the challenges of the future, and ultimately any plan’s success.

ACTAS requires a strategic vision to meet the government’s policy direction and priorities and enable senior leaders to engage and lead all staff and the organisation towards a shared future state. To achieve this, ACTAS needs to invest time to support and develop an organisational vision that unites the workforce and helps support it to progress towards professionalism as a cultural standard.

Summary: Develop a strategic vision to set the foundation for the ACTAS of the future and assist senior leadership to develop the necessary skills to achieve this vision.

4.8 Finding 8 – Scalability

Ambulance services are experiencing rapid changes, increasing demand and growth worldwide. Most reviews reference this, but fail to ask whether the changes in scale and nature can be accommodated within existing organisational models.

In the case of ACTAS the growth in recent years has not been matched with a concomitant increase in managerial (and leadership) skills and (non-clinical) professional standards. This rapid growth has created significant management challenges for ACTAS and its cultural standards.

As a result, cultural standards for things like workplace communications and behaviours that have survived from an earlier period have failed to transform to the current operating environment. This has resulted in a methodology overly reliant upon personalised relationships being retained in changed conditions that no longer make that approach effective, rather than a focus on achievement or universal access.

Summary: ACTAS and ambulance services in general require adopting a new model of thinking and operating to meet the needs of the society in which they operate.

4.9 Finding 9 – Professionalisation

There is considerable discussion of the growing professionalisation of the ambulance workforce. This discussion not only neglects questions about professional development, but also neither fully resolves issues about professional status and union membership, nor the closely related question of status culture (white collar vs. blue collar). In other words, what type of workforce are ambulance services and how to reconcile a series of competing identities such as VET versus tertiary trained etc?

In the case of ACTAS, while some important initiatives have been taken in the clinical areas, insufficient focus has been placed on developing professionalism as a cultural standard. This is linked to a number of features. Prominent among them is insufficient investment in professional development in human relations, management and leadership along with a failure to develop guidelines that help link together organisational structure and role responsibilities, professional healthcare standards and the deployment of staff in an optimal manner.

Summary: Establishing paramedics as a profession may address some of these issues. Professionalisation of ACTAS and staff through understanding and delivering on the requirements of that terms in ALL situations rather than just clinical will underpin the future ACTAS.

4.10 Finding 10 – Adaptive organisations

More broadly than the ambulance service literature, excellent work exists on the attributes of peak performing and high reliability organisations with strong adaptive cultures that transcend blaming.

While well known in the general world of organisation theory, discussion of these issues hardly appears in the relevant ambulance review work, suggesting that this takes place largely inside a ‘bubble’ of localised expertise that is unconnected with more general expertise. The size of ACTAS and indeed the ACT and its location within ESA provide opportunity for driving the type of change seen with adaptive organisations.

These include:

- Improving collaboration (and in turn interoperability) on issues both within and across multi disciplined emergency service teams – the current integration projects in ESA provide opportunity for this.
- Removing segmentation and improving communication between groups – the proposed approach to development of a strategic vision and action plan (or common purpose) for change should ensure engagement with a cross cut of the organisation. Similarly the work currently underway on projects such as the Women in Emergency Services Strategy and various working groups should encourage the building of trust, collaboration and sharing of ideas across ACTAS and the broader ESA.

Interactions with employees including observations in Lennox 2014 highlight the achievements of the ACTAS. Successes such as the performance of ambulance response identified in the Report on Government Services and recent awards for the implementation of the Extended Care Paramedic Program to the ACT Community provides validation for the achievements of the organisation and should be shared and celebrated as a collective.

Summary: Creating a sense of belonging and opportunity in staff are essential aspects of peak performing organisations.

4.11 Finding 11 – Retention

Lennox (2014) states that: “ACTAS has gone from having the worst ambulance attrition level of all Australian ambulance services (of 10% per annum) to a 2.6% attrition rate, which is far below the national average rate” (Lennox 2014, p.3). Changes in ambulance utilisation due to Lennox (2010) have ensured the more appropriate and effective use of ambulance resources.

Whether ACTAS has the worst rate or one far below average is immaterial, what is relevant is establishing the right rate of retention for an organisation of small size delivering a specialist outcome with relatively few levels for advancement.

The key question for ACTAS is what is the ideal level of retention for the service?

Summary: Identifying the right level of retention and the right people to retain is fundamental to promoting the right culture.

5. RECOMMENDATIONS

O2C have summarised the challenges facing ACTAS and possible framework to achieving the necessary reforms in Figure 2 (at page 32).

This framework is referred to as the “*adaptive challenge*” and requires the transformation of the existing ACTAS cultural standards to one more aligned with a future vision of professionalism.

Attributes of adaptive organisation structures include:

- The ability for all employees and groups within an organisation to collaborate effectively
- The ability for all employees at all levels to network with others outside the organisation, gaining new sources of useful information and helpful perspectives in the process. This includes networking with customers and other stakeholders, external industry experts, even with competitors or rivals
- The ability for all employees at all levels to innovate and experiment without fear of “*reprisal*” or marginalisation. Instead, where the culture of the organisation is to reward those who think innovatively, participants saw the greatest success in adapting to solve the pressing issues the organisation faces¹⁶

The diagram was developed in conjunction with key stakeholders at the Executive Futures Workshop. The pathway to moving forward is detailed in the draft Change Implementation Action Plan.

¹⁶ Creating Adaptive Organizations: <http://www.amanet.org/training/articles/Creating-Adaptive-Organizations.aspx>

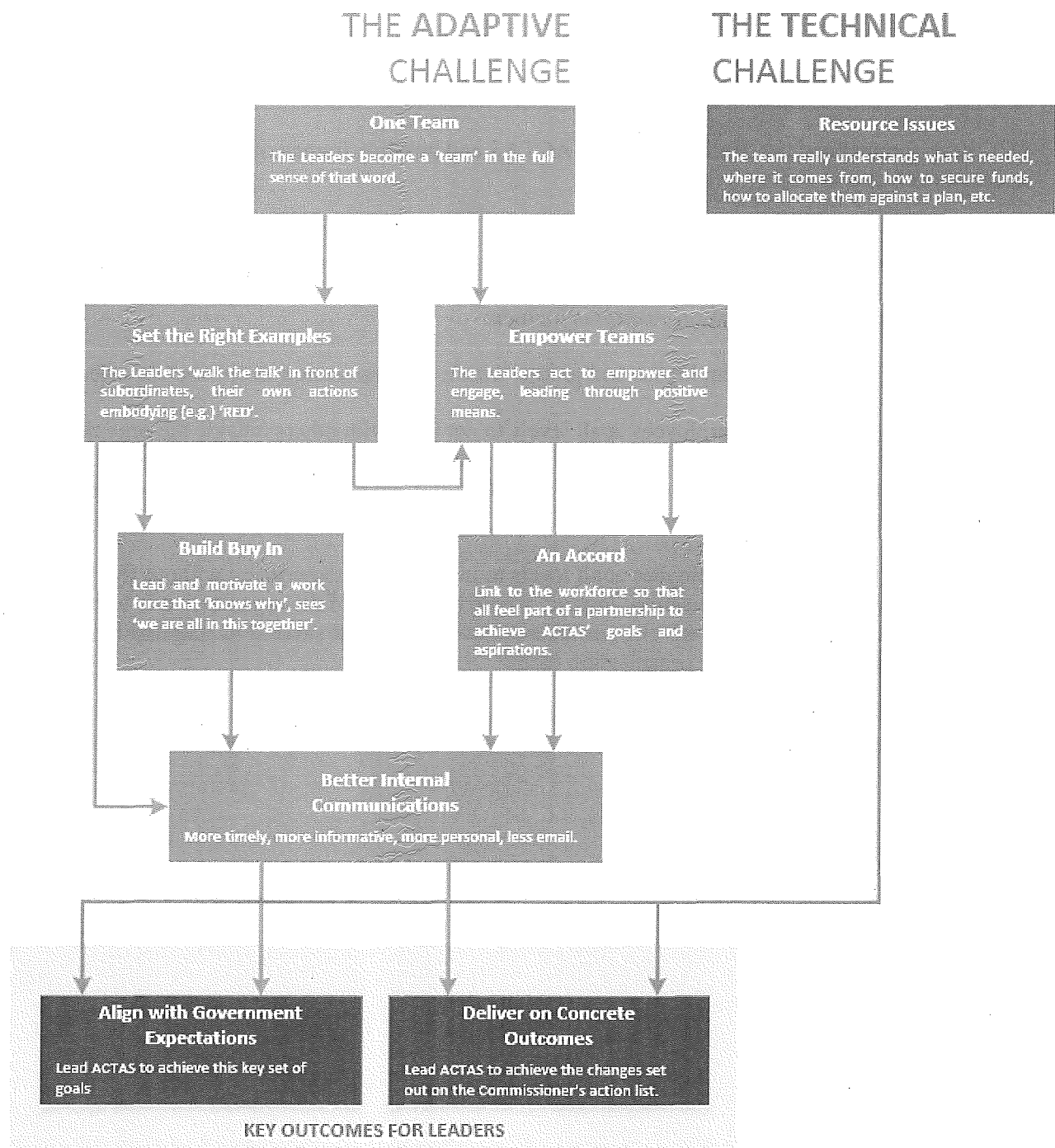


Figure 2: The Adaptive Challenge – Basis for Recommendations

5.1 Recommendation # 1 – Implementation Charter

An implementation charter should be developed by ACTAS, in consultation with key stakeholders, which sets a clear commitment and process for implementing an effective transition process from to progress towards professionalism as the cultural standard.

Leading change requires a unified team to present a united and compelling vision. An implementation charter provides the foundation upon which to address the adaptive challenge and would include an outline of key activities, responsibility for actions, timeframes for change and measures of success.

What does this look like? A facilitated workshop series with the ESA Commissioner and ACTAS Chief Officer, JACS Directorate representatives and TWU representatives to establish an endorsed action plan.

Outcome – The key stakeholders leading change with a consistent message and agreed benchmarks and timelines.

5.2 Recommendation # 2 – Professionalism as a Cultural Standard

The ACTAS Chief Officer, supported by ESA Commissioner and other key stakeholders, delivers a clear commitment statement that affirms the need to transform the organisation, address existing challenges and best positions it to progress towards professionalism as a cultural standard.

Accepting accountability and setting the tone and expectation from the highest levels of ACTAS and ESA at the outset will help create the necessary buy-in and trust required by the overall workforce to support this change program and will be critical to its successful implementation.

This clear statement of intent, coupled with aligned support from the ESA Commissioner, will assist the ACTAS Chief Officer and senior leadership staff to clearly communicate and demonstrate the necessary commitment, drive and cultural standards necessary to support this change process.

What does this look like? Consistent public and internal messaging acknowledging the need for change and outlining key stakeholder unity and expectation of participation in the process.

Outcome – Conditions set for ACTAS Chief Officer and senior staff to communicate same commitment and for development and delivery of Adaptive Challenge program.

5.3 Recommendation # 3 – ACTAS/Emergency Services Leadership Framework

The organisation Leadership Framework (LF) outlines the expectations, requirements, accountabilities and consequences at relevant levels within ACTAS.

ACTAS requires a consistent and integrated LF within the context of the Emergency Services. This report highlights ACTAS are in a position to lead within Emergency Services to design and implement the LF. An effective LF would cover operational, administrative and behaviour aspects to ensure alignment between individual actions and organisational direction. Collaboration between management, staff and TWU delegates in developing the LF would ensure an agreed and unified outcome.

The LF provides the mechanism for the development of the supporting initial and on-going leadership programs for ACTAS staff.

What does this look like? A collaborative process to emphasis engagement and set accountability through an open facilitated workshop series.

Outcome – LF includes clear expectations and measurements relating to how leadership is demonstrated within ACTAS.

5.4 Recommendation # 4 – 360 degree feedback of leaders (managers & supervisors)

The LF provides an opportunity to identify and conduct an evaluation of ACTAS leaders – in the first instance. The evaluation should align to the measures and requirements within the LF. A multi-rater evaluation can be used at all leadership levels.

360 degree feedback assists with providing individuals a range of perspectives on their behaviours and performance. Such evaluations also assist in encouraging individual accountability horizontally and vertically within organisations. This forms part of the communication strategy (see Recommendation # 7) and also contributes to measurement (see Recommendation # 8)

What does this look like? The engagement of relevant ACTAS personnel in contributing to the development of leadership within the organisation.

Outcome – Balanced evaluation of performance to inform development and action

5.5 Recommendation # 5 – Leadership Development

ACTAS need to develop a unified Leadership Team to implement the agreed future vision with staff. The Leadership Program uses information from the LF (recommendation # 3) and the feedback (recommendation # 4) to create the necessary accepted norms and behaviours required of the senior leaders within ACTAS.

What does this look like? A series of workshops for leaders designed to establish a One Team approach.

Outcome – ACTAS leaders function as One Team equipped to lead ACTAS towards the future vision.

5.6 Recommendation # 6 – Staff Workshop Series

The proposed workshop series operates on two levels. The first level reinforces the intent of the ACTPS Respect Equity and Diversity (RED) Framework. All employees should attend this compulsory workshop addressing acceptable and unacceptable behaviour, process for dealing with issues, and accountability and responsibility at various levels. This should be complemented by implementation of performance management plans which set out expectations, responsibilities, and behaviours to help enhance cultural standards across ACTAS (and also ESA).

What does this look like? A series of workshops designed to reinforce the LF accountabilities and behaviours.

Outcome – Alignment of staff with future vision, their role and requirements.

5.7 Recommendation # 7 – Communication Strategy

A coordinated communication strategy addressing all external and internal stakeholders supports the implementation and roll-out of the recommendations. The strategy cascades through ACTAS enabling all personnel to operate as both deliverers and receivers of messages.

What does this look like? A multi-channel communication strategy accessing stakeholders through preferred channels with clear, consistent messages. This involves significant collaboration with stakeholders, especially the staff.

Outcome – All stakeholders are communicators. Consequently, they understand the purpose of the Adaptive Challenge Program and can convey this message to others in their network.

5.8 Recommendation # 8 – Governance and Measurement

Program measurement is conducted through incorporating effective evaluation most likely leveraging the ACTAS Staff Survey results. This would ensure a like for like measurement before, during and after the conduct of any program. There is also the availability of pulse check surveys, which allow instantaneous, confidential and selective workplace sampling. This type of measurement may be useful on an ongoing basis.

Governance requires the institution of a process to maintain effective oversight of the implementation of the recommendations. Governance starts with clear reporting by the ESA Commissioner and ACTAS Chief Officer to the Minister for Police and Emergency Services on implementation progress, and cascades from this point of accountability.

What does this look like?

- *the ESA Commissioner and the ACTAS Chief Officer to report to the Minister (at least quarterly) on the progress of implementing this blueprint's recommendations.*
- *establish a Change Implementation Review Group (IRG) drawing on senior stakeholders such as the ESA Commissioner, ACTAS Chief Officer, JACS representatives and TWU delegates. The IRG agrees Terms of Reference signed off by the Minister to establish a process to monitor, supervise and implement the recommendations.*

Outcome – Effective implementation of change which transitions towards the endorsed future vision.

6. REFERENCES

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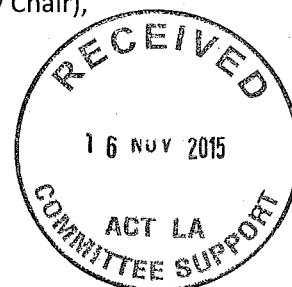


LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Brendan Smyth MLA (Chair), Mary Porter AM MLA (Deputy Chair),
Nicole Lawder MLA, Meegan Fitzharris MLA

Mr Steve Doszpot MLA
Chair—Standing Committee on Justice and Community Safety
Legislative Assembly for the ACT
GPO Box 2010
Canberra ACT 2601



Dear Mr Doszpot

Steve

*AUDITOR-GENERAL'S REPORT NO. 2 OF 2015: THE REHABILITATION OF
MALE DETAINEES AT THE ALEXANDER MACONOCHIE CENTRE*

I write on behalf of the Standing Committee on Public Accounts (the Committee) in relation to the above audit report, which was referred to the Committee on 17 April 2015. The Audit report presents the results of a performance audit that examined the rehabilitation of male detainees at the Alexander Maconochie Centre.

As the Audit report deals with matters that fall within the portfolio coverage of the Standing Committee on Justice and Community Safety (JACS), the Committee has resolved to refer the audit report to the JACS Committee for its consideration.

For your information a copy of the media release that accompanied the audit report, which provides a summary of its conclusions and findings, is attached. The audit report itself can be found from the 'Referred ACT Auditor-General's reports' page.¹ The Government response to the audit report is also available on the Committee's 'Referred ACT Auditor-General's reports' homepage.

Should you have any questions in relation to this matter, the acting Secretary to the Committee is Ms Kate Harkins and she can be contacted on (02) 6205 0142 or at: kate.harkins@parliament.act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Brendan Smyth".

Brendan Smyth MLA
Chair

16 November 2015

¹ <http://www.parliament.act.gov.au/committees/AGReports.asp>

MEDIA RELEASE

17 April 2015

**THE REHABILITATION OF MALE DETAINEES AT THE
ALEXANDER MACONOCHIE CENTRE**

The ACT Auditor-General, Dr Maxine Cooper, has presented the report on **the rehabilitation of male detainees at the Alexander Maconochie Centre (AMC)** to the Speaker for tabling in the ACT Legislative Assembly.

There are complexities in providing rehabilitative services in any prison, and Dr Cooper's report highlights how these are exacerbated in the AMC due to it being a multi-purpose prison. For example, unlike many other prisons in Australia, it has male and female detainees, houses remanded and sentenced detainees, and it is an all-offences and all-security classifications prison. Its small size and the small ACT jurisdiction create detainee association issues.

Dr Cooper says 'While there have been improvements in management practices that contribute to a healthier context for rehabilitating detainees there are areas where management attention needs to focus. These include improving rehabilitation planning and some management practices'.

'The proposed levels of rehabilitation activities and services, as anticipated in planning (prior to the opening of the AMC), have not been achieved' said Dr Cooper.

'The Government has stated it is important for rehabilitation that detainees have a 'structured day' with 'purposeful activity'. This is not being achieved for many detainees. Some are likely to be bored and this can compromise their rehabilitation' says Dr Cooper.

It has been found that data is not being collected on detainees with physical disabilities, intellectual disabilities or those from culturally and linguistically diverse backgrounds.

Dr Cooper says 'Data needs to be collected on these groups so that it can be used in identifying suitable rehabilitation support. Data is collected on Aboriginal and Torres Strait Islander peoples who are provided with additional support'.

'The information management systems at the AMC are important but inadequate. Improvements are being undertaken but these need to be done as quickly as possible' said Dr Cooper.

Ten recommendations are made to assist in providing rehabilitative support to detainees. One recommendation calls for the role of commercial or business enterprises (prison industries) in the AMC to be clarified. 'It is recognized that having prison industries at the AMC may be more challenging to achieve in the ACT context than in other larger prisons in bigger jurisdictions' said Dr Cooper.

During the audit detainees, staff and management were interviewed; their views are captured in the report. Their assistance in the audit is greatly appreciated.

Attached is an extract from the Summary in the Audit Report.

Copies of **the rehabilitation of male detainees at the Alexander Maconochie Centre** Report No. 2/2015, are available from the ACT Audit Office's website www.audit.act.gov.au. If you need assistance accessing the report please contact the Audit Office (telephone 6207 0833)

Overall conclusion

The Alexander Maconochie Centre (AMC) is a relatively new prison. It incorporates innovative, human rights planning and design, expected to provide an environment to support and foster detainee rehabilitation. This has been compromised due to its relatively small size, multiple classifications, detainee association issues, mixed genders and the unexpected adverse affects of the interaction of these factors with the AMC's design. Lack of continuity in senior management in the first few years of operation contributed to the difficulties.

More recently management practices have been effective in fostering improvements including a 'culture change', which emphasises respect in detainee and staff relationships, and have resulted in reductions in the use of force and lockdown hours. These improvements contribute to a healthier context for rehabilitating detainees.

AMC planning for rehabilitation is ineffective as there is no rehabilitation planning framework, no evaluation framework and no finalised case management policy framework. With respect to management practices, while there have been improvements, there are inadequacies that need to be addressed including improving business planning, internal performance measures and routine quality assurance and evaluation of programs.

As the prison population has increased, the ACT's detainee costs per day and utilisation rates have trended towards the Australian average. However, determining the effectiveness or efficiency of rehabilitation is problematic as there are no generally accepted comprehensive performance measures that can be used for this purpose and there is limited information on rehabilitation costs. Developing these measures will require a national approach and it would be unreasonable to expect the ACT to invest heavily in this given that it is a small jurisdiction with only one prison.

Due to the lack of comprehensive performance measures and cost information an overall assessment of effectiveness or efficiency of AMC operations with respect to rehabilitation was not able to be made. However, the proposed levels of rehabilitation activities and services, as anticipated in planning (prior to the opening of the AMC), were assessed and found to be inadequate. Importantly this means a 'structured day' with 'purposeful activity' is not being achieved for many detainees. It is therefore likely that some detainees are bored and this can compromise their rehabilitation.

The information management systems used at the AMC are inadequate. While action is underway to make improvements, it is important that priority be given to making the necessary changes as quickly as possible.

Chapter conclusions

REHABILITATION PLANNING

The ACT Government has emphasised the importance of rehabilitating sentenced detainees in the AMC operating philosophy and in legislation. Planning and managing rehabilitation in the AMC is particularly complex and challenging due to the AMC being relatively small and an all-purpose prison. Furthermore, the profile of detainees is very different to that anticipated in the *Vocational Education and Training and Rehabilitative Programs at the Alexander Maconochie Centre* (2007) (the 2007 delivery strategy) and this has significantly affected activities and services in the AMC.

ACTCS officers advised that, with respect to rehabilitation, their planning priority has been on activities and services for detainees with substance abuse and mental health issues, and vocational education and training. While these are important areas, there is a need for rehabilitation planning to be better integrated and guidance material provided to direct activities and services. The out-dated 2007 delivery strategy needs to be replaced with a rehabilitation planning framework that reflects the reality of the AMC operating environment, has forecasts of the detainee population profile, and provides guidance on how to achieve a 'structured day' with sufficient 'purposeful activity' for detainees.

Additionally, there is a need for a rehabilitation planning framework to articulate why, what and how programs should be delivered. This includes employment programs, for which it is important to clarify the role of commercial or business enterprises ('prison industries') in providing employment for detainees.

IMPROVEMENT PLANNING AND REPORTING ON PERFORMANCE

Developing comprehensive performance measures for determining the success or otherwise of rehabilitative activities and services provided in prisons is problematic as a wide range of factors, including those outside the control of the prison, influence a detainee's rehabilitation. There are no nationally agreed, comprehensive rehabilitation performance measures available to facilitate the ACT Government determining whether its strong emphasis on the rehabilitation of detainees is being achieved and if efforts to rehabilitate detainees are reducing reoffending rates or improving ex-detainees' prospects after release.

ACTCS does not have an established business planning discipline for its AMC rehabilitative activities and services although it has recently commenced undertaking business planning. It is important that this continues so all improvement priorities can be consistently translated into action. ACTCS internally reported performance measures need to be developed and integrated into the business planning process so that progress can be evaluated and improvements made

when necessary.

The efficiency measures that are available which allow comparisons between jurisdictions show that the ACT's detainee costs per day, and utilisation rates have all trended towards the Australian average over the last five years, from having been the least 'efficient' of all jurisdictions in 2009-10. However, the change may primarily relate to the increase in the ACT detainee population. Although some information is available on the costs associated with the delivery of rehabilitation, without measures of effectiveness it is not possible to determine whether rehabilitation is being achieved efficiently.

Given that comprehensive performance measures are not yet available, undertaking evaluations is particularly important. However, there is no evaluation framework for AMC rehabilitative activities and services. Although some evaluations are undertaken, this is not done routinely. Auditing and quality assurance need to be increased to allow program-specific deficiencies to be identified and addressed systematically.

There is a need to segregate different cohorts of detainees and specific individuals in prisons. This, combined with the physical design of the AMC, an all-purpose mixed gender prison, with a detainee profile that is significantly different from that envisaged prior to opening, have resulted in access to some rehabilitative activities and services being constrained. The major changes to be made to the design, through the addition of new buildings, are likely to improve access. It is important that the effectiveness of the changes on the rehabilitation of detainees be evaluated.

INDIVIDUALISED REHABILITATION

Case management plans have an important role in the rehabilitation of detainees. While the need for a case management policy framework, to guide case managers' practices in the AMC was first identified in 2007, five years after the AMC received its first detainees there is no finalised case management policy framework. A draft *Case Management Policy Framework* (July 2014) has been prepared. It needs to be updated and finalised to guide desired, and prevent unwanted, practices.

There have been improvements in case management administration including increased contact between detainees and their case managers, improved timeliness of assessments and improved quality of case notes. However, inadequacies in case management supervision and the coordination of, and communication between, those who contribute to case management needs to be addressed. Guidance on how this is achieved could be given in the finalised case management policy framework.

While the individual needs of male detainees in the AMC are met to varying degrees and Aboriginal and Torres Strait Islander detainees have additional support, there is a need to give

specific consideration to detainees with physical or intellectual disabilities and those from culturally and linguistically diverse backgrounds. Accordingly, data needs to be collected on these detainees to determine their support needs and inform their case management plans. The finalised case management policy framework could provide guidance for the collection of this data.

There are inadequacies in the ACTCS information management system (JOIST). These need to be addressed quickly as this system is restricting the ability of ACTCS to better manage the AMC and make timely improvements.

EFFECTIVENESS OF REHABILITATION PROGRAMS

Improvements have been made in AMC operations in the last two years; there has been a reduction in staff overtime, an improved ratio of planned to unplanned leave, reductions in the use of force and lockdown hours, and a decline in detainees' length of stay in the Management Unit (facility for specialist supervision of detainees). This, coupled with a 'cultural change' that is underway provides an improved rehabilitation environment. However, despite these improvements, it is not possible to determine if rehabilitation planning and delivery is becoming more effective as the necessary information to determine this is not available.

The Level of Service Inventory-Revised (LSI-R) assessment, already used in the AMC, could be used more effectively in case management. While LSI-R reliability historically (pre-2012) has been questionable, it can be managed through ensuring assessors are trained and quality assurance measures are implemented. Furthermore, improving ACTCS information management systems will assist in LSI-R assessments being better used.

Although management information on detainee activities and services is limited, that which is available indicates that detainee participation in some purposeful activities gradually increased from 2012 to 2014. This occurred as the detainee population increased. However, programmed activity and participation levels are substantially lower than that planned in the 2007 delivery strategy. ACTCS officers recognise that the 'structured day' is not being achieved for many detainees. The 'structured day' and sufficient 'purposeful activity' need to be defined in ACTCS policy. Without a 'structured day' with 'purposeful activity' there is a risk that detainees will be bored and this can undermine rehabilitative effort.

Recommendations

RECOMMENDATION 1 REHABILITATIVE FRAMEWORK (CHAPTER 2)

A rehabilitation framework for the Alexander Maconochie Centre (AMC) should be developed by ACT Corrective Services (ACTCS) which, among other things:

- a) reflects the profile of the detainee population;
- b) is flexible to respond to changes while providing guidance;
- c) guides the integration of rehabilitative activities and services to achieve a 'structured day' that incorporates sufficient 'purposeful activity' for detainees;
- d) provides the rationale and outlines the therapeutic programs that will be provided; and
- e) guides the provision of employment.

RECOMMENDATION 2 ROLE OF COMMERCIAL OR BUSINESS ENTERPRISES ('PRISON INDUSTRIES') (CHAPTER 2)

The role of commercial or business enterprises ('prison industries') in providing employment for detainees in the AMC should be clarified by the ACT Government. A paper for the Government's consideration, which outlines options and recommends the role of commercial or business enterprises ('prison industries') should be developed in consultation with stakeholders.

RECOMMENDATION 3 ACCOUNTABILITY AND REPORTING (CHAPTER 3)

Internal performance measures for rehabilitative activities and services should be developed by ACTCS. These measures should:

- a) reflect work already underway in response to the 2014 Review of Corrective Services Strategic and Accountability Indicators;
- b) complement those measures reported by the Justice and Community Safety Directorate (in its annual reports);
- c) be supported by the collection of data which is stored in ACTCS information management systems; and
- d) be included in business planning, be routinely monitored and guide improvements.

RECOMMENDATION 4 EVALUATION FRAMEWORK (CHAPTER 3)

An evaluation framework for rehabilitative activities and services should be developed by ACTCS which, among other things:

- a) integrates data collection, monitoring and evaluation;
- b) specifies priorities, frequency and timeframes for evaluation;
- c) guides routine programming of auditing and quality assurance work; and
- d) establishes the basis for evaluating the changes in detainees' access and completion of rehabilitation programs prior to, and post, the completion of the new AMC buildings.

RECOMMENDATION 5 THROUGH-CARE (CHAPTER 3)

'Throughcare' and Extended Throughcare should be defined and incorporated into ACTCS policy.

RECOMMENDATION 6 CASE MANAGEMENT POLICY FRAMEWORK (CHAPTER 4)

The draft *Case Management Policy Framework* (July 2014) should be updated and finalised by ACTCS in a timely manner. It should, among other things, provide guidance on how to:

- a) maintain detainee autonomy while increasing the priority given to detainees' rehabilitation goals, balancing these against the community's need for protection;
- b) improve communication and coordination between those involved in supporting detainees; and
- c) collect data on all detainees.

RECOMMENDATION 7 ADDRESSING INDIVIDUAL DETAINEE NEEDS (CHAPTER 4)

Data on detainees with physical disabilities, intellectual disabilities and those from culturally and linguistically diverse backgrounds should be collected by ACTCS. This should be used to improve services for detainees in these cohorts and evaluate the effectiveness of activities and services.

RECOMMENDATION 8 ACTCS INFORMATION MANAGEMENT SYSTEM (CHAPTER 4)

The implementation of improvements to ACTCS information management systems should be accelerated to correct inadequacies as soon as possible.

RECOMMENDATION 9 IMPROVING LEVEL OF SERVICE INVENTORY-REVISED (LSI-R) EFFECTIVENESS (CHAPTER 5)

Improvements should be made by ACTCS in its use of LSI-R assessments in the AMC. These should include:

- a) improving the reliability of LSI-R assessments through training and development of assessors, and supervisory quality assurance measures;
- b) using LSI-R assessment information effectively in case management planning and implementation; and
- c) recording LSI-R assessment scores in ACTCS information management systems.

RECOMMENDATION 10 THE 'STRUCTURED DAY' AND SUFFICIENT 'PURPOSEFUL ACTIVITY' (CHAPTER 5)

What constitutes a 'structured day' and sufficient 'purposeful activity' should be defined and articulated in ACTCS policy, based on:

- a) the operational experience of the first five years of providing rehabilitative activities and services at the AMC;
- b) the desirable scale and scope of formal and informal activities; and
- c) equity of access and opportunity, taking into account the specific requirements of cohorts within the AMC including remandees, those progressing through the Transitional Release Centre, and those accommodated in separate communities or units.



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports
ANSWER TO QUESTION TAKEN ON NOTICE
6 November 2015

Asked by Ms Giulia Jones MLA:

In relation to:

MRS JONES: With regard to the booklets that you mentioned earlier about pregnancy and breastfeeding, are you able to supply those to the committee?

Dr Watchirs: Sure; I can do those on notice.



Attorney-General, Simon Corbell MLA: The answer to the Member's question is as follows:—

HTML and PDF of our brochures copies are available on our website (at <http://hrc.act.gov.au/discrimination/discrimination-act/pregnancy-discrimination/> and <http://hrc.act.gov.au/wp-content/uploads/2015/03/Breastfeeding-December-2011.pdf>), and electronic copies of both have been emailed to the secretariat. Hard copies will also be sent to the secretariat in the coming week.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date:

17.11.15

By the Attorney-General, Simon Corbell MLA

The Act also makes unlawful:

- aiding & abetting discrimination
- sexual harassment
- victimisation because of making or supporting a discrimination complaint
- advertising an intention to discriminate
- vilification on the grounds of race, sexuality, gender identity or HIV/AIDS

What other complaints can I make to the HRC?

The Commission is also able to consider complaints about the following services:

- Health
- Services for older people
- Services for people with a disability
- Services for children and young people

If you believe you have been given unsatisfactory service by one of the service providers listed above, then you are able to lodge a complaint with us.

Contact Information

ACT Human Rights Commission

Level 4, 12 Moore Street Canberra
GPO Box 158 Canberra ACT 2601

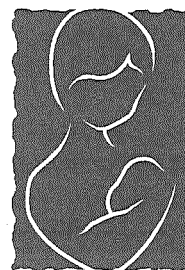
Telephone (02) 6205 2222
Fax (02) 6207 1034
TTY (02) 6205 1666
Email human.rights@act.gov.au
Internet www.hrc.act.gov.au

Australian Breastfeeding Association

The Australian Breastfeeding Association provides information, support and advocacy on breastfeeding.

ACT Breastfeeding Helpline:

Telephone: 1800 686 2686 (toll free)
Website: www.breastfeeding.asn.au
Email: info@breastfeeding.asn.au



australian
breastfeeding
association

HRC15
December 2011



**HUMAN RIGHTS &
DISCRIMINATION COMMISSIONER**
ACT Human Rights Commission



Breastfeeding in public

*Your right to breastfeed in the workplace,
in the gym, at a cafe and in
other public places.*



Australian Capital Territory



Breastfeeding in public

Your rights to breastfeed in public under the ACT Discrimination Act

Can I breastfeed in public?

Yes - your right to breastfeed your baby in public places is protected by the ACT's *Discrimination Act 1991*. The Act specifically prohibits unfavourable treatment on the ground of breastfeeding.

It is also unlawful to treat you unfavourably on the ground of your status as a parent, or because of a characteristic that women have, that is, breastfeeding.

You are protected against unfavourable treatment in public places including:

- places where you are receiving goods, services or facilities such as shops, offices, restaurants, schools, sports venues;
- licensed clubs;
- educational institutions;
- your place of employment; and
- accommodation.

The law recognises that breastfeeding should be encouraged and supported by the community.

Where do I go?

For more information about unlawful discrimination please contact the ACT Human Rights Commission which can also refer you to a community legal service for advice and assistance.

What should I do if someone tells me to stop breastfeeding or asks me to leave?

You should tell them that your right to breastfeed in public is protected under the *Discrimination Act 1991*. You can tell them that their behaviour is unlawful under the Act and that if they continue to treat you unfavourably you may make a complaint of discrimination to the ACT Human Rights Commission.

If they still insist that you stop breastfeeding or ask you to leave, you may choose to lodge a complaint of discrimination with the ACT Human Rights Commission.

What happens if I lodge a complaint?

Unless there are exceptional circumstances, formal complaints to the ACT Human Rights Commission must be made in writing. Complaint forms are available from the Commission or on our website.

The Commission is required to consider your complaint. The Commission offers early conciliation in appropriate cases and where all parties consent.

During conciliation, the people involved in a complaint try to work out a solution to what has happened. This may involve an apology, a change in policy to ensure breastfeeding mothers are not treated unfavourably in the future, refunds of fees for services and, sometimes, compensation for hurt and humiliation suffered.

The ACT Human Rights Commission has successfully conciliated complaints of discrimination on the ground of breastfeeding. If a complaint cannot be resolved it can be referred to the ACT Civil and Administrative Tribunal for hearing.

More information about the complaints process is available by ringing us and on our website.

Discrimination is unlawful on a range of grounds including:

- breastfeeding
- pregnancy
- status as a parent or carer
- sex
- age
- disability
- race, including national and ethnic origin
- relationship status
- religious conviction
- sexuality

In the following areas:

- access to premises
- access or membership of professional or trade organisations
- accommodation
- education
- employment
- goods, services or facilities
- club membership

Victimisation

It is also against the law for someone to treat you badly because you have made a discrimination complaint, or because you do something to support another person's complaint, eg provide a witness statement.

What does the ACT Human Rights Commission do?

You can call the Human Rights Commission for more information about your rights and responsibilities. We offer a fair and impartial complaints process, and do not take sides. We often try to help the parties reach agreement, through the conciliation process to resolve complaints.

We can also refer you to other organisations that may be able to help.

The Human Rights Commission has functions under the *Discrimination Act 1991*, the *Human Rights Act 2004* and the *Human Rights Commission Act 2005*. These functions are carried out by the Human Rights and Discrimination Commissioner. The Human Rights Commission also informs and educates the community about their rights and responsibilities under discrimination, and human rights law.

Further information

If you have any questions about the information contained in this brochure or about the ACT Human Rights Commission in general please contact us via:

Phone (02) 6205 2222
Fax (02) 6207 1034
TTY (02) 6205 1666

Tel Interpreter Service 131 450
SMS 0466 169 997

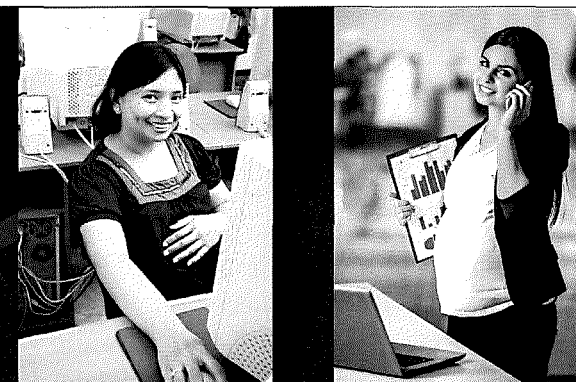
Postal Address GPO Box 158
Canberra ACT 2601

Street Address Level 4, 12 Moore Street
Canberra City ACT 2600

Email human.rights@act.gov.au
Website www.hrc.act.gov.au



**HUMAN RIGHTS &
DISCRIMINATION COMMISSIONER**
ACT Human Rights Commission



Pregnancy Discrimination

Your rights explained



Australian Capital Territory

What is Pregnancy Discrimination?

The Discrimination Act 1991 makes it unlawful to treat you unfavourably because you are pregnant, because you plan to be pregnant, or because you could become pregnant.

Pregnancy discrimination is against the law in many areas of public life, including:

- At work (including when you are applying for a job), even if you are a volunteer, apprentice, casual or on contract
- In education (at school, college or university)
- When you are accessing public places (like entering a building or catching a bus)
- When you are accessing goods, services or facilities (such as seeking medical treatment, applying for a loan, or using a public pool)
- When you are accessing accommodation (like renting a property or a room)
- When you are joining a club or using its facilities

“When I told my boss I was pregnant, she said that I could only keep working until my uniform stopped fitting me.”

“My swimming coach told me I have to stop training until after I have had the baby.”

“The employment agency told me they can’t help me because my pregnancy is showing now, so nobody will employ me.”

It is also against the law for someone to ask if you are pregnant, or if you may become pregnant, if they are planning to use this information to discriminate against you.

“The real estate agent asked me if I planned to have a baby, because the landlord wouldn’t rent his apartment to an unmarried mother.”

Protection also extends to ‘indirect’ discrimination. This is where a requirement or rule that appears to be the same for everybody has the effect of disadvantaging you because you are pregnant.

If the requirement is reasonable in the circumstances it may be lawful, but otherwise it may be indirect discrimination.

“My back and feet hurt from standing up all day, but the boss told me I can’t have a chair behind the counter because customers will think I am lazy, even though I’m pregnant.”

If you think you might have been discriminated against and you would like more information, you can call the ACT Human Rights Commission to talk about your rights.

What is not discrimination?

There are some situations in which it is not unlawful to discriminate on the ground of pregnancy. These include when something is done to comply with an ACT law. It is not discrimination against men to give women special rights or privileges in relation to pregnancy, childbirth or breastfeeding. This could include access to paid leave from work, or special facilities, such as a designated breastfeeding area.

It is also not discrimination to take special measures to meet the needs of pregnant women, or to ensure that pregnant women have equal opportunities with other people, as long as the measures are reasonable. An example might be running special yoga sessions for pregnant women.



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 6 November 2015

Asked by Ms Giulia Jones MLA:

In relation to:

MRS JONES: The new mental health legislation that was passed by the Assembly. Obviously it has a strong focus on consumer rights and consideration of a person's capacity to make decisions for themselves about their own mental health treatment. Additionally the legislation increases the number of references to the Public Advocate, from my understanding, from 26 occasions in the older legislation to over 60. Presumably this will more than double the current reporting responsibilities. How do you plan to manage these new responsibilities effectively?

Dr Watchirs: The Public Advocate's Office was given one staff member to cope with the new mental health legislation. It was planned to come into force in November. It has been given a reprieve until March. So there are now two officers, whereas traditionally there has been only one, dealing with mental health and forensic cases. Certainly, no compliance work has been done in the period when I was Public Advocate because we were very stretched for resources. Certainly, with the new mental health legislation, there could be more compliance work done by the Public Advocate's Office with the new resources.

MRS JONES: Can you put into layman's terms what you mean by "compliance work"?

Dr Watchirs: To check that the act has been fulfilled regarding people being involuntarily detained: whether the proper people are being notified, whether the registers are being filled where people have force used against them or involuntary treatment.

MRS JONES: In the adult mental health unit or in general terms, more broadly?

Dr Watchirs: The adult mental health unit would be the tip of the iceberg in terms of the most serious human rights issues because it is involuntary treatment. Also it would impact on people who are in Alexander Maconochie Centre who have forensic issues, mental health issues.

MRS JONES: The question is: will that level of staffing make it possible for the new requirements to be fulfilled or not?

Dr Watchirs: Part of the work is not just doing the public advocate work but also notifying professionals who have new provisions that they need to comply with. That is probably something that should be done in partnership with the Health Directorate because Health Directorate staff perform those functions. But as an oversight agency the Public Advocate needs to do some work with consumers to tell them what their rights are and to be familiar with the new legislation. So that is a partnership in terms of responsibility about what the new provisions are and what people's responsibilities and rights are.

MRS JONES: What is the plan to get that information out there, from your perspective?

Dr Watchirs: I would have to ask Mr Taylor.

Mr Taylor: The Public Advocate's Office, moving forward, will become part of a new rights protection agency from the end of March. The role of oversight and compliance, if I can add to what Helen said, has probably been notoriously under-resourced in the past, to the extent that the additional injection of funding by Health in relation to the Mental Health (Treatment and Care) Act has created some relief. I should mention that the new out of home care strategy that is proposed to be introduced will also result in extra resources being provided to the office going forward. To directly answer your question, I would have to take that on notice.

MRS JONES: Please do. Thank you.

Attorney-General Simon Corbell MLA: The answer to the Member's question is as follows:—

The impact of the new Mental Health legislation on the Public Advocate of the ACT (PAACT) will not be fully understood until post-implementation of the legislation scheduled for end March 2016. As described in the Public Advocate's Annual Review, demand for advocacy for vulnerable clients is increasing and the new Mental Health Act compliance requirements will more than double notifications to PAACT. PAACT is cautiously optimistic about its ability to effectively handle the increased notifications using existing policy and procedures.

PAACT also anticipates being able to disseminate information regarding the new mental health legislation.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: 17.11.15

By the Attorney-General, Simon Corbell MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports
ANSWER TO QUESTION TAKEN ON NOTICE
6 November 2015

Asked by Mr Jeremy Hanson MLA:

In relation to:

MR HANSON: On page 33 of the report it refers to emergency action--161 instances of emergency action under section 408 of the Children and Young People Act. That is a significant increase not just from last year but as an overall trend. What implications does that have for you and do you have an explanation of that significant increase? Do you understand why that is occurring?

Dr Watchirs: I would have to take that on notice. My understanding is that possibly there have been more notifications of child abuse and then emergency action is taken.

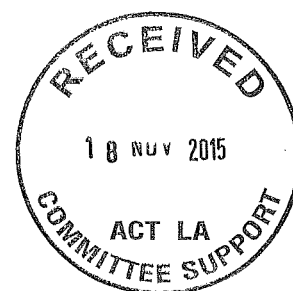
MR HANSON: I would be interested in that--whether there is a change in the notification model or whether that actually represents an increase in the number of events. Sometimes you get a change in statistics because of a change in the way the statistics are collected, or does that actually represent a significant increase in the volume of events?

Dr Watchirs: My understanding is that probably it is a change in both notification and actions taken because of the notifications. But I will take that on notice.

MR HANSON: Okay. That would be interesting.

Attorney-General Simon Corbell MLA: The answer to the Member's question is as follows:—

The Public Advocate's *Annual Report 2014-15* notes, at page 35, that there were 161 instances of emergency action under section 408 of the *Children & Young People Act 2009*, which is a significant increase of 48 cases compared to 113 cases in 2013-14. Emergency action is taken where there is an imminent risk of abuse or neglect, in order to transfer daily parental responsibility to the Director-General, while evidence is sought to be collected about the need for care and support underpinning a court application for Care and Protection Orders.



The Public Advocate is only required to monitor receipt of emergency actions and annual review reports for children who are in out-of-home-care. The Public Advocate has no legislative authority in relation to voluntary care agreements.

I understand however, through information supplied by Child and Youth Protection Services (CYPS), in response to this question, that the overall number of children and young people admitted to out-of-home-care has been steadily declining. I am also advised that the increase in emergency actions is due to changes in CYPS policy and procedures in 2014, under which the use of Voluntary Care Agreements (VCA) has decreased (a VCA is a voluntary parental agreement for the child to enter out-of-home-care).

This decrease in VCAs is commensurate with the increase in emergency actions. The CYPS followed the recommendation of the Children & Young People Commissioner in 2013 that it was preferable for the Children's Court to be involved in the process of child removal rather than using VCAs, so that both parents and the child or young person have separate legal representation.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: 17.11.15

By the Attorney-General, Simon Corbell MLA



Simon Corbell MLA

DEPUTY CHIEF MINISTER

ATTORNEY-GENERAL

MINISTER FOR HEALTH

MINISTER FOR THE ENVIRONMENT

MINISTER FOR CAPITAL METRO



MEMBER FOR MOLONGLO

Mr Steve Doszpot MLA
Chair
Standing Committee on Justice and Community Safety
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Mr Doszpot

I am writing to the Committee in relation to the proposed appointment of Ms Heidi Robinson as full-time senior member of the ACT Civil and Administrative Tribunal (ACAT).

Statutory context

The ACAT is established under section 88 of the *ACT Civil and Administrative Tribunal Act 2008* (the Act). Division 9.2 of the Act provides for the appointment of three categories of tribunal members – presidential, non-presidential and assessors.

Under section 96, I may appoint non-presidential members as senior members or ordinary members for terms up to five years, unless they are a temporary member in which case their appointment is for 12 months or less (s 98).

I must not appoint a person as a senior or ordinary non-presidential member unless satisfied that the person has the experience or expertise to exercise the functions of a senior or ordinary member (s 96(3)). Regulation 6 of the *ACT Civil and Administrative Tribunal Regulation 2009* requires me to take reasonable steps to ensure that the tribunal has sufficient members with relevant interests, qualifications or experience for the tribunal to exercise its functions.

These are statutory positions to which division 19.3.3 of the *Legislation Act 2001* applies. Accordingly, your Committee must be consulted before the appointments are made.

A copy of the relevant sections of the Act and Regulation are attached.

ACT LEGISLATIVE ASSEMBLY

Proposed appointments

Ms Robinson has been at the ACT Bar since August 2014. Prior to this she worked in the office of the ACT Government Solicitor where she was appointed Special Counsel, Employment and Industrial Relations in July 2009, having been a Principal and Senior Solicitor, Government Law (2007-08).

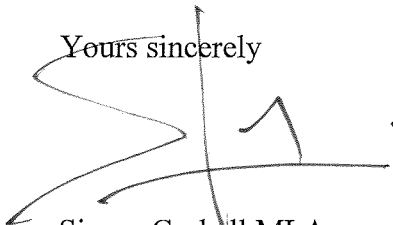
She is an experienced litigator who has experience in the more complex areas of the ACAT jurisdiction, particularly the review of government decisions, and has appeared in ACAT as both an instructing solicitor and advocate. She has also had experience as a Senior Executive in the Office of Industrial Regulation, ACT Government, in managing policy and legislative processes and making reviewable decisions with statements of reasons.

I attach a copy of her CV for your information.

I am satisfied that Ms Robinson has the experience to exercise the functions of a senior non-presidential member of the Tribunal. I propose to appoint Ms Robinson from 1 January 2016 to 31 December 2020.

I would appreciate if the Committee could consider the appointments at the earliest opportunity.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Simon Corbell', written over a horizontal line.

Simon Corbell MLA
Attorney-General

17.11.15

Encl (2)

Part 9 The ACT civil and administrative tribunal

Division 9.1 Establishment and constitution

88 Establishment of tribunal

The ACT Civil and Administrative Tribunal is established.

Division 9.2 Tribunal members

94 Appointment of presidential members

- (1) The Executive may appoint—
 - (a) a general president of the tribunal; and
 - (b) an appeal president of the tribunal; and
 - (c) other presidential members of the tribunal.

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

- (2) Also, the Executive may appoint a person as a temporary presidential member of the tribunal.
- (3) The Executive must not appoint a person under subsection (1) or (2) unless the person is a lawyer and has been a lawyer for 5 years or more.
- (4) The Executive may appoint 1 person to the positions of general president and appeal president.
- (5) The appointment of a presidential member is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

95 Requirements of appointment—presidential members

- (1) The Executive must, in relation to the appointment of presidential members, determine—
 - (a) the criteria that apply to the selection of a person for appointment; and
 - (b) the process for selecting the person.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

96 Appointment of non-presidential members

- (1) The Attorney-General may appoint a person to the tribunal as a senior member or ordinary member.
- (2) Also, the Attorney-General may appoint a person to the tribunal as a temporary senior member or temporary ordinary member.

Attachment 1 - Relevant Sections and Regulations

- (3) The Attorney-General must not appoint a person under subsection (1) or (2) unless satisfied that the person has the experience or expertise to qualify the person to exercise the functions of a senior or ordinary member.
- (4) A regulation may make provision in relation to the appointment of non-presidential members of the tribunal, including when the Attorney-General may or must be satisfied that a person has the experience or expertise to exercise the functions of a senior member or ordinary member.
- (5) The appointment of a non-presidential member is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

97 Appointment of assessors

- (1) The general president may appoint a person to the tribunal as an assessor.
- (2) However, the general president must not appoint a person under subsection (1) unless satisfied that the person has the experience or expertise to qualify the person to exercise the functions of an assessor.
- (3) An assessor may provide specialist or technical advice to a tribunal for an application, if asked by the tribunal.
- (4) The appointment of an assessor is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

98 Term of appointment

- (1) The appointment of a person as a presidential member under section 94 (1) is for the term—
 - (a) stated in the appointment, which must be no less than 7 years; or
 - (b) if no term is stated in the appointment—7 years.
- (2) The appointment of a person as a temporary presidential member under section 94 (2) is for the term, not longer than 12 months, stated in the appointment.
- (3) The appointment of a person as a non-presidential member under section 96 (1) is for the term stated in the appointment or, if no term is stated, for 5 years.
- (4) The appointment of a person as a temporary non-presidential member under section 96 (2) is for the term, not longer than 12 months, stated in the appointment.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

99 Ending appointments

- (1) The Executive may end a person's appointment as a non-presidential member—
 - (a) for misbehaviour; or
 - (b) for physical or mental incapacity, if the incapacity affects the exercise of the person's functions; or

Attachment 1 - Relevant Sections and Regulations

- (c) for failure to disclose a material interest under section 50.

Note A person's appointment also ends if the person resigns (see Legislation Act, s 210).

- (2) Without limiting what constitutes misbehaviour under this section, a tribunal member misbehaves if the member fails to act consistently with the undertaking given by the member under section 109.

Note The *Judicial Commissions Act 1994*, s 4 provides that a presidential member may only be removed from office in accordance with that Act.

100 Conditions of appointment generally

A person appointed as a tribunal member holds the position on terms not provided by this Act that are—

- (a) decided by the Executive; and
- (b) stated in the appointment.

102 Retirement

- (1) This section applies if a presidential member is—
 - (a) an eligible employee for the *Superannuation Act 1976* (Cwlth); or
 - (b) a member of the superannuation scheme for the *Superannuation Act 1990* (Cwlth); or
 - (c) a member of any other superannuation scheme determined by the Attorney-General.
- (2) The Executive may retire the tribunal member on the ground of invalidity with the member's consent.
- (3) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

103 Presidential members not to do other work

A presidential member appointed under section 94 (1) must not, without the Attorney-General's written consent—

- (a) engage in remunerative employment otherwise than in connection with the member's functions as a tribunal member; or
- (b) accept appointment to another position under a territory law or a law of the Commonwealth, a State or another Territory.

104 Functions of presidential members generally

- (1) A presidential member may exercise any function given to presidential members under this Act or another territory law.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and rules (see Legislation Act, s 104).

- (2) To remove any doubt, the exercise of a function by a presidential member does not affect the power of a president to exercise the function.

Attachment 1 - Relevant Sections and Regulations

105 Functions of general president

- (1) The general president is responsible for ensuring—
 - (a) that decisions are made according to law; and
 - (b) the orderly and prompt discharge of tribunal business.

Examples—par (a)

- 1 ensuring decisions are free from improper interference
- 2 ensuring the quality and consistency of decision making by tribunal members, including by maintaining skills and resources for that purpose

Example—par (b)

The general president is responsible for allocating people to make up a tribunal for a particular application.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) However, the general president must not exercise a function of the appeal president unless the function is delegated to the general president.
- (3) The general president may delegate the president's functions under this Act to the appeal president or another presidential member.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

105A Advising Attorney-General about systemic problems

- (1) This section applies if it appears to the tribunal that applications to the tribunal indicate a systemic problem in relation to—
 - (a) the operation of an authorising law; or
 - (b) other matters that come to the tribunal's attention in the course of the tribunal exercising its functions.
- (2) The general president must tell the Attorney-General about the problem.

106 Functions of appeal president

- (1) The appeal president is responsible for ensuring the orderly and prompt discharge of tribunal business relating to referrals and appeals under part 8.

Example

The appeal president is responsible for allocating people to make up an appeal tribunal.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) The appeal president may only exercise a function of the general president if the function is delegated to the appeal president.
- (3) The appeal president may delegate the president's functions under this Act to the general president or another presidential member.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

Attachment 1 - Relevant Sections and Regulations

107 Functions of non-presidential members

- (1) A non-presidential member may exercise a function of a presidential member unless—
 - (a) this Act or an authorising law provides otherwise; or
 - (b) the general president otherwise directs.
- (2) However, the general president must not give a direction about exercising the functions of the appeal president without the appeal president's agreement.
- (3) To remove any doubt, the exercise of a function by a non-presidential member does not affect the power of a presidential member to exercise the function.

108 Functions of assessors

- (1) An assessor may exercise any function given to an assessor under this Act.
- (2) An assessor cannot delegate the assessor's functions under this Act.

109 Undertaking before exercising tribunal member functions

Before exercising any function as a tribunal member, the member must give an undertaking to the Territory in accordance with schedule 1—

- (a) for a presidential member—before a judge of the Supreme Court; or
- (b) for a non-presidential member or assessor—before a presidential member.

ACT Civil and Administrative Tribunal Regulation 2009

Appointment of senior and ordinary members of the tribunal—Act, s 96

- (1) When considering whether to appoint a person to the tribunal as a senior member or ordinary member, the Attorney-General must take reasonable steps to ensure that the tribunal has sufficient members with relevant interests, qualifications or experience to allow the tribunal to exercise its functions.
- (2) As part of taking reasonable steps, the Attorney-General must consider the desirability of the tribunal including—
 - (a) not less than the number of members mentioned in an item in table 6.1, column 2, each of whom the Attorney-General is satisfied has the interest, qualification or experience mentioned in column 3 for the item; and
 - (b) not less than the number of members mentioned in an item in table 6.2, column 2 each of whom—
 - (i) is nominated by the health minister under subsection (3) for the item; or
 - (ii) was previously appointed to the ACAT in the person's capacity as a member mentioned in table 6.2, column 3.
- (3) The health minister may nominate a person for an item of table 6.2 if satisfied that the person has the interest, qualification or experience mentioned in column 3 of the item.

Attachment 1 - Relevant Sections and Regulations

- (4) The health minister may nominate a health profession for table 6.2, item 1.
- (5) In this section:

health minister means the Minister responsible for appointing the chief health officer.

Note The chief health officer is appointed under the *Public Health Act 1997*, s 7.

Table 6.1 Senior and ordinary members generally

column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
1	1	understands the interests of credit providers and financial brokers
2	1	understands the interests of people who obtain customer credit from credit providers or through finance brokers
3	1	qualifications or experience in consumer affairs
4	1	qualifications or experience assisting or working with people suffering financial hardship
5	1	qualifications or experience in business
6	1	qualifications or experience in law, other than qualifications in item 7 or 8
7	3	suitably qualified legal practitioners nominated by the bar council under the <i>Legal Profession Act 2006</i>
8	3	suitably qualified legal practitioners nominated by the law society council under the <i>Legal Profession Act 2006</i>
9	1	community members suitable to deal with the needs of mentally dysfunctional people
10	1	appropriate expertise, training or experience in relation to, and otherwise suitable to deal with, the needs of people who, because of a physical, mental, psychological or intellectual condition, need assistance or protection from abuse, exploitation or neglect

Table 6.2 Senior and ordinary members nominated by health minister

column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
1	10	qualifications in each health profession nominated under s 6 (4)

Attachment 1 - Relevant Sections and Regulations

column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
2	1	psychiatrists
3	1	psychologists
4	1	suitable skills and experience to provide mental health clinical services, other than qualifications in item 2 or 3

Examples—table 6.2, item 4, column 3

mental health nurse, occupational therapist or social worker

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**HEIDI ROBINSON
PROFESSIONAL RESUME**

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Qualifications

Bachelor of Arts/Bachelor of Laws
Australian National University (2000)

Graduation Diploma Legal Workshop
Legal Workshop, ANU (2001)

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Other referees, including client
referees, available upon request.

Summary of Work Experience

Barrister

August 2014 to Present

Blackburn Chambers

During the course of my time in at the ACT Bar I have appeared as counsel in numerous matters before the Fair Work Commission, the ACT Civil and Administrative Appeals Tribunal, the Federal Circuit Court, Federal Court and ACT Supreme Court.

ACT Government Solicitor

May 2007 to August 2014

(*except when acting as Director, OIR or as set out below)

Special Counsel, Employment and Industrial Relations	July 2009 - present*
Principal Solicitor, Government Law	October 2008 - July 2009
A/Principal Solicitor, Government Law	October 2007-October 2008
Senior Solicitor, Government Law	May 2007-October 2007

As Special Counsel and head of the Employment and Industrial Relations Practice Group within the ACT Government Solicitor I work directly with the senior management of the ACT Public Service. I advise on and litigate a wide range of complex and high profile industrial and employment law matters. As a principal legal officer within the government law section I also supervise all work undertaken in the field of workplace relations, employment law, workers compensation and employment related discrimination law. I also contribute to the day to day management of the section including personnel management and general record keeping. I routinely manage the entirety of Government Law when the permanent manager is on leave.

Examples of my work include:

- Providing advice and guidance on the interpretation of the *Fair Work Act 2009* and other Commonwealth and Territory industrial legislation;
- Advising on the bargaining processes for enterprise agreement negotiations, including participating in high level bargaining committees;
- Advising on industrial action and appearing in Fair Work Australia on matters relating to industrial action, including stop orders and partial work bans;
- Drafting employment agreements and workplace policies;
- Advising on discipline and grievance procedures under industrial agreements and statute;
- Advising and representing the Territory in relation to unfair dismissal and unlawful termination claims, adverse action and breach of contract actions;
- Providing advice on discrimination and human rights issues;
- Providing advice on leave, superannuation and other entitlements;
- Advising and appearing in respect of grievances and disputes in Fair Work Australia; and

- Advising on workplace health and safety and industrial safety issues, including the new *Work Health and Safety Act 2011* and assisting with the management of workers compensation claims.

More specific examples of more work experience, including cases I had carriage of, are set out in the attached selection criteria.

I have appeared in, and also briefed Junior and Senior Counsel to appear in, Fair Work Australia/Fair Work Commission, the former Australian Industrial Relations Commission, the Federal Court, the ACT Supreme Court, the Magistrates Court and the ACT Civil and Administrative Tribunal, among other forums. I have acted as Counsel Assisting the Medical Board and the Nurses Board in relation to occupational registration matters. I deal directly with employees, unions and other solicitors and advocates on a daily basis.

Additionally, I work one day a week as in-house Counsel at ACT Health where I have gained valuable experience in front line agency management. I provide written and verbal advice directly to senior executives on a range of matters relating to employment, industrial law, administrative law, privacy, freedom of information, risk management, governance and other issues that arise in an operational context.

I also have significant experience in providing both formal and informal training to clients, including a well received seminar on bullying and harassment earlier this year and a two day seminar on misconduct and investigations in 2012.

When I was first engaged as a senior solicitor in May 2007 the ACT Government Solicitor had minimal employment and industrial law expertise and I undertook this work in combination with my other government law duties. Since then I have built the profile and workload of the team and now manage a team of four legal 2s and three legal 1s who practice across all aspects of employment and industrial law fields.

(*note – I was recruited as Special Counsel for Minter Ellison from August 2010 to October 2010. I decided that I was not a good fit and returned to my role at ACT Government Solicitor. My resignation was amicable, without discipline or performance issues of any kind and entirely at my instigation.)

Chief Minister and Treasury Directorate 29 Jan 2013 to March 2014

Director, Workforce Capability and Governance
Acting Director, Office of Industrial Relations
(Executive 1.3 – equivalent to SES1).

From January 2013 to January 2014 I acted as the Director of the Office of Industrial Relations (OIR) while the substantive occupant was on maternity leave. In this role, I managed a team of policy officers and technical experts and reported directly to the Deputy Director General/Commissioner for Public Administration. This was an executive-level position, equivalent to SES Band 1 in the Commonwealth.

OIR develops policy and legislation relating to private sector industrial relations, work safety, including dangerous substances and asbestos regulation and public

holidays and daylight saving. The role also provides oversees the ACT's contribution to the national harmonisation of work health and safety provides laws and provides secretariat support for the ACT's participation in the Workplace Relations Ministers' Council and a number of other industrial and employment law bodies.

As Director, I was the Territory representative member on Safe Work Australia and a representative on the ACT Work Safety Council.

My particular responsibilities included the implementation of the *Getting Home Safely* report into construction safety in the Australian Capital Territory, which recommended legislative, policy and procedural changes. I undertook a review of several major pieces of legislation, including significant amendments to the *Dangerous Substances Act* (ACT) and Regulations to implement national health and safety harmonisation and revision of the *Long Service Leave (Portable Schemes) Act 2009*. I had responsibility for coordinating the policy response to the Government's response to a number of work health safety incidents involving asbestos, and I oversaw a significant body of work to modernise our approach to both contaminated land and loose-fill asbestos in houses. Much of this work was high profile and required liaison with the media and private and community sector stakeholders.

During my time in the role I continued also continued to handle a number of industrial and employment matters. I attended several High Level Officers Forums in relation to the proposed amendments to the *Fair Work Act 2009* and national work health and safety legislation and drafted submissions on behalf of government. I played a role in enterprise bargaining, participating in bargaining with unions over a revision to the discipline and misconduct provisions and playing a leading role in inter-government forums to revise and redraft the agreement. I also instructed and provided advice on a number of significant industrial disputes and complicated employment matters.

From January 2014 to early April 2014 I was appointed to the temporary role of Director, Workforce Capability and Government. This role was predominantly in-house counsel with some broader policy and operational aspects. The position was created to allow me to continue my work on a handful of significant projects I had been involved in as Director, OIR, including providing advice on the sale of ACTTAB and preparing for the introduction of the NDIS, as well as public sector reform, revision of workers compensation arrangements and industrial bargaining and ongoing legal advice as required.

Department of Employment and Workplace Relations Nov 2006 to May 2007

Senior Government Lawyer, Corporate

In this role, I worked as with one other Senior Lawyer as part of the Employment Law Team. The role involved advising Human Resources on employment law and industrial relations issues arising in respect of Departmental staff. In particular, I was involved in drafting Australian Workplace Agreements and employment contracts, advising on terminations and disciplinary matters, and advising on discrimination issues. A submission I wrote for a Human Rights and Equal Opportunity Commission matter was commended by the Secretary.

This role was a high profile one, with significant executive exposure. I was often involved in high level meetings and briefings, and was required to exercise high-level communication skills on a daily basis.

I was responsible for undertaking Code of Conduct investigations, which included investigating factual matters, interviewing witnesses, and reaching a conclusion as to whether the employee breached the Public Sector Code of Conduct.

During my time at the Department of Employment and Workplace Relations I was responsible for the supervision and mentoring of a summer clerk student, and provided guidance to another senior solicitor who had little previous experience in employment law.

A significant part of my role involved providing advice on the internal management of workers compensation claims, including advising on strategies for the reintegration of injured employees into the workforce. I assisted with a range of litigious matters, including a matter in the Federal Court that required the issuing of section 78B notices. During my time at the Department there was a significant decrease in the number of active workers compensation claims, which was due in part to a much more effective and cooperative relationship between legals and the human resources staff. I also worked with HR to establish a trial system whereby workers compensation claims were determined “in-house” rather than being referred to Comcare. Our team of three (later four) people won the 2007 “Secretary’s Award” for our work in this regard.

Deacons Law Firm (now Norton Rose Fulbright) August 2005 to Nov 2006

Senior Lawyer, Corporate and Commercial

In this role, I was responsible for a range of corporate, commercial and administrative law matters for both public and private clients, including the provision of advice on employment law matters, and the drafting of employment and industrial agreement.

My position as a senior lawyer in a small office like the Canberra office meant that I reported directly to the Managing Partner. I supervised junior solicitors, including delegating and supervising work and providing guidance and advice. I dealt directly with clients, including offering advice over the telephone, and was been involved in stakeholder meetings on a number of projects.

During my time at Deacons, I was seconded to the Department of Employment and Workplace Relations, where I gained experience in providing in-house employment law advice.

ACT Government Solicitor November 2003 to August 2005

Legal 1, Government Law

In this role I represented the ACT Government in a variety of litigious and non-litigious matters. I regularly appeared at the Administrative Appeals Tribunal and the Discrimination Tribunal and in the “A-list” at the Magistrates Court. Other areas of work included child protection matters in the Children’s Court, regulatory and

licensing matters (including firearms licensing), and as counsel assisting with inquiries undertaken by various professional boards. Depending on the nature of the matter, I appeared in person or briefed in-house or external counsel.

A significant amount of my work also involved researching and preparing answers to requests for legal advice on a variety of legal and regulatory issues, many of which required complex and sustained research, and some of which had no precedent. A number of these matters were high profile, and required monitoring media publications and public opinion. My work, by nature, involved a degree of policy involvement, and I have often played a part in the process of changing the law.

I started on a three month contract in this position, and my contract was consistently renewed.

Attorney Generals Department

August to November 2003

Legal 1, Information Security Law

This short-term position involved working in a legal policy area. My role included researching discrete issues of intellectual property law, writing ministerials and answering questions from the public and other departments about intellectual property issues. The position involved replacing an officer who was on extended leave, and was initially appealing because I have a particular interest in IP law and was interested in obtaining a better understanding of the area. I left at the conclusion of my contract to take up a position with the ACT Government Solicitor.

Vandenberg Reid Lawyers

February 2002 to February 2003

Solicitor, Commercial Litigation

Working directly to the commercial litigation partner, I was responsible for numerous matters in the areas of corporate and commercial law. A typical working week included meeting with clients and witnesses and drafting contracts and deeds of settlement, as well as undertaking court work as required. I also undertook research and advice work, including research into complex legal questions asked by clients. Both clients and senior solicitors commented on the quality of my legal advice work. I left the firm to indulge in an extended period of travel, and the reassess my career goals.



Simon Corbell MLA

DEPUTY CHIEF MINISTER

ATTORNEY-GENERAL

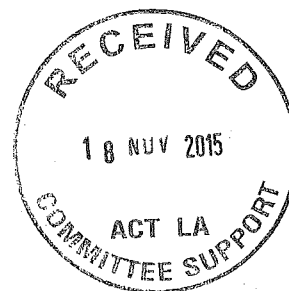
MINISTER FOR HEALTH

MINISTER FOR THE ENVIRONMENT

MINISTER FOR CAPITAL METRO

MEMBER FOR MOLONGLO

Mr Steve Doszpot MLA
Chair
Standing Committee on Justice and Community Safety
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601



Dear Mr Doszpot

I am writing in accordance with division 19.3.3 of the *Legislation Act 2001* to consult with the Standing Committee on Justice and Community Safety regarding the proposed appointment of Ms Rachel Webber to the ACT Professional Standards Council (the ACT Council), commencing on 1 January 2016 and expiring on 31 December 2018.

On 18 August 2011, the Commonwealth, States and Territories entered into the Professional Standards Agreement 2011. The Agreement provides for a national system of professional standards regulation, including national co-operation in the selection and appointment of members to professional standards councils and in the administrative support of such councils under the relevant professional standards legislation. All States and Territories have agreed to appoint the same members to their respective councils.

Under section 4.38, schedule 4, of the *Civil Law (Wrongs) Act 2002*, the ACT Council will consist of eleven people, appointed by the Minister, who have the experience, skills and qualifications that the Minister considers appropriate to enable them to make a contribution to the work of the Council. Under the Agreement, the ACT Council will comprise one member nominated by each of the states and territories and the Commonwealth, with the exception of New South Wales and Victoria, who will nominate two.

The ACT Council currently has eleven members appointed with representatives from the ACT, NSW, Queensland, South Australia, Northern Territory, Victoria, Tasmania, Western Australia and the Commonwealth. The appointment of the Western Australian representative is due to expire on 31 December 2015.

ACT LEGISLATIVE ASSEMBLY

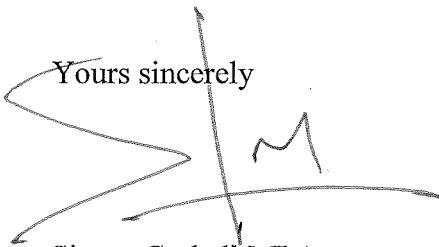
London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone: (02) 6205 0000 Fax: (02) 6205 0535 Email: corbell@act.gov.au
Twitter: @SimonCorbell Facebook: www.facebook.com/simon.corbell



A copy of Ms Webber's curriculum vitae is attached for your information. As you will see from the CV, Ms Webber possesses the experience, skills and qualifications that are appropriate to allow her to make a valuable contribution to the work of the ACT Council.

I would appreciate if the Committee could consider the appointments at the earliest opportunity.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'S Corbell', written over a horizontal line.

Simon Corbell MLA
Attorney-General

17.11.15

Encl



Rachel Webber, B.Juris, LLB.

Direct Telephone:	(08) 9426 6843
Direct Facsimile:	(08) 9254 3438
Email:	rwebber@jacmac.com.au

PRACTICE DESCRIPTION

Rachel's primary areas of expertise include corporate and commercial law with an emphasis on financial services regulation ('FSR'), managed investments, fundraising and ASX and Corporations Act compliance. Rachel has previously served a 12 month secondment with the Australian Securities and Investments Commission. Rachel has represented clients in a broad range of dealings with ASIC. She has experience in sale of business transactions, including vendor and purchaser due diligence.

Rachel is a Special Counsel in Jackson McDonald's Corporate Transactions division and lectures at the College of Law.

Rachel is an Executive Member of the Business Law Section (BLS) of the Law Council of Australia, a peak industry body which advises governments, courts and federal agencies on the ways in which the law and the justice system can be improved for the benefit of the community. In addition to her role on the BLS Executive, Rachel serves as a member of the BLS Corporations Committee. She also chairs the Commercial Law Committee of the Law Society of Western Australia and serves as a member of the Law Society's Senior Advisors Panel.

Rachel is a Council Member of the Professional Standards Councils in each of the Australian State and Territories. The Councils are independent statutory bodies with powers to assess and approve applications from occupational associations for a professional standards scheme under the Professional Standards legislation of each Australian State and Territory.

Rachel has formerly served as a member of the Corporations and Markets Advisory Committee (CAMAC) Legal Committee. The members of the Legal Committee were selected from throughout Australia, following consultation between the Commonwealth and the States, on the basis of their expertise in corporate law.

PROFILE – RACHEL WEBBER

CAREER HISTORY

2007	Special Counsel, Jackson McDonald Lawyers, Perth
2005 – 2007	Special Counsel, Minter Ellison Lawyers, Perth
1998 – 2005	Senior Associate, Minter Ellison Lawyers, Perth
1997 – 1998	Senior Associate, Deacons Graham & James, Perth
1994 – 1997	Solicitor, Deacons Graham & James, Perth
1990 – 1994	Solicitor, Kott Gunning, Perth
1991 – 1992	Secondment to the Australian Securities Commission (ASC) (now the Australian Securities and Investments Commission (ASIC)), Legal Division
1989 – 1990	Articled Clerk, Corser & Corser, Perth

EDUCATION

1985	Bachelor of Jurisprudence, University of Western Australia
1989	Bachelor of Laws; University of Western Australia

QUALIFICATIONS

1990	Admitted as a Barrister and Solicitor of the Supreme Court of Western Australia
1990	Admitted to the High Court of Australia

PROFESSIONAL ASSOCIATIONS

Law Council of Australia:

- Member of Business Law Section Executive
- Member of the Corporations Committee of the Business Law Section Member of the Corporations Committee of the Business Law Section

Law Society of Western Australia member:

- Convenor of the Commercial Law Committee
- Member of the Senior Advisers Panel
- Convenor of the 2016 Corporations Agreement Working Group

Member of the ASIC Regional Liaison Committee

Former Member of the Corporations and Markets Advisory Committee (CAMAC) Legal Committee



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

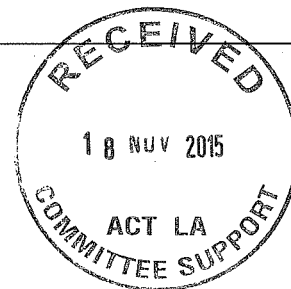
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports
ANSWER TO QUESTION TAKEN ON NOTICE
11 November 2015

Asked by Dr Chris Bourke MLA:

In relation to:



DR BOUKE: Within that restorative justice framework, the Indigenous guidance partner has been particularly effective in increasing the number of Indigenous young people who have participated in that program. Given that you are planning to extend it to adults, are you going to extend the Indigenous guidance partner to manage adults as well, or are you going to put some more staff on?

Mr Corbell: If I recall correctly, Dr Bourke, this is really more a matter for the estimates in the most recent budget. But if I recall correctly, funding was obviously granted for the expansion of RJ for adult offenders, and that will include an increase in resources for RJ. We will be continuing to have a targeted approach to Indigenous offenders. As to whether that has resulted in additional capacity or is simply an expansion of scope of the existing guidance partner, I would need to take that on notice.

Attorney-General, Simon Corbell MLA: The answer to the Member's question is as follows:—

The Restorative Justice Unit (RJU) will closely monitor the uptake of referrals once phase 2 commences to ensure that those referred receive the support they need to participate fully in a restorative justice process. The government will continue to examine the level of resourcing required by the RJU in the context of the current budget considerations.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date:

By the Attorney-General, Simon Corbell MLA

18-11-15

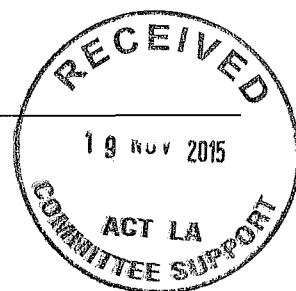


LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 6 November 2015



Asked by Mrs Giulia Jones MLA:

In relation to:

Where did the team come from that are now forming the Family Violence and Community Safety (FV&CS) Team.

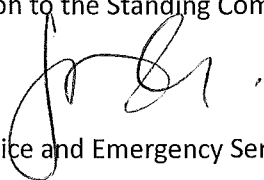
Ms Joy Burch MLA: The answer to the Member's question is as follows:—

- Under the ACT Policing structure, the ACT Policing Intelligence portfolio sits across both the Family Violence and Community Safety teams.
- The Family Violence and Community Safety Teams comprise of 40 staff members, in both a sworn and unsworn capacity. A total staffing breakdown of the teams are:
 - One (1) x Superintendent
 - Two (2) x Officers-in-Charge (rank of Station Sergeant)
 - Seven (7) staff members in the Family Violence Team
 - Thirty (30) staff members in the Community Safety Team
- There are eight members (seven (7) staff members and one (1) Officer-in-Charge) deployed within the Family Violence Team:
 - Staffing for this team has been drawn from operational areas that are not frontline areas.
 - The eight members were transferred from:
 - Ministerial, Policy and Performance
 - Criminal Investigations Operations Support
 - Victim Liaison Team, and
 - South Patrol District – non-operational area.
- The Community Safety Team was established from a restructure of the existing ACT Policing Crime Reduction portfolio.

- There are 31 members (thirty (30) staff members and one (1) Officer-in-Charge) deployed within four sub-teams within the Community Safety Team including a dedicated Officer-in-Charge:
 - Education and Diversion Team;
 - Crime Reduction Unit – North;
 - Crime Reduction Unit – South; and
 - Victims of Crime Team.
- There is no additional staffing required for these teams at this stage given all staff currently come from within existing resourcing previously allocated to Crime Reduction.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date:

18/11/15

By the Minister for Police and Emergency Services, Joy Burch MLA



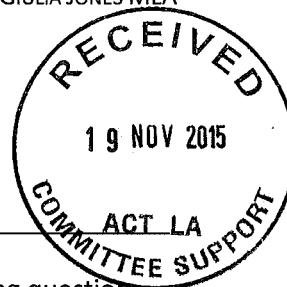
LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

INQUIRY INTO ANNUAL AND FINANCIAL REPORTS 2014-15

MR STEVE DOSZPOT MLA (CHAIR), DR CHRIS BOURKE MLA (DEPUTY CHAIR), MS GIULIA JONES MLA (MEMBER), MS MARY PORTER AM MLA (MEMBER)

ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS



Asked by Mrs Jones on 11 November 2015: Mr Gentleman took on notice the following question.

Ref: Hansard

In relation to the *Getting Home Safely Report* – Budget:

MRS JONES: Is there a budget associated with the implementation specifically?

Mr Gentleman: That is within our directorate's budget.

MRS JONES: Is there a figure associated with the implementation or is it aggregated all over the place?

Mr Young: There is no project budget. However a number of the recommendations have certainly had budget implications, including the hiring of an additional 12 inspectors within the work safety inspectorate.

MRS JONES: Can we also have tabled or can you come back to us with the list of additional funds that have been expended or are expected to be expended and how much and against which recommendations?

Mr Gentleman: As much as we possibly can.

MRS JONES: If you have got it, yes.

Mr Gentleman: There will probably be quite a bit of work in that. I will come back to the committee with a time line as well.

Mr Gentleman: The answer to the Member's question is as follows:—

In the 2013-14 budget, additional funding for 12 new personnel was provided to WorkSafe ACT. The purpose of this funding was to improve regulatory compliance in the construction industry, and to increase WorkSafe ACT's capability to investigate complex legislative breaches. The total funding allocated was \$5,688,000 over four years. This supported recommendation 19. For all other recommendations, costs to Government have been absorbed within existing budget allocations. A summary of funding against each recommendation is included in the table below.

#	Recommendation	Additional funding
1	The ACT Government should work closely with the Australian Taxation Office, Fair Work Australia and other Government agencies to do all it reasonably can, including through its powers and responsibilities under ACT workers' compensation legislation, to eradicate sham contracting practices in the construction industry.	The cost of these recommendations is absorbed within the budget of the Workplace Safety and Industrial Relations division of the Chief Minister, Treasury and Economic Development Directorate.

2	The ACT Government should urge Safe Work Australia to work with the Australian work health and safety jurisdictions and the national industry partners to ensure appropriate levels of information and training are made available to transient workers in the construction industry.	The cost of these recommendations is absorbed within the budget of the Workplace Safety and Industrial Relations division of the Chief Minister, Treasury and Economic Development Directorate.
3	The ACT Government should endorse the targets and priority action areas identified in the Australian Work Health and Safety Strategy 2012-2022 and work with relevant sectors, including the construction industry, to achieve the strategy's goals.	
4	The ACT should set an initial goal of a 35% improvement in its serious injury claim rate, to bring it below the national average for this measure, by 30 June 2016. Further targets should then be set to align the ACT's performance with the best in the country.	These recommendations rely on multiple private and public partners. The cost of the Government's contribution is absorbed within the budget of WorkSafe ACT (now within Access Canberra) and the Workplace Safety and Industrial Relations division of the Chief Minister, Treasury and Economic Development Directorate.
5	The ACT construction industry partners should endorse the need to build positive, inclusive safety cultures on local worksites. The Master Builders Association and the Housing Industry Association should take the lead in moving the industry forward, from an approach to safety which is focusing on systems, compliance and reaction to one that focuses genuinely on people and attempts to create healthy safety cultures on construction sites.	
6	The Master Builders Association and the Housing Industry Association should work closely with the Office of the Federal Safety Commissioner to ensure that specific concerns of ACT employers regarding what they see as an undue focus on paperwork and systems are heard and that such a focus does not operate to the detriment of work health and safety outcomes but allows construction companies to focus their work health and safety priorities on practical initiatives which have meaning and value to employees.	
7	WorkSafe ACT should work with the industry partners to develop training and guidance that will promote a greater understanding at all levels within the industry of how to manage work health and safety risks. WorkSafe ACT should seek to have this in place by 30 June 2013.	This recommendation relies on multiple private and public partners. The cost of the Government's contribution is absorbed within the budget of WorkSafe ACT (now within Access Canberra), in the Chief Minister, Treasury and Economic Development Directorate.
8	The ACT construction industry should place greater emphasis on the importance of effective task induction. This emphasis should be supported through education and enforcement activities by the regulator as well as	These recommendations rely on multiple private and public partners. The cost of the Government's contribution is absorbed within the

	education and other support from employer and worker representative bodies, including guidance on what makes good pre-start or toolbox talk. This guidance and support should be in place by 30 June 2013.	budget of WorkSafe ACT (now within Access Canberra) and the Workplace Safety and Industrial Relations division of the Chief Minister, Treasury and Economic Development Directorate.
9	Principal contractors must recognise and accept the responsibility they have for the conduct of subcontractors operating on their sites and should include them in any initiatives to improve approaches to safety within their business. Principal contractors should consider what can be done to impose safety requirements on sub-contractors which are commensurate with the size and sophistication of the subcontractor involved. WorkSafe ACT, through its educational and enforcement activities, should reinforce this emphasis.	
10	The Master Builders Association and the Housing Industry Association should lead the development of clear frameworks for the management of safety on ACT construction sites, recognising the practical needs of varying sized businesses and the differing sectors, such as civil, commercial and residential, and recognising the importance of good planning in achieving safer worksites. WorkSafe ACT and ACTPLA should provide input to this process to ensure that legislative requirements are addressed. These frameworks should be available to businesses by 31 March 2013.	
11	The Master Builders Association and the Housing Industry Association should include in any guidance on safety frameworks for their members the allocation of responsibility for overseeing safety on projects, the recommended minimum training and competencies for such roles and the appropriate safety governance processes which should be in place, recognising the varying types and sizes of employers in the industry.	
12	The ACT Government should work with other jurisdictions to encourage a national approach to the registration of engineers as soon as is practicable. If a national scheme is likely to be delayed, the Government should 'go it alone' and implement its own scheme for the registration of engineers practising in the ACT by 30 June 2014. In the meantime, all construction companies operating in the ACT should be encouraged to use engineers who can demonstrate their current registration on the National Professional Engineers' Register. The ACT Government should mandate this for any work it procures.	The cost of this recommendation is absorbed within the budget of the Workplace Safety and Industrial Relations division, and Procurement and Capital Works, in the Chief Minister, Treasury and Economic Development Directorate.

13	The ACT Government should urge the other Australian work health and safety jurisdictions, through Safe Work Australia, to include provisions for training for health and safety committee members in the harmonised work health and safety legislation.	The cost of these recommendations is absorbed within the budget of the Workplace Safety and Industrial Relations division of the Chief Minister, Treasury and Economic Development Directorate.
14	The ACT Government should provide input to the Australian Skills Quality Authority review of White Card Training to ensure that local industry concerns are heard and that there is proper assessment of the method and quality of delivery as well as the competencies gained from this training.	
15	The Master Builders Association and the Housing Industry Association should undertake further work to investigate the viability of developing a 'cadetship' style program for construction industry project managers including, should the program prove viable, a proposal for a significant level of funding from the ACT Building and Construction Industry Training Fund Authority. A cadetship program should be implemented by the beginning of 2014.	These recommendations rely on multiple private and public partners. The cost of the Government's contribution is absorbed within the budget of WorkSafe ACT (now within Access Canberra) and the Workplace Safety and Industrial Relations division of the Chief Minister, Treasury and Economic Development Directorate.
16	The ACT Government should work with the construction industry to review all current training arrangements with a view to providing a more strategic oversight of construction industry training, higher quality courses and more effective training outcomes. As part of this review, the Government should consider reducing the influence of organisations with the potential for a financial conflict of interest arising from chosen strategic directions.	
17	The ACT Building and Construction Industry Training Fund Authority should review its approach to subsidisation of training costs to focus on high priority areas which align to the industry's strategic medium to longer term goals.	
18	The body responsible for strategic oversight of construction industry training should commission appropriately qualified independent evaluation of key training programs to determine whether anticipated outcomes are being achieved—that is, whether the industry is getting value for money from its investment in training. This information should inform future strategic planning. A proportion of the ACT Building and Construction Industry Training Fund Authority's resources should be set aside for this activity.	
19	The ACT Government should fund twelve additional inspector positions for WorkSafe ACT in the 2013-14 budget on an ongoing basis. WorkSafe ACT should utilise the majority of these additional positions for proactive	
		In 2013-14, additional funding for 12 new personnel was provided to WorkSafe ACT. The purpose of this funding was to improve regulatory

	field work, including establishing a regular field presence in all three sectors – residential, commercial and civil construction.	compliance in the construction industry, and to increase WorkSafe ACT's capability to investigate complex legislative breaches. The total funding allocated was \$5,688,000 over four years.
20	The ACT Government should increase the number of work health and safety matters for which Infringement Notices can be issued on both employees and employers, including sub-contractors. This work should be completed by 30 June 2013. Infringement Notices should be published to ensure that the public is aware of malfeasance and has the opportunity to take their future business elsewhere to safer companies.	The cost of this recommendation is absorbed within the budgets of WorkSafe ACT (now within Access Canberra) and the Workplace Safety and Industrial Relations division of the Chief Minister, Treasury and Economic Development Directorate.
21	The ACT Government should consider whether provision of one or two appropriately qualified legal staff dedicated to WorkSafe would improve the quality and timeliness of prosecutions while freeing inspectors up for more field work. This could be achieved within the twelve positions referred to in Recommendation 19.	See recommendation 19.
22	The ACT Government should appoint an Industrial Magistrate who could develop knowledge and experience of work health and safety matters and the impact of deterrents on the behaviour of duty holders.	The cost of this recommendation is absorbed within the budget of ACT Courts, and the the Legislation, Policy and Programs branch, in the Justice and Community Safety Directorate.
23	The ACT Government should consider whether there are structural or other opportunities which would enable ACTPLA's and WorkSafe's inspectors in the field to collaborate and co-ordinate targeting of specific concerns on worksites and to link their enforcement and demerit points systems.	The cost of this recommendation is absorbed within the budget of Access Canberra, in the Chief Minister, Treasury and Economic Development Directorate.
24	The ACT Government should allocate funds to allow the expansion of the current IT solution under development for workers' compensation data to include a single end-to-end solution for the identification, inspection and management of workplace incidents and the associated work safety compliance activity.	The cost of this recommendation is absorbed within the budget of WorkSafe ACT (now within Access Canberra), in the Chief Minister, Treasury and Economic Development Directorate.
25	The ACT Government should proceed with development and implementation of Shared Services Procurements' proposed 'active certification' approach following consultation with stakeholders. This should happen by 30 June 2013.	The cost of this recommendation is absorbed within the budget of Procurement and Capital Works, in the Chief Minister, Treasury and Economic Development Directorate.

26	The ACT Government should encourage excellence in health and safety performance by introducing comparative assessment of contractors' safety record and capacity as part of the tender selection process for Government construction projects.	The cost of this recommendation is absorbed within the budget of Procurement and Capital Works, in the Chief Minister, Treasury and Economic Development Directorate.
27	With the exception of the Committee's Recommendation 12, which is replaced by Recommendation 15 in this report, the ACT Government should implement the recommendations of the Civil Construction Safety Issues Advisory Committee.	This recommendation relies on multiple private and public partners. The cost of the Government's contribution is absorbed within the budget of WorkSafe ACT (now within Access Canberra) and the Workplace Safety and Industrial Relations division of the Chief Minister, Treasury and Economic Development Directorate.
28	The ACT Government should conduct a stocktake of the construction industry's work health and safety performance as at 30 June 2016 to identify what has been achieved, what is yet to be achieved, and what new targets or strategies should be put in place.	The cost of this recommendation will be absorbed within the 2016-17 budget of the Workplace Safety and Industrial Relations division of the Chief Minister, Treasury and Economic Development Directorate.

Approved for circulation to the Select Committee on Estimates 2015-16

Signature:



Date:



By the Minister for Workplace Safety and Industrial Relations, Mick Gentleman MLA

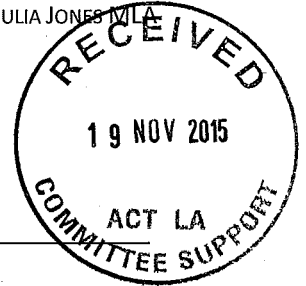


LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

INQUIRY INTO ANNUAL AND FINANCIAL REPORTS 2014-15

MR STEVE DOSZPOT MLA (CHAIR), DR CHRIS BOURKE MLA (DEPUTY CHAIR), MS GIULIA JONES MLA (MEMBER), MS MARY PORTER AM MLA (MEMBER)

**ANSWER TO QUESTION TAKEN ON NOTICE
DURING PUBLIC HEARINGS**



Asked by Mrs Jones on 11 November 2015: Mr Gentleman took on notice the following question:

Ref: Hansard P80-81

In relation to the *Getting Home Safely Report – Stakeholders*:

Mr Young: Of the 28 recommendations, 15 were primarily the responsibility of the ACT government. Each of these has been substantially implemented. Those are recommendations 1, 2, 3, 7, 12, 13, 14, 19, 20, 21, 22, 23, 24, 25 and 26. Those were the ones that the ACT government primarily agreed to and have been implemented, often involving changes to operational practices. And measures have been rolled into core business.

MRS JONES: And the rest are whose responsibility?

Mr Young: The remaining recommendations relied on collaboration with external stakeholders or were dependent on external factors, including reviews of model work, health and safety legislation. Of these, 12 are currently ongoing and are likely to be completed prior to the 2016 audit, which was also a recommendation.

MRS JONES: Can you take it away with you and come back to us with the list of which stakeholders are required to fulfil the final recommendations and where each one is up to?

Mr Young: Certainly. I just clarify that the government is certainly one of those stakeholders and is actively involved. The differentiation that I was making between those two categories was really a—

MRS JONES: Pure government versus government plus others?

Mr Young: Indeed yes.

Mr Gentleman: The answer to the Member's question is as follows:—

Implementation of the *Getting Home Safely* recommendations listed in the table below require the leadership of industry stakeholders, or are otherwise dependent on external factors.

#	Recommendation	Partners	Status
4	The ACT should set an initial goal of a 35% improvement in its serious injury claim rate, to bring it below the national average for this measure, by 30 June 2016. Further targets should then be set to align the ACT's performance with the best in the country.	Employers Workers Unions ACT Government Safe Work Australia	The Territory is on track to achieve the target rate of injury reduction. Improved performance will need to be sustained through to June 2016.
5	The ACT construction industry partners should endorse the need to build positive, inclusive safety cultures on local worksites. The Master Builders Association and the Housing Industry Association should take the lead in moving the industry forward, from an approach to safety which is focusing on systems, compliance and reaction to one that focuses genuinely on people and attempts to create healthy safety cultures on construction sites.	Master Builders Association Housing Industry Association Construction, Forestry, Mining and Energy Union Communications, Electrical and Plumbing Union WorkSafe ACT	The Master Builders Association and Housing Industry Association regularly produce material identifying the importance of safe worksites.
6	The Master Builders Association and the Housing Industry Association should work closely with the Office of the Federal Safety Commissioner to ensure that specific concerns of ACT employers regarding what they see as an undue focus on paperwork and systems are heard and that such a focus does not operate to the detriment of work health and safety outcomes but allows construction companies to focus their work health and safety priorities on practical initiatives which have meaning and value to employees.	Master Builders Association Housing Industry Association Construction, Forestry, Mining and Energy Union Communications, Electrical and Plumbing Union WorkSafe ACT Office of the Federal Safety Commissioner	Activity and progress against this recommendation is scheduled for audit in 2016
8	The ACT construction industry should place greater emphasis on the importance of effective task induction. This emphasis should be supported through education and enforcement activities by the regulator as well as education and other support from employer and worker representative bodies, including guidance on	Master Builders Association Housing Industry Association Construction, Forestry, Mining and Energy Union Communications, Electrical and Plumbing Union	In 2013, WorkSafe ACT provided additional industry education on 'pre-start' and effective task induction. Further toolbox talks would be led by industry and unions.

#	Recommendation	Partners	Status
	what makes a good pre-start or toolbox talk. This guidance and support should be in place by 30 June 2013.	WorkSafe ACT	
9	Principal contractors must recognise and accept the responsibility they have for the conduct of subcontractors operating on their sites and should include them in any initiatives to improve approaches to safety within their business. Principal contractors should consider what can be done to impose safety requirements on sub-contractors which are commensurate with the size and sophistication of the subcontractor involved. WorkSafe ACT, through its educational and enforcement activities, should reinforce this emphasis.	Master Builders Association Housing Industry Association Construction, Forestry, Mining and Energy Union Communications, Electrical and Plumbing Union WorkSafe ACT	WorkSafe ACT has consistently emphasised through education, including fact-sheets, the safety obligations of both principal contractors and subcontractors. Industry progress against this recommendation is scheduled for audit in 2016
10	The Master Builders Association and the Housing Industry Association should lead the development of clear frameworks for the management of safety on ACT construction sites, recognising the practical needs of varying sized businesses and the differing sectors, such as civil, commercial and residential, and recognising the importance of good planning in achieving safer worksites. WorkSafe ACT and ACTPLA should provide input to this process to ensure that legislative requirements are addressed. These frameworks should be available to businesses by 31 March 2013.	Master Builders Association Housing Industry Association Construction, Forestry, Mining and Energy Union Communications, Electrical and Plumbing Union WorkSafe ACT ACT Planning and Land Authority	The Housing Industry Association developed a draft Code of Practice for the housing construction industry, which was discussed by the Safe Work Australia Strategic Issues Group on Occupational Health and Safety in April 2013. WorkSafe ACT has published a series of guidance notes and handbooks on best-practice construction work. WorkSafe ACT has also established a regular construction safety education forum which invites industry leaders to discuss an ongoing strategic approach to the training of workers in the construction industry.
11	The Master Builders Association and the Housing Industry Association should include in any guidance on safety frameworks for their members the allocation of responsibility for overseeing safety on projects, the recommended minimum training and competencies for such roles	Master Builders Association Housing Industry Association Construction, Forestry, Mining and Energy Union Communications, Electrical and Plumbing	

#	Recommendation	Partners	Status
	and the appropriate safety governance processes which should be in place, recognising the varying types and sizes of employers in the industry.	Union WorkSafe ACT	
15	The Master Builders Association and the Housing Industry Association should undertake further work to investigate the viability of developing a 'cadetship' style program for construction industry project managers including, should the program prove viable, a proposal for a significant level of funding from the ACT Building and Construction Industry Training Fund Authority. A cadetship program should be implemented by the beginning of 2014.	Master Builders Association Housing Industry Association Construction, Forestry, Mining and Energy Union Communications, Electrical and Plumbing Union WorkSafe ACT	Industry stakeholders have considered the recommended program but it has not been implemented. Activity and progress against this recommendation is scheduled for audit in 2016
16	The ACT Government should work with the construction industry to review all current training arrangements with a view to providing a more strategic oversight of construction industry training, higher quality courses and more effective training outcomes. As part of this review, the Government should consider reducing the influence of organisations with the potential for a financial conflict of interest arising from chosen strategic directions.	ACT Building and Construction Industry Training Fund Authority (which consists of a Board comprising representatives of industry and employee organisations) ACT Government	ACT Government participated in the development of the 2015 training plan. WorkSafe ACT has established a construction safety education forum which invites industry leaders to discuss an ongoing strategic approach to the training of workers in the construction industry. The Construction and Property Services Industry Skills Council (CPSISC) is redeveloping General Construction Induction ('White Card') training, taking into account recommendations from the Australian Skills Quality Authority in its report <i>Training for the White Card for Australia's Construction Industry</i> , and CPSISC's response in the report <i>Review</i>
17	The ACT Building and Construction Industry Training Fund Authority should review its approach to subsidisation of training costs to focus on high priority areas which align to the industry's strategic medium to longer term goals.	ACT Building and Construction Industry Training Fund Authority (which consists of a Board comprising representatives of industry and employee organisations) ACT Government	

#	Recommendation	Partners	Status
18	The body responsible for strategic oversight of construction industry training should commission appropriately qualified independent evaluation of key training programs to determine whether anticipated outcomes are being achieved—that is, whether the industry is getting value for money from its investment in training. This information should inform future strategic planning. A proportion of the ACT Building and Construction Industry Training Fund Authority's resources should be set aside for this activity.	ACT Building and Construction Industry Training Fund Authority Master Builders Association Housing Industry Association Construction, Forestry, Mining and Energy Union Communications, Electrical and Plumbing Union Australian Skills Quality Authority WorkSafe ACT	<i>of the White Card – A discussion and options paper.</i>
27	With the exception of the Committee's Recommendation 12, which is replaced by Recommendation 15 in this report, the ACT Government should implement the recommendations of the Civil Construction Safety Issues Advisory Committee.	Master Builders Association Construction, Forestry, Mining and Energy Union Construction Industry Training Centre WorkSafe ACT	Three of the Civil Construction Safety Issues Advisory Committee's recommendations are not encompassed by other Getting Home Safely Report recommendations. These were responded to by implantation of whole of government construction safety guidelines, and active certification for government commissioned construction work.
28	The ACT Government should conduct a stocktake of the construction industry's work health and safety performance as at 30 June 2016 to identify what has been achieved, what is yet to be achieved, and what new targets or strategies should be put in place.	ACT Government Work Safety Council All private and intergovernmental partners (including industry bodies, unions, and commonwealth government)	The audit will commence in July 2016.

Approved for circulation to the Select Committee on Estimates 2015-16

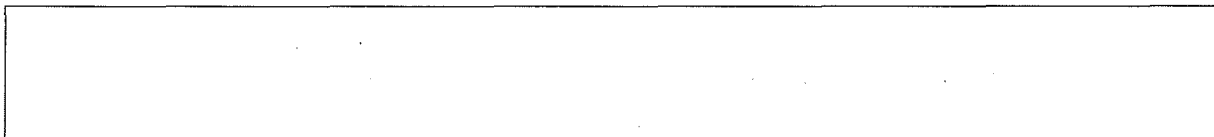
Signature:



Date:

19/11/15

By the Minister for Workplace Safety and Industrial Relations, Mick Gentleman MLA



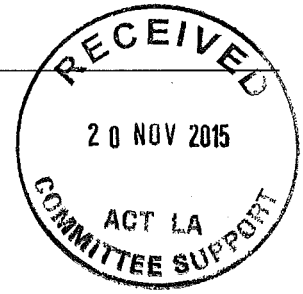


LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports
ANSWER TO QUESTION TAKEN ON NOTICE
6 November 2015



Asked by Mr Brendan Smyth MLA:

In relation to:

MR SMYTH: Just on the fire season, how many days over, say, 40 degrees are forecast given the changes in the southern oscillation in the Indian Ocean Dipole?

Mr Lane: Thanks for the question. I do not have the answer as to exactly how many are predicted. All I know is that the bureau is predicting a hotter than average and a drier than average summer. My personal view is that under these El Nino conditions we will see that.

MR SMYTH: Is there a number available that you just do not have to hand? Can you take that on notice?

Mr Lane: I can certainly take it on notice.

The Minister for Police and Emergency Services, Joy Burch MLA: The answer to the Member's question is as follows:—

The Pacific Basin, including eastern Australia, is currently experiencing an El Niño weather event. In the ACT, major El Niño events tend to lead to hotter and drier conditions until at least early autumn, suggesting preparations need to consider a prolonged period of fire danger. This is expected to lead to an increase in the risk of bushfires throughout the 2015-16 summer period.

The exact number of days where the ACT can expect days of over 40 degrees in the coming summer period cannot be accurately predicted. However, since 2003, days of over 40 degrees have been increasing in frequency and there have been eight days in total since 2003.

The ESA has planned and is ready for over 40 degree days in the coming summer, if they occur.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: 18.11.15

By the Minister for Police and Emergency Services, Joy Burch MLA



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports

ANSWER TO QUESTION TAKEN ON NOTICE

6 November 2015

Asked by Mr Brendan Smyth MLA:

In relation to:

MR SMYTH: That is kind. Again, just on bushfire preparation, on page 327 there is the CBR bushfire ready campaign summary. At the rural fire services open field day a couple of Sundays ago there was quite a large skip with "bushfire ready" painted on it. Has the ESA purchased that skip? Is it leased? What are the circumstances with the skip?

Mr Lane: The skip was purchased by ESA under a commonwealth grant. Under the Canberra bushfire ready campaign that we conducted last year we have had funding made available for that particular skip.

MR SMYTH: So how much for the skip?

Mr Lane: I am not sure if I have got anyone in the room that can answer that question. I might have to take that on notice.

MR SMYTH: All right. When did you get the skip?

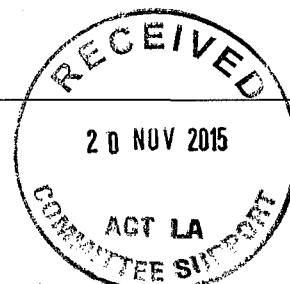
Mr Lane: I think the skip was delivered some time just before Christmas last year.

MR SMYTH: So going on 12 months. What is the purpose of the skip?

Mr Lane: One of the things we would like to do with the skip into the future is make it available to the community. If there is an interest down the track and there are certain areas of the community where people want to undertake their own removal of vegetation, the skip could potentially be available to put the vegetation into so that it can be disposed of, particularly for those members of the community that, again, may be in a vulnerable situation and not have access by other means to things like trailers or own a ute. Whilst we have not actually implemented that part of the program yet, it is something that we would like to see established into the future. That is one of the things we would like to bring forward as part of the Canberra bushfire ready campaign, along with many of the other things we are looking to do.

MR SMYTH: We have had it for 12 months, but we have not used it for the purpose for which it was bought?

Mr Lane: That is correct. It has been used for other things but not for actually what we would like to see it used for.



MR SMYTH: Why was it not used for the thing for which it was purchased?

Mr Lane: We have not yet gone through the issue of how we actually identify those properties that could be affected and could be interested in it, but it is something we are keen to do in the future.

MR SMYTH: So what has it been used for?

Mr Lane: It is used for other things, such as at the field day itself for transporting equipment around. It has been used when we have had rubbish at some of our training events or if we have had to move motor vehicles that Fire and Rescue use from time to time for their displays and the like. It has been used for those other things.

MR SMYTH: How many times has it been used in the last 12 months?

Mr Lane: I am not sure of that particular question. I would have to take it on notice.

MR SMYTH: Okay. Thank you.

Minister for Police and Emergency Services Joy Burch MLA – the answer to the Member's question is as follows:

The Canberra Bushfire Ready (CBR) skip cost \$11,030 (excluding GST), and was paid for under a Commonwealth grant.

The skip was purchased on 12 January 2015.

The skip has been used five times since it was purchased in January 2015, including:

- Relocation of furniture (including reusable tables, chairs, lockers etc) from the old Greenway ACT Fire & Rescue Station;
- Waste disposal (including dilapidated furniture, broken fixtures, etc) from the old Greenway ACTF&R Station to the Mugga Lane Resource Management Centre;
- Clean up and waste disposal (including general rubbish, drums, etc) at the ESA Workshop;
- Transport of soda ash from Yass to Forbes to suppress a sodium fire at a solar plant as per a request from Fire & Rescue NSW; and
- Packing up and waste disposal (including general rubbish, flyers, bottles etc) at the ACT Rural Fire Service Open and Field Day.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

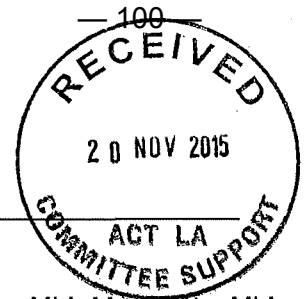


Date: 18.11.15

By the Minister for Police and Emergency Services, Joy Burch MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports
ANSWER TO QUESTION TAKEN ON NOTICE
13 November 2015

Asked by Mr Steve Doszpot MLA:

In relation to:

THE CHAIR: In relation to page 75, "Industries", can you tell us what has been identified as a viable prison industry for the AMC?

Mr Rattenbury: Yes, Mr Doszpot. That is an area that corrections is doing quite a bit of work on at the moment. One of the issues we had when the AMC was built was that industries were not included at the beginning of the project. I think this is a problem, so corrections are now preparing a report. I do not have specific initiatives that have been identified. There is, however, a range of jobs that already take place in the AMC. People, for example, work in the kitchen, horticultural areas and the like. There is a whole series of current occupations that are available in the jail, and I would be happy to provide that on notice if you like. But we want to move to a place of having prison industries that actually produce goods that go outside the jail as opposed to jobs that are more about the running of the jail.

Minister for Justice Shane Rattenbury MLA: The answer to the Member's question is as follows:–

The current list of detainee occupations in prison is annexed as Attachment A.

In addition to these jobs, low-risk detainees approaching release housed in the Transitional Release Centre may undertake paid employment or work experience in the community as part of the Work Release Program.

Work regarding a suitable prison industries model has not been finalised. It is hoped that this body of work will identify potentially viable industries options within the ACT Corrections System. Once complete, options and advice to Government will be finalised in the 2015-16 reporting period.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: 19/11/15

By the Minister for Justice, Shane Rattenbury MLA

ATTACHMENT A

Jobs available to detainees in the AMC

Position	Duties include (but not limited to):
Activities /Training Room (TRC) clerk	Cleaning, storage and distribution of gym equipment Assist in the organisation events Assist with paperwork Assist staff with equipment audits and orders Clean kitchen, kitchenette and restock supplies (TRC)
Barber	Hair cutting Maintain appointment book Clean and sanitise work room and tools.
Barista	Preparation of beverages to visitors and detainees Cleaning duties Ordering and restocking
Buy-ups	Clean and maintain buy-up area Distribution of stores to accommodation areas
Domestic cleaner	Cleaning responsibility for at least one of the following: , sweeping, cleaning floors, windows, cell yards, officer stations, bathrooms, admission, blood spills or specific accommodation areas (i.e. women's, remand, health, CSU).
Dixie	Assist kitchen staff in delivery of meals Count meals and rations Cleaning
Education Assistant	Provide assistance to other detainees with regard to computer use, literacy, numeracy Support education staff
Fitness leader	Cleaning and sanitisation of gym equipment Assist in fitness assessments Set up training area Instruct in the proper use of equipment
Garbage/Bins	Empty bins within accommodation area Remove rubbish from unit
Garbage run	Empty bins throughout AMC
Kitchen	Assist in the preparation of food Cleaning
Laundry	Clean and maintain laundry area Wash and dry laundry Return clean clothing to detainees
Library Assistant	Clerical duties Check of all collections, bar-coding, labelling and covering books Annual stock-take Provide daily loans and returns from the library collections Assist Librarian additionally as requested
Myna bird cage construction	Assist in the construction of myna bird cages Ensure the work room is kept clean, tidy and free from hazards
Painter	Prepare, paint and finish interior surfaces of cell block walls, ceilings and doors

Position	Duties include (but not limited to):
Recycling	Empty bins throughout AMC Sort Recycling into various receptacles e.g. organics, green waste, recycling and landfill Compress cardboard
Stores kitchen hand	Receive goods Pick and pack AMC Kitchen orders Pick and pack weekly Cottage orders Empty rubbish bins to hopper Cleaning
Stores (Bulk)	Clean cool rooms and portable trailer Receive goods Check temperature controlled goods Pack bulk meats Pick and Pack AMC kitchen/cottage orders
Teacher's Assistant	Research and compile the literacy and numeracy education package for delivery to low literacy detainees Provide literacy and numeracy tutorial support to fellow detainees
Tutor	Clerical duties Provide assistance to other detainees with regard to computer use, literacy, numeracy Support education staff
Unit delegate	Liaise with Unit staff on a regular basis regarding any Unit/Centre issues of concern Collect, collate and report all WH&S issues Mentor/counsel employed detainees on their work performance
Unit kitchen	Keep appliances and kitchen area clean Clean tables and chairs
Labourer	Weed and remove any unwanted plants as directed Prepare soil for replanting as directed Distribution of new plants as directed
Mower	Mow lawns Remove clippings Maintain equipment
Team leader	Work team supervision Ensuring serviceability of Grounds Maintenance equipment Provision of garden maintenance and landscape technical skills Liaising with and support of Grounds Maintenance Officer
Worker	Lawn mowing of grass areas with ride-on mowers Pruning of trees and shrubs. Fertilising of trees and shrubs. Pest management activities using horticultural chemicals

TRC	
Position	Duties include (but not limited to):
General services/Grounds maintenance	Lawn mowing of grass areas with ride-on mowers Whipper snipping edges Pruning of trees and shrubs Fertilising of trees and shrubs Pest management activities using horticultural chemicals Planting of trees and shrubs Slashing of natural grass areas using the tractor Weeding of garden beds Lawn mowing of grass areas with push-mowers Pressure washing paths Empty TRC bins
General services Community work crew	Work in conjunction with TAMS Rangers in the community at Bruce Ridge recreational area, Kowen Forest & The National Arboretum. Removal of pest species (Cootamundra wattle) Erosion control Weeding of gardens Rabbit mapping Waste removal Closing of unsustainable mountain bike trails Rehabilitation of sustainable mountain bike trails Painting of public facilities Repair of public facilities Graffiti removal Rehabilitation of rocky outcrops at the National Arboretum
General services - Stores	Receive Goods Check temperature controlled Goods Pick and pack AMC Kitchen orders Pick and pack weekly Cottage orders Use forklift to unload trucks Vehicle cleaning

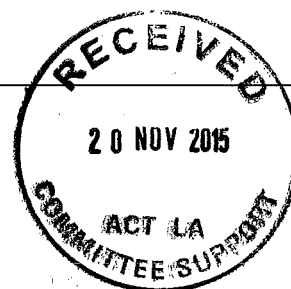


LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports
ANSWER TO QUESTION TAKEN ON NOTICE
13 November 2015



Asked by Mr Andrew Wall MLA:

In relation to:

MR WALL: You mentioned that you have recently increased the number of staff in community corrections. How many staff are currently there at the moment?

Mrs Mitcherson: I would have to take that on notice because we have changes all the time. We have a couple on maternity leave and we have some temporaries in.

MR WALL: What is the allocated staffing level for the area?

Mrs Mitcherson: I would have to take that on notice.

Minister for Justice Shane Rattenbury MLA: The answer to the Member's question is as follows:—

Presently there is a total of 60.2 FTE staff employed at Community Corrections.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

A handwritten signature in black ink, appearing to be "Shane Rattenbury".

Date: 20/11/15

By the Minister for Justice, Shane Rattenbury MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports

ANSWER TO QUESTION TAKEN ON NOTICE

13 November 2015

Asked by Mr Andrew Wall MLA:

In relation to:



DR BOURKE: Just speaking of electronic items, has mobile phone jamming technology got there yet, and when are you going to do it?

Mr Rattenbury: The Australian Communications and Media Authority has been undertaking a trial at Lithgow jail which I am pretty sure I have spoken to this committee about before. That work is continuing.

I recently received a letter from the executive manager of the Spectrum Management Policy Branch, inviting us to consider whether we would participate in an expanded trial beyond Lithgow. They did, however, set a number of parameters, which included that a correctional facility should be at least 500 metres from a major road and also one kilometre or more from the nearest transmitter site used to supply mobile phone networks.

I have written back to that officer from the commonwealth indicating that we would like to participate but that we breach the requirement for the distance from the road and also drawing to their attention the proximity of the emergency services centre, in particular, as well as having Hydro SouthCare helicopter, which is 1.1 kilometres outside the perimeter of the AMC. I have written back to them saying that we would like to participate but that the criteria present a problem and asking whether there is an opportunity to collaborate further to see if we can perhaps circumvent or re-examine those criteria to see if the AMC can be included.

DR BOURKE: Are there many prisons in Australia that meet those criteria?

Mr Rattenbury: ACMA presumably think so.

Mrs Mitcherson: There would be some in New South Wales.

DR BOURKE: More than 500 metres from a major road?

Mrs Mitcherson: There would be some.

Mr Rattenbury: Yes. For example, we were at the Northern Territory correctional facility, the new one. They have replaced Berrimah and built a new one outside. It is quite some distance from a major road.

MR WALL: Minister, are you able to table that correspondence for the committee?

Mr Rattenbury: Yes, I am happy to table that correspondence.

MR WALL: Both ways—the ACMA request and your response, if that is possible.

Mr Rattenbury: I will provide those to the committee later. I will just get a clean copy.

MR WALL: Yes, through the chair.

Mr Rattenbury: An on-notice approach.

Minister for Justice Shane Rattenbury MLA: The answer to the Member's question is as follows:—

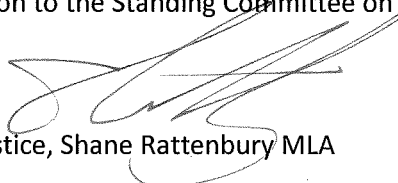
Correspondence from the Australian Communications and Media Authority (ACMA) regarding Corrective Services NSW's trial of mobile phone jamming equipment in Lithgow Correctional Centre, and an invitation to make submission for a similar trial in the ACT is at Attachment A.

My response to the ACMA is at Attachment B.

Noting the sensitivities regarding security of correctional facilities and ongoing commercial-in-confidence requirements of the NSW trial, I request that the attached correspondence be provided to the Committee and restricted from publication and/or further dissemination.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 20/11/15

By the Minister for Justice, Shane Rattenbury MLA



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Communications
and Media Authority

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www.acma.gov.au



17 September 2015

The Hon. Shane Rattenbury, MLA
Minister for Justice
GPO Box 1020
Canberra ACT 2601
E-mail: rattenbury@act.gov.au

ACMA2015/654-2

Dear Minister

Mobile phone jammer trials in correctional facilities

I am writing to provide you with an update on the work of the Australian Communications and Media Authority (the ACMA) in facilitating trials of mobile phone jammers in correctional facilities in New South Wales. I am also seeking your views on the potential to implement a trial of mobile phone jammers at a correctional facility in a suitable area in Australian Capital Territory.

Mobile phone jammer trials in Lithgow and Goulburn Correctional Centres

In July 2013 the ACMA implemented the necessary legislative and regulatory oversight arrangements to enable a trial of mobile phone jammers at Lithgow Correctional Centre, New South Wales (Lithgow). The formal period of the Lithgow trial was completed on 22 January 2015 with the submission of a report by Corrective Services New South Wales (CSNSW) setting out the findings of the trial. The ACMA has determined that the Lithgow trial has been successful in establishing that the operation of a jammer at this location can render mobile phones mostly inoperable within the confines of the facility, while avoiding interference to critical radiocommunications networks (such as those used for public mobile telephony) beyond the perimeter of the facility. With this in mind, the ACMA has agreed to a three-year extension to the Lithgow trial, and is in the process of finalising the necessary legislation for this extension.

The ACMA has also agreed to a similar trial at a correctional facility in a more densely-populated area in NSW, at the request of CSNSW. This will allow the ACMA to assess the interference risk of a mobile phone jammer in operation in a medium-density area, and will contribute to the development of a measured, risk-based policy on the wider deployment of mobile phone jammers in correctional facilities. The ACMA is considering Goulburn for this trial.

Mobile phone jammer trials in remote locations in other jurisdictions

Following the success of the trial at Lithgow, the ACMA is seeking expressions of interest from other states and territories for potential trials of mobile phone jammers at correctional facilities in locations similar to that of Lithgow. To ensure that any extension of mobile phone jamming in correctional facilities is managed methodically, the ACMA will accept expressions of interest for one trial per jurisdiction at this stage.

ACMA staff have developed the following criteria, based on the environment of Lithgow, to distinguish potential sites for remote trials in other jurisdictions. To be considered as a potential site for a mobile phone jammer trial, correctional facilities should be a distance of:

Australian
Communications
and Media Authority
www.acma.gov.au

- 500 metres or greater from major roads (other than the road into the facility), residences or businesses; and
- 1 kilometre or greater from the nearest transmitter site used to supply public mobile telephone networks.

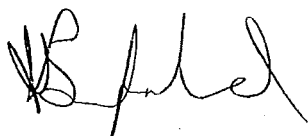
One of the most significant factors that contributed to the success of the trial at Lithgow was the expert and ongoing technical advice contracted by CSNSW. This was necessary to ensure that:

- the initial set-up of the jammer system was unlikely to cause external interference; and
- regular testing was undertaken to ensure that the jammer was operating as intended, and was not causing interference beyond the facility.

Another critical factor for success was the close and ongoing liaison between CSNSW and the mobile phone carriers (Telstra, Optus and Vodafone Australia). The ACMA is likely to consider the preparedness of corrective service authorities to foster similar arrangements when considering requests for mobile phone jammer trials in remote locations.

If you would like to discuss a potential trial in your jurisdiction, or the future regulation of mobile phone jammers in correctional facilities, please contact Catherine Gladman, Expert Adviser, Spectrum Licensing Policy Section, on 02 6219 5107 or email spectrumlicensingpolicy@acma.gov.au.

Yours faithfully



David Brumfield

Executive Manager, Spectrum Management Policy Branch

Telephone: 02 6219 5391

Email: David.Brumfield@acma.gov.au



Shane Rattenbury MLA

MINISTER FOR TERRITORY AND MUNICIPAL SERVICES
MINISTER FOR JUSTICE
MINISTER FOR SPORT AND RECREATION
MINISTER ASSISTING THE CHIEF MINISTER ON TRANSPORT REFORM

MEMBER FOR MOLONGLO

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SENT

5/11/15
CS

Mr David Brumfield
Executive Manager
Spectrum Management Policy Branch
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

Dear Mr Brumfield

Thank you for your letter of 17 September 2015 about mobile phone jammer trials in correctional facilities.

I am aware of Corrective Services New South Wales' (CSNSW) mobile phone jamming trial at the Lithgow Correctional Centre through participation as a member of the Corrective Services Ministers Conference (CSMC), held annually. As the issue of contraband mobile phones is a challenge in each jurisdiction, I have taken a keen interest in the updates provided by CSNSW at those meetings and out of session.

I note from the CSMC meetings and your correspondence the location, potential for external interference, regular testing and ultimately legislative requirements that were met in order to progress the trial at the Lithgow facility.

Further, I note that the Australian Communications and Media Authority (ACMA) has considered these issues in the context of developing the criteria for other jurisdictions to undertake similar trials, being that correctional facilities should be a distance of:

- 500 metres or greater from major roads (other than the road into the facility), residences or businesses; and
- one kilometre or greater from the nearest transmitter site used to supply public telephone networks.

In this regard, the ACT's prison, the Alexander Maconochie Centre (AMC), does not meet one of the requirements noted above and in your correspondence. The access road to the AMC is a major highway in the ACT and the fenced compound at its nearest point to this highway is 200 metres.

ACT LEGISLATIVE ASSEMBLY

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In relation to the second criteria, the closest mobile phone tower to the AMC is 1.5 kilometres away. While this meets the second criterion, it is a marginal distance.

In addition, the AMC is located within 1.1 kilometres of the Snowy Hydro Southcare Helicopter base and the ACT's Emergency Services Centre. While these facilities may fall outside the 500 metres specified in criterion one, I remain concerned about any risks to public safety should services be interrupted for any reason in the course of a mobile phone jamming trial in the AMC. That risk is considered unacceptable.

I would like to extend my thanks to ACMA for the opportunity to discuss a potential trial in the ACT. Unfortunately, however, the ACT appears to fail to meet the criteria for such a trial. The ACT would like to participate in a trial of this nature, and should the criteria change in the future, I would welcome the opportunity to discuss the ACT's position at that time.

I would also like to extend my thanks to ACMA for its support of this issue more broadly as it recognises the challenges faced by all corrections jurisdictions in addressing issues of contraband in prisons. I look forward to updates on CSNSW's trials and any trials undertaken by other jurisdictions, care of the ACMA and the CSMC.

Yours sincerely



Shane Rattenbury MLA
Minister for Justice

| 5 NOV 2015

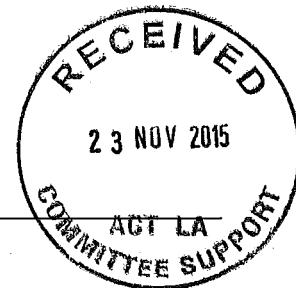


LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

**Inquiry into referred 2014–15 Annual and Financial Reports
ANSWER TO QUESTION TAKEN ON NOTICE
11 November 2015**



Mr Jeremy Hanson MLA asked the **Attorney-General** during Annual Report Hearings for the Justice and Community Safety Directorate, on 11 November 2015:

MR HANSON: How many crimes are you aware of have been committed by bikies coming down from New South Wales, and do you take any responsibility for that?

Mr Corbell: I would refer you to the police on that. They would be the best people to ask.

MR HANSON: But surely you are aware that there is criminal activity occurring, otherwise you would not be legislating.

Mr Corbell: I am happy to take the question on notice if you want a specific number.

MR HANSON: Yes.

Mr Corbell: Yes, criminal activity is occurring, but what is more important from the government's perspective is that the nature of criminal activity is changing and the behaviour of the organised gangs is changing. That is why we are responding by looking at how the criminal law operates in relation to these gangs.

MR HANSON: It would be very useful if you could take the question on notice, and if we could have it for the past six years?

Mr Corbell: If you could be specific about the question?

MR HANSON: In the past six years, how many crimes have been committed by bikies coming to the ACT from interstate?

Mr Corbell: Coming to the ACT from interstate?

MR HANSON: Yes.

Mr Corbell: We can do our best.

MR HANSON: You should know whether they are ACT residents or New South Wales residents. You would hope that someone is recording that information.

Mr Corbell: We will need to correlate between the courts data and police data, but we will do our best.

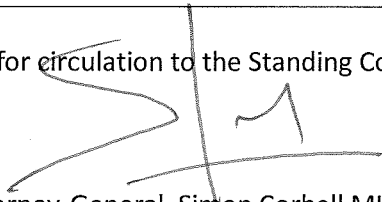
MR HANSON: Thanks.

Attorney-General, Simon Corbell MLA: The answer to the Member's question is as follows:—

The Justice and Community Safety Directorate including ACT Law Courts and Tribunal and ACT Policing do not collate data in a format that can be easily translated to respond to this request. To provide the member with this information would require the Directorate to interrogate the individual records of each criminal offender, placing an unreasonable time and resource impost on the Directorate.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

A handwritten signature in black ink, appearing to be 'S. Corbell', written over a horizontal line.

Date: 23.11.15

By the Attorney-General, Simon Corbell MLA.



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 11 November 2015



Asked by Mr Jeremy Hanson MLA:

In relation to:

MR HANSON: In terms of who has got the summation of litigation and what the sums were, by each directorate, who would have that information—short of going to each directorate and asking them? Do you have the summation of it?

Mr Garrisson: As to amounts or what the outcome of each matter was? That would be my office.

MR HANSON: On notice, could you provide that for us, please? I do not need to know the specifics of the case, but I would like to know the date and the amount.

Mr Garrisson: For what particular claims?

MR HANSON: For litigation.

Mr Garrisson: Across the entire territory?

MR HANSON: Yes. You said you have got that information?

Mr Garrisson: We do not have it all in place. We can get it, but, Mr Hanson, you will have to understand that in any given year there can be literally hundreds of matters that we deal with across all directorates—everything from, literally, someone stubbing their toe on a paving block and making a claim to complex medical negligence matters.

...

THE CHAIR: A supplementary from Ms Porter.

MS PORTER: It is really a matter of clarification. In relation to taking that request on notice, I was wondering whether there is any consideration of any confidentiality of the clients in relation to it. If you provided dates and amounts, that might tie back into the actual origins of those matters and there may be some consideration of confidentiality. I guess you would be taking that into account in providing information.

Mr Garrisson: Perhaps I could seek some clarification from Mr Hanson. When he mentions dates, does he mean years or months?

...

Mr Garrisson: Through you, chair, may I ask Mr Hanson, in relation to the dates: is it by month?

MR HANSON: No; annual is fine.

Mr Garrisson: Annual?

MR HANSON: Just annual. Absolutely.

Mr Garrisson: For the last two years, three years?

MR HANSON: Sure; that would be good.

Mr Garrisson: Two years. Excellent.

Attorney-General Simon Corbell MLA: The answer to the Member's question is as follows:—

The ACT Government Solicitor does not hold data in a searchable form as to the outcomes of all litigation. The ACT Insurance Authority (ACTIA), which manages claims on behalf of the Territory, has provided the following data in relation to payments made by ACTIA for the last three years relating to liability claims falling under public liability, professional indemnity, medical negligence and directors and officer's insurance policies. The table below identifies the amounts paid by ACTIA to claimants and for defence costs.

Year	Paid to claimants	Paid Defence costs	TOTAL
2012-13	\$31,734,836.42	\$16,104,549.11	\$47,839,385.53
2013-14	\$14,284,453.24	\$ 5,545,726.51	\$19,830,179.75
2014-15	\$21,856,075.83	\$ 4,780,656.98	\$26,636,732.81
TOTAL	\$67,875,365.49	\$26,430,932.60	\$94,306,298.09

The "Paid to Claimants" column covers all payments made by ACTIA to, or on behalf of, claimants. It includes treatment costs and assistance payments made before settlement, as well as compensation payments and plaintiff legal costs. It is not possible to break the figure down between the different types of payments.

"Paid in Defence Costs" covers all payments made by ACTIA in defending a claim. These are principally legal costs, including solicitors, counsel and experts.

"TOTAL" represents the sum of the amounts paid to claimants and the amounts paid in defence costs.

Many claims are settled without legal proceedings being issued and the data provided by ACTIA includes claims settled without resort to litigation.

These figures relate to payments made by ACTIA only and do not include amounts paid by directorates to resolve minor claims that are below the claims excess or claims that are outside the scope of any insurance arrangements. It would be necessary to approach each directorate to obtain this information.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date:

23.11.15

By the Attorney-General, Simon Corbell MLA



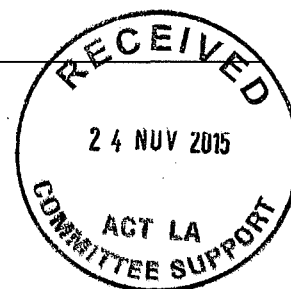
LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 13 November 2015



Asked by Dr Chris Bourke MLA:

In relation to:

DR BOURKE: Thank you. Minister, are you able to tell us what the current cost per prisoner of your community corrections program is? I think you report through ROGS.

Mr Rattenbury: Yes, I can.

Mrs Mitcherson: \$33.

DR BOURKE: \$33 per detainee. How does that compare with other states and territories?

Mrs Mitcherson: I do not have the comparison with me. The community corrections number also includes through care. The ROGS rules deem that through care should be costs to community corrections. It also includes our increase in staff in getting ready for ICO and increasing training provision; we now do a certificate IV for community corrections staff, similar to what we do for custodial staff. But I do not have the comparison across—

DR BOURKE: Could you take that on notice?

Mr Rattenbury: Yes, we can. That is available through the ROGS data, so we will check that and provide it.

Minister for Justice Shane Rattenbury MLA: The answer to the Member's question is as follows:—

As reported in the 2014-15 Justice and Community Safety Annual Report, this figure refers to the target average cost per day for community based offenders. The actual figure per offender per day for 2014-15 was \$32.

The 2016 Report on Government Services (RoGS), which includes inter-jurisdictional comparison, is not scheduled for release until late January 2016. Current data which would enable comparisons with other States for the relevant period is thus not currently available for publication. The 2015 RoGS indicated that the ACT compared favourably with other jurisdictions. In 2013-14, the figure per day for the ACT was \$18.09 which was the fourth lowest nationally. Western Australia had the highest figure at \$42.87 and Tasmania was the lowest at \$11.77.

It is important to note the revised target calculation of the offender cost per day includes all Community Based Correctional programs. As per RoGs methodology, this includes the Extended Throughcare Program, which sits outside the Community Corrections business unit.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

A handwritten signature in black ink, appearing to be 'Shane Rattenbury', written over a horizontal line.

Date: 22/11/15

By the Minister for Justice, Shane Rattenbury MLA



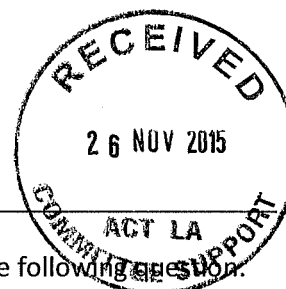
LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

INQUIRY INTO ANNUAL AND FINANCIAL REPORTS 2014–15

MR STEVE DOSZPOT MLA (CHAIR), DR CHRIS BOURKE MLA (DEPUTY CHAIR), MS GIULIA JONES MLA (MEMBER), MS MARY PORTER AM MLA (MEMBER)

ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS



Asked by Dr Bourke on 11 November 2015: Mr Gentleman took on notice the following question.

Ref: Hansard.P90

In relation to the ACT Long Service Leave Authority Investment Returns:

DR BOURKE: I understand that you achieved an 11.7 per cent return on the year to date, which was actually 2.9 per cent above your target. I presume congratulations are in order there, Minister. How did you achieve that? Tell us your secret.

Ms Savage: I think everybody had very healthy returns, from looking at other jurisdictions' long service leave arrangements in other states and territories. I think everybody benefited from an up market situation. We have a fairly conservative investment approach, but certainly a number of people benefited from the markets last year. We will be looking at that very closely this year, though, as I said, with market volatility.

DR BOURKE: So which other statutory authorities do you benchmark your return on investment against?

Ms Savage: I do not believe we actually do any benchmarking per se. We have an investment plan that we certainly manage our investments to, and that is signed off by the Treasurer. We are very interested in the returns that other jurisdictions are receiving, and we compare very favourably with those.

DR BOURKE: How would you compare with, say, the Public Trustee?

Ms Savage: I am talking in terms—sorry—of other long service leave arrangements across other jurisdictions.

DR BOURKE: Okay. I meant in terms of return on investment. Given that the Public Trustee also has a range of investments and is another ACT government entity which has done particularly well in the past, I wondered how you measured up against that.

Ms Savage: I could not tell you off the top of my head, but I could certainly take that on notice and get back to you.

Mr Gentleman: The answer to the Member's question is as follows:—

ACT Public Trustee's investments are invested under either COMMON FUNDS or RISK MODELS.

There are 5 common funds that are asset class specific, i.e. 100% of the funds are invested in one of the five asset classes only (cash, fixed interest, listed properties, Australian equities, or international equities) and not pre-mixed and pooled into an asset class diversified fund. The Long Service Leave Authority (LSLA) is unable to benchmark investment performance against the Public Trustee as the comparison is not on the basis of the same or similar Strategic Asset Allocation (SAA).

Investment held under the Risk Models has four profiles and each of the Public Trustee SAA and one year to 30 June 2015 performance is in the table below, which also includes LSLA's investment return for the same period however with a different SAA and fee structure for comparison purpose.

Risk Profile Investment	1 Year Net Return	ICR *	1 Year Gross Return	SAA (Growth/Defensive)
Capital Secure	2.44%	1.03%	3.47%	0/100
Income Stable Risk Profile	6.10%	1.07%	7.17%	35/65
Balanced Risk Profile	6.92%	1.09%	8.01%	50/50
Growth Risk Profile	8.52%	1.09%	9.61%	70/30
LSLA Investment Profile	11.63%	0.07%	11.7%	65/35

*The Indirect Cost Ratio (ICR) represents all fees paid from the fund as an annual percentage less reclaimable GST

Note that the above comparison would require careful consideration to the different weighting on asset classes within each SAA before a meaningful comparison can be made.

Approved for circulation to the Select Committee on Estimates 2015-16

Signature:



Date:

25/11/15

By the Minister for Workplace Safety and Industrial Relations, Mick Gentleman MLA



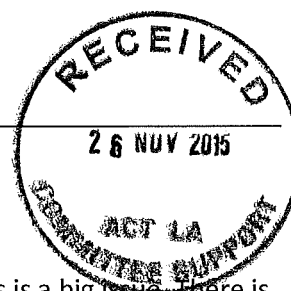
LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 6 November 2015



Asked by Mr Brendan Smyth MLA:

In relation to:

MR SMYTH: Thank you, Chair. The issue of stress among emergency services workers is a big issue. There is some mental wellbeing studies that are about to commence. How many officers from any of the services post-2003, 2007, Christchurch accidents, put forward or sought assistance for post-traumatic stress syndrome?

Mr Lane: I cannot—I would have to take on notice, I think, minister, that exact question in terms of the numbers against those particular events.

MR SMYTH: Well, not just those events, but they are just highlights of the worst.

Mr Lane: Yes, sure, yes.

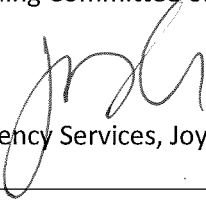
Minister for Police and Emergency Services Joy Burch MLA: The answer to the Member's question is as follows:

The number of staff with accepted workers compensation claims for post traumatic stress since 2003 is provided in the below table. Details regarding other assistance and support available to personnel are provided in a further question taken on notice during Annual Report Hearings on 6 November 2015:

Year	Service			
	ACTAS	ACTFR	ACT SES	ACT RFS
2003-2004	0	1	0	0
2004-2005	0	0	0	0
2005-2006	0	1	0	0
2006-2007	1	3	0	0
2007-2008	0	0	0	0
2008-2009	1	2	0	1
2009-2010	0	3	0	0
2010-2011	1	3	0	0
2011-2012	1	1	0	1
2012-2013	1	1	0	0
2013-2014	1	0	0	0
2014-2015	0	0	0	0

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

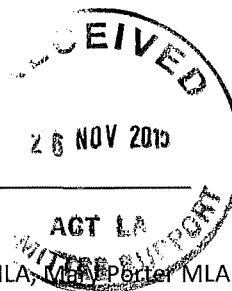


Date: 25.11.15

By the Minister for Police and Emergency Services, Joy Burch MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Vicki Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE
12 November 2015

Asked by Mr Brendan Smyth MLA:

In relation to: Emergency Services Capital and Infrastructure

In relation to the Bronto Skylift / Aerial Platform vehicle operated by ACT Fire & Rescue, what:

1. Year was it purchased
2. Was its purchase price
3. Were the principal components of the purchase price
4. Through-life support was obtained with the procurement and what was the nature of this (eg spares, special tools, diagnostic equipment, or other support items)
5. Warranty was covered by the purchase price
6. Year does the Government plan to replace the vehicle
7. Is its crew requirement
8. Is its availability rate (eg 24/7)
9. Is the total crew number employed to meet the availability rate
10. Number of other personnel are employed to support the vehicle
11. Is the amount of other operating costs in terms of:
 - a. Registration and Insurance
 - b. Fuel
 - c. Routine maintenance including lubricants, tyres and other maintenance consumables
 - d. Repairs and major overhauls
12. Organisation or contractor provides the routine maintenance, repairs and major overhauls
13. Special accommodation is required to house the vehicle
14. Over the last three financial years, how many weeks were the Government's bronto not in use due to maintenance?
15. When not in use, what alternative arrangements does the Government have in place?

Minister for Police and Emergency Services, Joy Burch MLA: The answer to the Member's question is as follows:—

1. The purchase of the Bronto was completed in 2009.
2. The total asset cost was \$1.542 million (GST exclusive).

3. The principal components were the Cab Chassis, the Bronto Aerial Rescue Platform, and the manufacture of a body.
4. The through life support provides for general maintenance, special tools, fuel, tyres, spare parts, lubricants, registration, and insurance.
5. Twelve (12) months manufacturer's warranty was provided for each principal component.
6. The vehicle has approximately an 18 to 20 year service life.
7. The vehicle is crewed by two (2) firefighters 24/7.
8. The vehicle is available on a 24/7 basis subject to maintenance requirements.
9. A total of twelve (12) full-time employees (FTEs) are employed, with two (2) firefighters per platoon, four (4) platoons, and an additional 0.5 relief component of four firefighters.
10. The ESA Workshop has six tradespersons who are trained in maintenance, operation, and diagnostic repair procedures. This capability provides fleet services to the Bronto as well as other ESA vehicles and equipment.
11. The operating costs per annum are approximately as follows:
 - a. Registration - \$0.001m. Insurance is a component of the whole-of-government agreement and individual figures are not available;
 - b. Fuel - \$0.02m;
 - c. Internal routine maintenance including lubricants, tyres, and consumables (excluding labour from ESA tradespersons) - \$0.018m. Contracted services including parts - \$0.029m; and
 - d. Repairs and major overhauls are included above. A major service is due in 2019 at an estimated \$0.200m (GST exclusive).
12. There have not been any major overhauls. The following organisations or contractors provided services including maintenance, repairs and parts:
 - a. Alexander Perrie and Co Pty Ltd (Bronto agent);
 - b. Austec Industrial Engineering Pty Ltd;
 - c. Can-weld Contracting;
 - d. Capital Electrical and Gas Services;
 - e. Glover Mechanical and Breakdown (Scania)
 - f. Pacific Avionics; and
 - g. Pirtek Canberra.
13. Due to the size of the vehicle, it can only be housed at Fyshwick, West Belconnen, or South Tuggeranong Fire Stations. The co-located Ambulance and Fire & Rescue Station at Aranda will also be capable of housing the vehicle once it comes online under the Station Upgrade and Relocation Project (SURP).
14. Over the last three financial years, there has been 604 hours effort conducting preventative maintenance and 287.75 hours effort conducting rectification procedures. It should be noted that during preventative maintenance, each task is completed in sequences to allow the Bronto to be quickly reassembled and respond to confirmed triple zero calls. These hours are based on ESA workshop hours of labour.

There was only one occasion when the Bronto was offline for an extended period of 72 hours, at which time, NSW Fire and Rescue (NSWF&R) provided a Bronto from Sydney to support ACT requirements.

15. During routine short-term periods of maintenance/breakdown, ACTF&R increases the response (weight of attack) to incidents where the appliance would be responded to by another additional pumper response.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



25.11.15

Date:

By the Minister for Police and Emergency Services, Joy Burch MLA



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 13 November 2015

Asked by Ms Giulia Jones MLA:

In relation to:

MRS JONES: I know, for example, that the government has changed some of the delivery of advice to women and it is delivered in the health centres out on the periphery of the city. I do not know if you have ever considered that as part of the outreach.

Dr Boersig: We have. I will send you a list of our current outreach services, so that you know where they are. As I say, we want to talk with the hospitals because they have a major intake of people who are in distress and have associated problems.

Attorney-General Simon Corbell MLA: The answer to the Member's question is as follows:—

A list of the 12 current outreach sites is attached (Attachment A).



Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: 27.11.15

Attorney-General, Simon Corbell MLA

Attachment A

Outreach Clinics schedules 2015

Tuggeranong Communities at Work Legal Advice Clinic

This clinic operates each alternate Tuesday from 9.30am-12.30pm and is located at Communities At Work premises at Tuggeranong Community Centre, 245 Cowlshaw Street, Greenway. People can either drop in between the hours of 9.30am-12.30pm or make an appointment by contacting Communities at Work on (02) 6293 6500.

Tuesday dates for the remainder of this year 2015:

- 11 August
- 25 August
- 8 September
- 22 September
- 6 October
- 20 October
- 3 November
- 17 November
- 1 December
- 15 December

Gungahlin Child and Family Centre Legal Advice Clinic

This clinic operates each alternate Monday from 10.30am-12.30pm and is located at the Gungahlin Child and Family Centre at 51 Ernest Cavanagh Street, Gungahlin. People can either drop in between the hours of 10.30am-12.30pm or make an appointment by contacting the Child and Family Centre on (02) 6207 0120

Monday dates for the remainder of this year 2015:

- 17 August
- 31 August
- 14 September
- 28 September
- 12 October
- 26 October
- 9 November
- 23 November
- 7 December
- 21 December

Woden College CCCares Legal Advice Clinic – for pregnant teens and young parents

This clinic operates each alternate Friday from 9.30am-12.30pm and is located at the campus of Canberra College, Launceston Street Woden. The clinic is for students enrolled at CCCares. However pregnant teens or young parents who want to inquire about the school could potentially have access to the clinic.

Friday dates for the remainder of this year 2015:

- 7 August
- 21 August
- 4 September
- 18 September
- 2 October
- 16 October
- 30 October
- 13 November
- 27 November
- 11 December

Migrant and Refugee Settlement Service (MARSS) Legal Advice Clinic

This clinic operates each alternate Friday from 9.30am-12.30pm and is located at MARSS premises at 180 London Circuit Canberra. The clinic is for migrants and refugees and people can either drop in between the hours of 9.30am-12.30pm or make an appointment by contacting MARSS on 6248 8577.

Friday dates for the remainder of this year 2015:

- 14 August
- 28 August
- 11 September
- 25 September
- 9 October
- 23 October
- 6 November
- 20 November
- 4 December
- 18 December

Muslim Women's Group CLE and Legal Advice Clinic – "NOT TO BE ADVERTISED"

This CLE and legal advice clinic operates each alternate Tuesday from 11am-1pm and is located at the Gungahlin Child and Family Centre at 51 Ernest Cavanagh Street, Gungahlin. This is a closed clinic for Muslim women only who attend the women's group at the Gungahlin Child and Family Centre. However Muslim women can inquire about the group and potentially have access to the service by contacting the centre on (02) 6207 0120.

This service is not to be advertised except by lawyers speaking confidentially and in person to a muslim woman who they think may benefit from the service.

Tuesday dates for the remainder of the year 2015:

- 18 August
- 1 September – then further review for ongoing service in October, November December

Beryl Women's Inc CLE and Legal Advice Clinic

This CLE and legal advice clinic operates on a Thursday from 10.30am-12.30pm every six weeks and is located at the premises of Beryl Women's Inc. This is a closed clinic for women living at the refuge and for women who attend the Beryl Women's Group.

Thursday dates for the remainder of the year 2015:

- 6 August
- 17 September
- 29 October
- 10 December – then further review for ongoing service in 2016

Prisoner Legal Service Advice Clinic

This clinic operates each alternate Tuesday for prisoners at the Alexander Maconochie Centre. The clinic alternates between operating in the morning from 9.30am-12.30pm one fortnight and in the afternoon from 1.30pm-4.30pm in the next fortnight.

Tuesday dates for the remainder of the year 2015:

11 August - morning

25 August - afternoon

8 September - morning

22 September - afternoon

6 October - morning

20 October – afternoon

3 November - morning

17 November - afternoon

1 December - morning

15 December - afternoon

Belconnen Youth Service Legal Advice Clinic

This clinic operates on the last Thursday of every month from 2pm-4pm and is located at BYS @ Corner premises at 26 Chandler Street Belconnen. The clinic is open to any young person in the Belconnen area who can either drop in or call the service on 62640200 for an appointment.

Thursday dates for the remainder of the year 2015:

- 27 August
- 24 September
- 29 October
- 26 November

Youth in the City Legal Advice Clinic

This clinic operates on the last Wednesday of every month from 3pm-4.30pm and is located at Youth In the City premises at 14 Cooyong Street Canberra. The clinic is open to any young person in the City and Inner North region who can either drop in or call the service on 6247 0770 for an appointment.

Wednesday dates for the remainder of the year 2015:

- 26 August
- 30 September
- 28 October
- 25 November

Youth Engagement Woden Legal Advice Clinic

This clinic operates on the last Friday of every month from 3pm-4.30pm and is located at 26 Corinna Street Woden (opposite the Woden Bus Interchange). The clinic is open to any young person in Woden and surrounding south Canberra area who can either drop in or call the centre on 6282 3037 for an appointment.

Friday dates for the remainder of the year 2015:

- 28 August
- 25 September
- 30 October
- 27 November



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

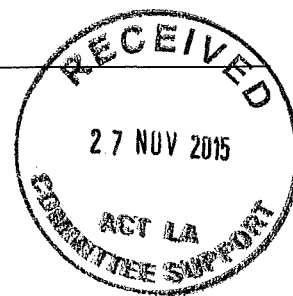
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 11 November 2015

Asked by Dr Chris Bourke MLA:

In relation to:



DR BOURKE: Minister, if I turn to page 148, looking at headcount by diversity group, I note that the directorate has 28 Aboriginal and Torres Strait Islander employees, being 1.7 per cent of the total staff. How has this changed from previous years? Has it gone up, has it gone down, or is it stable?

Mr Corbell: I will ask the Director-General.

Ms Playford: I will have to take on notice the exact number in the previous year, unless somebody here has got it. I think it has gone up by one; that is the advice I am getting regarding the Aboriginal and Torres Strait Islander personnel.

Attorney-General Simon Corbell MLA: The answer to the Member's question is as follows:—

The 2014 Annual Report indicated that the Directorate had 27 employees who identified themselves as being from Aboriginal and/or Torres Strait Islander background. They represented 1.4 per cent of the total workforce in the Directorate. This included staff in the Office of Regulatory Services.

At June 2015 the Directorate had an increase of one Aboriginal and Torres Strait Islander staff over the figures reported in the 2014 Annual Report at June 2015.

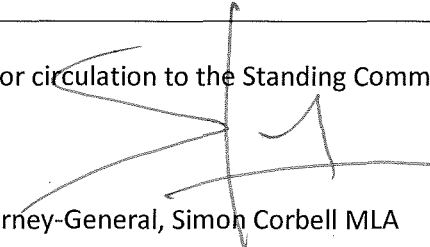
Reconciled figures to compare like functions in 2013-14 and 2014-15, excluding Office of Regulatory Services which transferred to CMTEDD under the new Administrative Arrangements, indicate that the actual increase in Aboriginal and Torres Strait Islander staff between the two financial years was four.

The classification profile is as follows:

Classification Levels	18-Jun-14	17-Jun-15
Ambulance Support Officer 1	1	1
Ambulance Paramedic	1	1
Administrative Services Officer Class 2	3	2
Administrative Services Officer Class 3	2	3
Administrative Services Officer Class 5		2
Administrative Services Officer Class 6	9	11
Contract Executive		1
Correctional Officer Class 1		1
Correctional Officer Class 3		1
Correctional Trainee	2	
Fire Brigade 2	2	2
Fire Brigade 4	1	1
Fire Brigade 6	1	1
Prosecutor Grade 5	1	
Senior Officer Grade B	1	1
Grand Total	24	28

In addition to the 28 employees in June 2015, the ACT Government engages an Indigenous Official Visitor to oversight ACT correctional facilities. The occupant of this position has been appointed until January 2017.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:  Date: 27.11.15

By the Attorney-General, Simon Corbell MLA



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

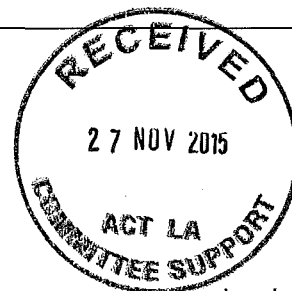
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 13 November 2015

Asked by Mr Jeremy Hanson CSC MLA:

In relation to:



MR HANSON: In terms of your balance of work between victims and perpetrators, so to speak, people who are accused as opposed to people who are there as a victim of crime, what is that balance? I know there are other things you do as well, but if you were to say that this matter is resourced to this group and this matter to this group, what is that in percentages?

Dr Boersig: As I indicated, we run an increasingly busy and active domestic violence unit, which primarily assists victims. We also provide advice to respondents. In relation to criminal matters linked to family violence, on the other side of our information barrier they are represented in the family violence list, which is at the court, by our duty lawyers.

MR HANSON: I appreciate that, but I am trying to get a sense of what that balance is. Is it a significantly greater amount of work that you are doing for people who are accused or people who are victims, so defendants versus witnesses? What is the balance?

Dr Boersig: I will have to think about that.

MR HANSON: If you do not know that now, you can take it on notice. I am just trying to get a sense of what that balance is.

Dr Boersig: I will take it on notice as to the actual numbers. Historically, we have done a lot more work for perpetrators and representation in the criminal courts. Over the past 18 months we have really grown that domestic violence service to provide a lot more representation. That was partly due to the way we are able to restructure our services. That is increasing. I do not know the exact proportion, but I will find that out.

MR HANSON: Yes, just a sense of it. It might be difficult to get an exact 42 per cent versus 38 per cent or something. But in broad terms is it 50:50; is it two to one? Is it that sort of balance?

Attorney-General Simon Corbell MLA: The answer to the Member's question is as follows:—

Legal Aid has been able to increase services to victims of domestic violence primarily through the Domestic Violence Unit undertaking more advocacy and duty work as well as through grants of legal assistance for representation in domestic violence matters. At the same time the numbers of alleged perpetrators represented in criminal law proceedings have remained relatively steady over the last three financial years.

To compare the percentage of assistance as between victims and perpetrators requires a comparison between victims represented in the civil domestic violence jurisdiction and perpetrators in the criminal family violence jurisdiction. Legal Aid Act estimates grants of assistance for representation in civil domestic violence matters are provided to 9 victims for every 10 grants of assistance provided to alleged perpetrators represented in criminal family violence matters.

Further, the trend over the past three financial years of providing increased minor assistance, advocacy, and duty work in domestic violence matters has not caused a reduction in the minor assistance, advocacy and duty work undertaken in criminal family violence matters. Minor assistance, advice and duty work is provided to 1.8 victims in domestic violence matters for every 1 alleged perpetrator provided minor assistance, advice or duty work in criminal law matters involving family violence.

Estimates are provided as Legal Aid does not maintain family violence records in criminal law matters.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: 27.11.15

By the Attorney-General, Simon Corbell MLA



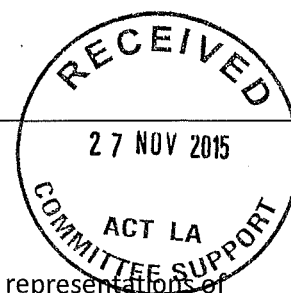
LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 11 November 2015



Asked by Dr Chris Bourke MLA:

In relation to:

DR BOURKE: Another suggestion has been that within HR it is very useful to have representations of diversity within your recruiters. Is that something that—

Ms Playford: Within what?

DR BOURKE: Within your recruitment staff. Is that something that—

Ms Playford: Yes; sorry. In fact, our inclusion officer is one of our Aboriginal staff members, and within our people workplace strategy, which is essentially our HR area, we are quite good at diversity actually. I would have to take on notice the exact diversity, but we certainly have gender diversity and people from non-English speaking backgrounds—and, as I said, our Aboriginal staff member who is our inclusion officer.

DR BOURKE: Very good. Thank you.

Attorney-General Simon Corbell MLA: The answer to the Member's question is as follows:—

As at 17 June 2015, JACS human resources unit, People and Workplace Strategy (PWS), had 11 female employees. They represent 65 per cent of the total headcount of 17.

PWS had two employees who identified themselves as being from Aboriginal and/or Torres Strait Islander background, and two employees who identified themselves as being culturally and linguistically diverse. They each represent 12 per cent of the total PWS workforce. PWS did not have employees with disability.

PWS	Headcount	Percentage of PWS workforce
Female	11	65%
Aboriginal and/or Torres Strait Islander	2	12%
Culturally and Linguistically Diverse	2	12%
People with Disability		
PWS Total Headcount	17	

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: 27.11.15

By the Attorney-General, Simon Corbell MLA



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

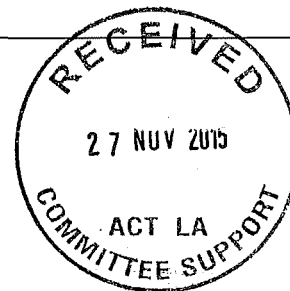
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Dospot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 11 November 2015

Asked by Ms Giulia Jones MLA:

In relation to:



MRS JONES: Regarding the same-sex marriage debate that we had in the Assembly and the ongoing accrual of costs, are you aware whether the commonwealth has—what is the word?—recovered their costs yet, and whether we have a final—

Mr Garrisson: Yes, they were paid some little time ago.

MRS JONES: Do you know what the final cost was to the ACT government?

Mr Garrisson: \$500,000.

MRS JONES: And that is all that we—

Mr Garrisson: Yes, and the territory's own legal costs, of course, but that has already been ventilated.

MRS JONES: Do you know what they were in total?

Mr Garrisson: We did and I think there has been a question on notice answered.

MR HANSON: It was about \$800,000, was it not? Is that right?

Mr Garrisson: No. It was nowhere near that amount.

MRS JONES: Maybe you could take it on notice.

Mr Garrisson: I can certainly provide it again.

MRS JONES: Yes please.

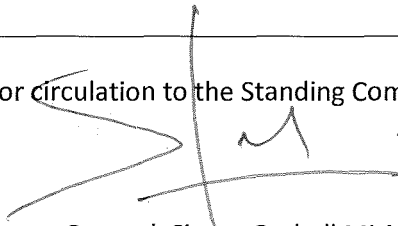
Mr Garrisson: Yes, certainly.

Attorney-General Simon Corbell MLA: The answer to the Member's question is as follows:—

The ACT Government Solicitor and Solicitor-General provided legal services in relation to the litigation before the High Court. Existing resources were deployed for those activities. The cost of services provided by external Counsel engaged by the ACT Government Solicitor was \$112,883.74. The Territory also paid the Commonwealth's legal costs of \$500,000.00.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

A handwritten signature in black ink, appearing to be 'S. Corbell', written over a horizontal line.

Date: 27.11.18

By the Attorney-General, Simon Corbell MLA

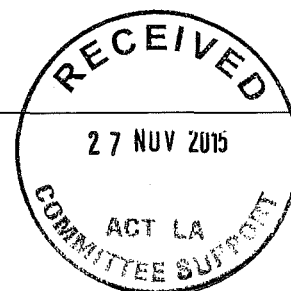


LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE
12 November 2015



Asked by Mr Brendan Smyth MLA:

In relation to: Protecting the Community

1. In relation to protecting the Canberra community from natural disasters or catastrophes, what:
 - a. vulnerability assessments have been conducted for the ACT and what do these cover?
 - b. disaster and contingency plans does the government have in place and what do these cover?
2. What do the disaster plans cover in relation to a widespread or total failure in the supply of:
 - a. electricity and gas?
 - b. water?
 - c. petrol and diesel fuels?
 - d. transport services to the ACT?
 - e. health services?
 - f. food and medical supplies?
3. If supplies were totally interrupted, how many days reserve would the ACT have in relation to food, groceries, medical supplies and fuels?
4. How many days supply of critical stocks are maintained by the Government to sustain delivery of essential government services?
5. What priority rankings apply for disaster containment and remediation in relation to:
 - a. ACT Government services?
 - b. the ACT community?
6. What plans does the government have in place to manage major or widespread civil unrest or disturbances?
 - a. What are the arrangements and processes for mustering the resources to manage such contingencies?

Minister for Police and Emergency Services, Joy Burch MLA: The answer to the Member's question is as follows:—

(1) In relation to protecting the Canberra community from natural disasters or catastrophes:

- a. The ACT Government developed the Territory Wide Risk Assessment (TWRA) in 2011 in line with national guidelines. The TWRA identifies large-scale hazards that could pose a danger to the ACT. Levels of risk were evaluated for these hazards.
- b. The ACT Emergency Plan (the Plan) provides an overarching, all-hazards, framework for emergencies in the ACT. The Plan describes the responsibilities, authorities and the mechanisms to prevent, or if they occur, manage emergencies and their consequences within the ACT, in accordance with the *Emergencies Act 2004*. A copy of the Plan is available on the ACT Legislation Register.

The ACT Emergency Plan lists the hazard-specific and supporting sub-plans at page 53 of Annexure D in the Plan. The emergency sub-plans follow a comprehensive approach to emergency management, which includes Prevention, Preparedness, Response, and Recovery (PPRR) principles.

(2) In the event of a widespread or total failure in the supply of essential services, emergency arrangements set out in the ACT Emergency Plan describe the key roles and responsibilities of the government and agencies. In relation to a widespread or total failure in essential supplies, other key emergency plans include the ACT Recovery Plan and related sub-plans are implemented, as well as the appointment of an Emergency Controller by the Chief Minister under the *Emergencies Act 2004*.

- a. The ACT Energy Emergency (Coordination) Plan sets out the arrangements for a coordinated approach by government to energy emergencies.
- b. The Water Supply and Sewerage Emergency Plan provides arrangements for ICON Water to prevent, prepare for, respond to and recover from any emergency related to water supply.
- c. The ACT Liquid Fuels Emergency Plan sets out the arrangements for a coordinated approach by government to energy emergencies, including fuel shortages.
- d. The ACT Energy Emergency (Coordination) Plan sets out the arrangements for a coordinated approach by government to energy emergencies, including high level guidance for the interruption to public transportation of persons or freight.
- e. The ACT Health Emergency Plan provides a framework for a coordinated whole-of-health sector approach to emergencies.
- f. The ACT Recovery Plan (2015) provides guidance on emergency recovery arrangements for the ACT, including food and medical supplies.

(3) There are a wide range of variables to consider in relation to number of days reserve in the ACT for food, groceries, medical supplies, and fuels. The ACT Government has emergency arrangements in place to manage the response to actual or potential interruptions on the supply of essential services, rather than stockpiling essential services.

Under the *Emergencies Act 2004*, an Emergency Controller can be appointed by the Chief Minister with powers to make critical decisions to managing the supply of essential services including maintaining, restoring, or preventing disruption of essential services, and controlling and coordinating the distribution of essential services.

In the event that there is an interruption to essential services, it would likely imply a wider, national emergency. The Commonwealth Government will thereby manage the national emergency arrangements in consultation and coordination with the states and territories.

- (4) In relation to critical stock supplies maintained to sustain delivery of essential government services, please refer to the answer at question three.
- (5) In reference to ACT Government Services and the ACT Community:
- a. The priority rankings for disaster containment are dependent on the type of emergency, the impacts and implications of the emergency, and the response and recovery arrangements required. In the event of an emergency Cabinet will make decisions based on policy advice from the Security and Emergency Management Senior Officials Group (SEMSOG), which is a strategic decision making body consisting of membership across the ACT Government, ACT Policing, ActewAGL and ICON Water.
 - b. In relation to priority rankings for disaster containment and remediation for the ACT community, decisions would be considered based on the advice of the Emergency Controller and the SEMSOG.
- (6) ACT Policing are the lead response agency for civil disobedience, as per the ACT Emergency Plan (2014). ACT Policing have internal standard operating procedures (SOPs), which are classed as tier 3 plans under the Plan. In accordance with that responsibility, ACT Policing's support requirements and response model is outlined within its governance instrument framework. This includes Commissioners Orders, AFP Practical Guides, Aide Memoires and SOPs, which are used to respond to or are related to the subject of civil disturbances.

The following list of AFP/ACT Policing governance is not exhaustive, however it depicts a number of protocols and policies that ACT Policing would rely upon in order to manage, respond to, and reconcile incidents of civil disturbance:

- Incident Command and Control System (ICCS+) doctrine;
 - Commissioners Order 2 (Professional Standards);
 - Commissioners Orders 3 (Use of Force);
 - Aide Memoire on the use of the Police Negotiation Team;
 - Aide Memoire on the Forward Command Post; and
 - AFP Practical Guide on Specialist Response Group operations.
- a. The ACT Government utilises a number of arrangements and processes to muster available resources to manage emergencies. These processes will be dependent on the type of emergency, the impacts and implications of the emergency, and the response and recovery arrangements required. This may include, but not limited to:
- the appointment of an Emergency Controller under the *Emergencies Act 2004*;
 - seeking inter-jurisdictional support; and
 - seeking support (including finance and resources) from the Commonwealth Government.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 26.11.15

By the Minister for Police and Emergency Services, Joy Burch MLA



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 6 November 2015



Asked by Mr Brendan Smyth MLA:

In relation to:

MR SMYTH: So there is no one here who can tell us how many officers have approached for assistance in the last year for stress-related—

Mr Lane: The last year? I am not sure about that particular question.

Ms Burch: I will have to take that on notice.

MR SMYTH: Sorry, yes. All right. If you take it—can we have it, say, each year for the last 10 years if the data is available? What is the process there? What service does—is offered? How much does the ESA spend on counselling of that sort? How many in-house officers are there? Can you give us a run-down of how that works?

Minister for Police and Emergency Services Joy Burch MLA – the answer to the Member's question is as follows:

There are a range of support services available to ACT Emergency Services Agency (ESA) personnel. The services are confidential and therefore information on why the support was sought is not available.

ESA personnel, including ambulance paramedics and firefighters, deal with emergencies and critical incidents on a regular basis. The nature and the environment they work in have an inherent risk where emergency services personnel can experience stressful and traumatic events. The ACT Ambulance Service (ACTAS) has also seen significant growth in demand for services of around 8 % per year that would also contribute to an increase in the risk of injury to paramedics.

There are a range of support services available to ESA personnel. They can choose from the following services.

Employee Assistance Program (EAP).

External service providers have been engaged to provide independent and confidential counselling service to all directorate staff for work-related or personal problems program. Such a program has been in place for more than 10 years.

The EAP also provides Crisis Response services to groups of employees and individuals where there has been a traumatic incident at work, including critical incident intervention and support.

EAP usage by ESA staff since 2007-2008 is detailed in the below table.

Financial Year	Total Attendance EAP ESA employees
2007/08	50
2008/09	45
2009/10	37
2010/11	37
2011/12	24
2012/13	20
2013/14	35
2014/15	17
Total	265

The EAP contract cost relates to the entire JACS Directorate. The fee paid per annum is detailed below.

Financial Year	Cost
2008-09	\$37,618.87
2009-10	\$42,357.59
2010-11	\$26,612.50
2011-12	\$28,322.02
2012-13	\$20,488.36
2013-14	\$31,749.74
2014-15	\$40,286.70

ESA Chaplain

ESA commenced a non denominational Chaplaincy service for personnel in 2011-2012. Chaplains are engaged on a casual basis and due to privacy reasons the annual cost cannot be provided by financial year.

The total cost for this service since its introduction in 2011-2012 until 30 June 2015 was \$244,115.

SupportLink

The Paramedic Support Program includes staff welfare support and associated referral program for all members and clients of the ACTAS for a minimum of 100 staff contact visits with the ACTAS workplace per annum.

The service also provides a 24/7 incident support service that is provided within 1 hour of initial contact.

In addition staff can also access the ACT Trauma Support Service provided by SupportLink to ACT Residents affected by sudden or unexpected death e.g. *suicides, motor vehicle fatalities, workplace deaths, homicides, death of a person under 18 years of age.*

The costs associated in delivering these programs are available via the ACT Government Contracts Register: <http://www.procurement.act.gov.au/contracts>.

Peer Support/Internal Critical Incident Debriefing Program

ACTAS provides Peer Support which is provided by substantive Duty Officers and some, Operation Managers. Staff involved in this have attended a one day training program in peer support

A peer support program co-ordinated by SES employees and delivered by SES volunteers-rostered on 24/7 basis is also available for this service. Training for peer support is provided by the New South Wales State Emergency Service. Currently there are 4 volunteers trained and participating on the roster.

ACT Fire & Rescue (ACTF&R) has an employee on call 24/7 to provide critical incident debriefing to personnel.

Additional Services

In 2012-13 a post traumatic education program was delivered by an organisation called "*Picking up the Pieces*" for ACTFR at a cost of \$5,500.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 1.12.15

By the Minister for Police and Emergency Services, Joy Burch MLA

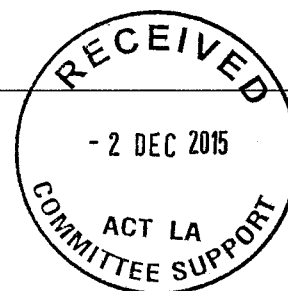


LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Steve Doszpot MLA (Chair), Chris Bourke MLA (Deputy Chair), Giulia Jones MLA, Mary Porter MLA

Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION TAKEN ON NOTICE 13 November 2015



Asked by Ms Giulia Jones MLA:

In relation to:

MRS JONES: With regard to the board sittings, noted on page 371, the board consists of a chair, deputy chair and six general members and they sat on 61 occasions in the reporting period. My understanding is that meetings were full board meetings. All liaison meetings were between the judicial members and the staff of the secretariat, as is the custom for other boards. I assume it would be appropriate for details of board attendance to be detailed in the annual report. Is it possible for that to be published or supplied?

Mr Delaney: Yes, we could do that. We could give that information on notice.

MRS JONES: Yes, and do you think that it should or could end up in the annual report, or is that something that you have not done before or are not keen on?

Mr Delaney: It is just something that we have not done; we have reported on the number of meetings and their time. I do not think there would be a difficulty with that.

Minister for Justice Shane Rattenbury MLA: The answer to the Member's question is as follows:—

The board is comprised of two judicial members (the Chair and Deputy Chair) and six general members. The board is divided into two divisions – Division A and Division B. When sitting, each consists of a presiding member and two general members. The Chair presides over Division A, the Deputy Chair over Division B. Division A and Division B hold hearings on alternate weeks. The general members are assigned to both Divisions. This means that over time general members will sit on hearings conducted by both Divisions. In this way the aim is to achieve a consistency of approach across the two Divisions. On occasion, it may be necessary to hold an emergency meeting regarding an offender. On these occasions, the meeting is comprised of a judicial member and the first two general members who indicate their availability.

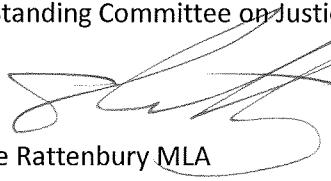
Division A held 26 meetings during the reporting year; Division B held 27 meetings. These divisional meetings are not Full Board meetings. The purpose of the divisional meetings is to make decisions on an individual's parole or periodic detention

There were three full board meetings held during the last reporting period. The full board meetings deal with administrative and policy issues and do not hear matters or make decisions on individual parole or periodic detention matters. The remaining meetings were held between the Chair, the Deputy Chair and staff of ACT Corrective Services. These meetings also serve an administrative and policy function.

The Board will consider the most appropriate way in which to report on board attendance in both divisional and full board meetings and include that information in its annual report.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

A handwritten signature in black ink, appearing to be 'Shane Rattenbury', written over a horizontal line.

Date: 2/12/15

By the Minister for Justice, Shane Rattenbury MLA