

SELECT COMMITTEE ON ESTIMATES 2010-2011

Questions on Notice

Attorney General

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Comparative prison information

Mr John Hargreaves MLA: To ask the Minister for Corrections, Mr Simon Corbell MLA

Ref: JACS/Corrections, BP4, p260, output class 2.1

In relation to comparative prison information:

How many prison institutions exist in Australia and metropolitan centres?
Specifically, please advise which prison populations in other jurisdictions comprise:

- both genders
- remandees
- sentenced prisoners
- transitional prisoners and
- all classification of prisoners and detainees

Is it possible to provide weighted costs per prisoner per day comparisons with the institutions above, and if not, why not?

Simon Corbell MLA: The answer to the Member's question is as follows:–

The ACT Government prepares its budget on an output basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. Similar information on actual performance is published in annual reports including audited financial statements.

Data is not available in the form and to the level of disaggregation requested without diversion of significant resources from ACT Corrective Services' ongoing business that I am not prepared to authorise.

QTON - Funding for community legal centres

THE CHAIR: Right. I am aware that—

MR RATTENBURY: I am happy for him to take—

THE CHAIR: It can be tabled. We are moving on to 1.6, electoral services.

MR SMYTH: Sorry, I think there is an answer coming, Madam Chair.

THE CHAIR: Yes. We can still get organised for our next one.

Mr Corbell: Madam Chair, I am happy to try and provide that further information. It depends on whether you take account of the moneys provided from the statutory interest accounts. What I will do is provide figures with and without the statutory interest account dollars. The total of community legal centres without funding from the statutory interest account—my department provides \$1.172 million. With the statutory interest account, it is \$1.348 million to community legal centres. Community legal centres that are provided with funding by the government directly are the Women's Legal Centre, the Consumer Law Centre and the tenants advice service. We also include victims of crime, VOCAL, in this category as well, and the Aboriginal Justice Centre. Funding is also provided by other government agencies to the Conflict Resolution Service, the Domestic Violence Crisis Service, the Welfare Rights and Legal Centre and the Canberra Rape Crisis Centre.

THE CHAIR: Could we have that tabled?

MRS DUNNE: It would be useful to have that, or a version of it, tabled.

Mr Corbell: Yes. I will take that on notice. I cannot provide you with this document, but I will provide you with something.

THE CHAIR: That would be great. Welcome, Mr Green.

MRS DUNNE: I have one question, Madam Chair.

MR HARGREAVES: Who is going to win the next election?

THE CHAIR: You have got one question for Mr Green?

MRS DUNNE: One question for the minister.

MR HARGREAVES: I can tell you now, if you would like, and save Phil Green the trouble.

THE CHAIR: I have a question. Mr Green, during annual reports, I think, you were looking at the issue of technology and the rollout of technology. I am wondering how that is going. Obviously there were more people who were using the electronic voting and so forth. How is the Electoral Commission progressing with implementing some of those changes?

QTON - How/when Women's Legal Centre informed funding to be provided for Indigenous women's project

Mr Corbell: I am aware that they did become aware, because I received an email from them thanking me for the funding. Clearly, they became aware, but I do not know how they became aware. We will take that on notice—

MS BRESNAN: That would be useful, thank you.

Mr Corbell: and provide some advice to you.

THE CHAIR: I just note that that has been taken on notice.

MRS DUNNE: Madam Chair, could I just clarify something. Is the \$62,000 for victim support services in any way tied to prevention of violence against women programs?

Mr Corbell: No; it is—

MRS DUNNE: If not, why is it characterised in the budget as that?

Mr Corbell: Simply because it is such a small amount, and it is funding that is wrapped up in providing support to victims of crime generally. There is some similarity, so just for administrative ease they have been placed together.

THE CHAIR: Over at DHCS—which obviously is not your portfolio, but I am interested—there is a program which is prevention of violence against women. There is some funding in that budget of \$344,000. I am just wondering whether there is any connection to this program or whether they are completely separate programs with no interaction.

Mr Corbell: In the development of this budget proposal and the DHCS proposal, there was close discussion between the two agencies. Even though they are presented separately in the budget papers, they were developed as a combined proposal between my department and Minister Burch's department.

In relation to Ms Bresnan's question earlier, I am advised that my department did email the Women's Legal Centre in budget week advising them of the outcome.

THE CHAIR: So there is some link between the programs?

Mr Corbell: In developing a proposal to provide support to victims of crime and prevention of violence against women—that broad category, if you like—there was certainly discussion between my department and DHCS on the scope and how it could be put together as an integrated bid. It went to cabinet as an integrated bid between the two portfolios.

THE CHAIR: Thank you. Ms Bresnan.

MS BRESNAN: I have a general question about some of the legal funding projects. I know that the Mental Health Community Coalition have been advocating for quite some time for a mental health legal service, and that was part of their budget

QTON - Staff movements explanation: BP4 p248

Asked by Mr Smyth on 24 May 2010: Mr Corbell took on notice the following question:

[Ref: Hansard Transcript 24 May 2010 Page 8]

In relation to :

- the Departmental budget papers, provide a reconciliation of the movement in staffing numbers from the 2009-10 Budget to 2010-11 Budget.

Mr Corbell: The answer to the Member's question is as follows:–

2010-11 Budget - Additional FTE

	2010-11 FTE
2010-11 Budget Initiatives	
District Court Jurisdiction Capacity	3.50
ACT Ambulance Service - Capability Enhancement	11.00
Expansion of Resources for Escort of Prisoners	3.00
Enhancement of Work Safety Regulation	5.00
Increase Base Funding – Regulatory Services	8.00
Liquor Reforms (ORS only)	2.50
Prohibition of smoking in outdoor eating and drinking areas	0.60
Working with Vulnerable People Checks	3.15
<i>total 2010-11 expense</i>	36.75
2010-11 Capital Initiatives	
Supreme Court Project Management	3.00
Tidbinbilla RFS Shed	1.00
<i>total 2010-11 capital</i>	4.00
Prior Year Initiatives	
CCTV3 – project implementation staff	-1.50
Supreme Court Feasibility and Forward Design	-1.00
Single Court Study	-0.70
SARP Evaluation	-0.50
ESA ICT Infrastructure	-0.50
ESA CFU's	0.15
Fine Enforcement	1.00
ACT Government Solicitor Office (ACTGS) – Additional Resourcing	1.00
<i>total Prior Year Initiatives</i>	-2.05
Other Changes	
Vacant positions not filled due to reprioritisation,	-9.70

2010-11 Budget - Additional FTE

	2010-11 FTE
savings measures and natural attrition	
<i>Total 2010-11 Budget adjustments</i>	<i>29.00</i>

QTON - reduced expenditure for supplies - elaboration BP4 p248

Asked by Mrs Dunne on 24 May 2010: Ms Leigh took on notice the following question:

[Ref: Hansard Transcript 24 May 2010 Page 9 of the uncorrected proof]

In relation to :

- the Departmental budget papers, provide a reconciliation of the movement in employee costs from the 2009-10 Estimated Outcome to 2010-11 Budget.

Mr Corbell: The answer to the Member's question is as follows:–

2009-10 Estimated Outcome to 2010-11 Budget	Total Cost \$'000
2009-10 Estimated Outcome	132,229
2010-11 Budget	132,708
<i>Variance</i>	479
<i>Increase mainly relates to:</i>	
2010-11 Budget Initiatives	3,088
transfer from ACT Health of Ambulance related resourcing in the 2009-10 Medical Retrieval Services initiative	449
Revised wage parameters relating to Clerical, ACTAS and ACTFB Agreements, and Remuneration Tribunal Outcomes for Judiciary and Tribunal members	1,374
Indexation and other net adjustments	1,440
<i>offset by:</i>	
Cessation of the backpayment component of ACTAS ICP Workvalue decision	-3,147
Efficiency Dividend	-506
Cessation of higher 2009-10 employee costs	-2,219

QTON – Commonwealth funding for Aboriginal Justice Centre

THE CHAIR: When did you write to the federal attorney?

Mr Corbell: A couple of months ago.

THE CHAIR: And have you received a response?

Mr Corbell: I think I have, yes.

THE CHAIR: Was it a favourable response?

Mr Corbell: It would be fair to say the commonwealth attorney is not convinced about the need to change the arrangements at this time but is happy to enter into further discussions about the matter, and that is something that we will pursue.

Ms Field: I have the answer to the commonwealth funding question. The commonwealth provides approximately \$100,000 per annum to AJC to employ a bringing them home counsellor.

THE CHAIR: Mrs Dunne.

MRS DUNNE: Thank you, Madam Chair. I would like to refer you, minister, to the third dot point under the business and corporate strategies on page 248. It refers to a whole-of-government accommodation strategy and I am wondering why JACS is responsible for this strategy.

Mr Corbell: JACS is not responsible for the strategy, but JACS has a very significant stake in the strategy, particularly as it relates to accommodation for one of our large operational elements, the Office of Regulatory Services. The Office of Regulatory Services is currently accommodated in two locations, one in Fyshwick and one in Phillip.

The whole-of-government accommodation strategy identifies a solution to that interim arrangement, which is a single location, a combined location, for ORS to continue to achieve the efficiencies the government was seeking from co-location and a single office of regulatory activity. Seeking an outcome there requires us to be actively involved in the deployment of that strategy to provide appropriate facilities for staff and the public, and that is the particular reference to appropriate facilities for both the staff and the public in ORS and people who use ORS.

MRS DUNNE: So could you, perhaps on notice, minister, provide the committee with a breakdown of how many ORS staff there are and where they are located?

Mr Corbell: Yes.

MRS DUNNE: That would be great, thank you. Are there concrete plans afoot, or are we still in the planning stage, to find a co-located office for ORS, or are we waiting for the one big government building?

Mr Corbell: I will just ask someone to assist you with the status of that work.

QTON - Breakdown of ORS staff and locations

Asked by Mrs Dunne on 24 May 2010 : Mr Corbell took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 Page 14 of the uncorrected proof]

In relation to :

A breakdown of how many staff there are in the Office of Regulatory Services and where they are located.

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

As at 30 April 2010 the Office of Regulatory Services had 167 officers reflected on the pay code.

68 officers are based at Callam Offices Philip;
98 officers are based at 255 Canberra Avenue Fyshwick;
1 officer is based at the Causeway Kingston.

This does not include the Independent Competition and Regulatory Commission staff who are located at 12 Moore St.

QTON - explanation of \$4M difference cash/cash assets & property plant & equipment

Asked by Mr Smyth on 24 May 2010 : Mr Corbell took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 Page 16 of the uncorrected proof]

In relation to: Budget Paper no. 4, page 275

- o the Departmental budget papers, provide a reconciliation of the movement in cash dropped by \$4 million in the 2009-10 Estimated Outcome from the Original Budget

Attorney-General : The answer to the Member's question is as follows:–

2009-10 Original Budget to Estimated Outcome	Total Cost \$'000
2009-10 Original Budget	9,861
2009-10 Estimated Outcome	5,553
<i>Variance</i>	4,308

The decrease of \$4.308 million in the 2009-10 Estimated Outcome from the 2009-10 Budget is primarily due to the 2008-09 audited outcome flow on effects.

Following finalisation of the 2008-09 financial statements, relevant movements in the final balance sheet values (as compared to the previously prepared estimated outcome in the 2009-10 budget papers), were flowed through to the 2009-10 estimated outcome as reported in the 2010-11 budget papers.

The lower level of cash balance in the 2009-10 estimated outcome from the original budget also relates to the higher level of estimated Receivables and increased prepayments (shown in Other Current Assets) at end of financial year. The overall estimated net movement in Total Current Assets is \$0.658m (4.5%) from the 2009-10 Budget of \$14.746m to the Estimated Outcome as at 30 June 2010 of \$14.088m.

QTON - breakdown of delayed works BP4 271

Asked by Mrs Dunne on 24 May 2010: Ms Crowhurst took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 Page 17 of the uncorrected proof]

In relation to the Departmental budget papers, provide a list of capital projects delayed since the development of the 2008-09 estimated outcome in the 2009-10 budget papers and the 2008-09 audited outcome; and where those delayed works appear in the balance sheet.

Mr Corbell: The answer to the Member's question is as follows:–

The following capital projects had delays in expenditure from the level expected in the 2009-10 budget papers:

- Alexander Maconochie Centre;
- Alexander Maconochie Centre - Chapel and Quiet Place;
- Alexander Maconochie Centre - Transitional Costs;
- Accident Information Management System;
- Accommodation Rationalisation;
- Closed Circuit Television Project Phase 2;
- Closed Circuit Television Project Phase 3;
- Courts Case Management System;
- Capital Upgrade Program;
- Disability Access and Accommodation Improvements;
- Director of Public Prosecutions Case Management System;
- Emergency Services Agency - New Headquarters;
- Emergency Services Agency - Station Upgrades;
- Emergency Services Agency - Vehicle Replacement Program;
- Minor Works Emergency Services Agency Stations and Sheds;
- Human Rights Commission Database;
- Improved Courts Technology;
- Emergency Services Agency - Increased Fire Vehicle Replacement;
- Integrated Victims Database;
- Emergency Services Agency - Maintenance of Operational Capacity;
- Office of Regulatory Services Integration;
- Sexual Assault Reform Program;
- Supreme Court Roof Replacement and Air Conditioning Systems Upgrade;
- Emergency Services Agency - Stations Relocation Design;
- Upgrade of Court Security and Facilities;
- Workcover Integration; and
- Working with Vulnerable People Checks.

Expenditure in relation to the above projects incurred until 30 June 2009 is reflected in the Department of Justice and Community Safety's audited financial statements Non-Current Asset balances as at 30 June 2009. However, delays in expenditure from the level expected in the 2009-10 budget papers are not recorded in any balance sheet as at 30 June 2009 as they had not occurred by that date.

QTON - budget bid costings for adult offender restorative justice program

Asked by Mr Rattenbury on 24 May 2010 : Mr Corbell took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 Page 19 of the uncorrected proof]

In relation to : Restorative Justice

Costed proposal for expanding restorative justice to adult offenders

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

It is difficult to estimate the number of potential referrals for adult offenders to restorative justice. Original projections for referrals of juveniles have been exceeded every year since commencement of the scheme.

A full expansion to adult offenders was originally estimated to result in doubling the number of total referrals. There is no reason to believe that this is not still the case.

QTON - Itemised expenditure in restorative justice program

MR SMYTH: Sorry, \$339,000. I have one last question of Mr Crockett. In the last line on page 6, you say that the commission's risk mitigation strategy is to manage demand consistent with existing resources. Is that turning people back? Is that rationing it over a monthly amount?

Mr Crockett: Yes. It has not got to that stage yet, fortunately, where we are actually having to ration month by month, but it has meant, over the last 18 months, we have been applying the eligibility criteria quite strictly; so there is X room to exercise discretion. Whereas in the past we might have erred on the side of liberality, now we would be a bit tougher.

We have also cut back on things like approvals for cost of expert reports, which is something that is causing a great increase in the cost of cases. The courts consistently want more and better expert reports, and they are very costly, particularly in this jurisdiction.

Mr Corbell: Madam Chair, if I may, a question was taken on notice earlier today in relation to the restorative justice unit, the budget for that unit, the number of conferences held and the make-up of those conferences. If I could quickly provide that information, the restorative justice unit's budget for 2009-10 was \$602,664. In addition, ACT Policing funds one convenor position to conduct conferences for police referrals. The cost to ACT Policing is \$103,348.

In terms of conferences held, 559 conferences have been held since January 2005, and that is as at 15 April this year. Of these, 135 involved multiple victims, and 108 conferences involved multiple offenders. For the current financial year to 15 April, RJU has conducted 108 conferences. Of these, 91 had one victim participate, 17 had two victims participate and, in relation to offenders, 97 of these conferences had one offender participate, nine had two offenders participate, and two had three offenders participate.

THE CHAIR: Thank you, minister. Members, the Public Trustee has been waiting all morning. Are we able to take another 10 minutes? I believe there are a couple of questions.

MRS DUNNE: Yes.

THE CHAIR: I have checked with the committee. Thank you, Mr Crockett. We will finish off with the Public Trustee for the ACT. Mrs Dunne, I believe you have a question.

MRS DUNNE: Yes, if I could. In relation to government outputs, is the long-term aim of the Public Trustee to be financially independent from government? Is that a Mr Taylor question or a Mr Corbell question?

Mr Taylor: I can answer that. It definitely would be something that we would aim at and we certainly have aimed our budget at doing so over the last number of years; but we had not factored in the GFC. Yes, to be financially independent we would need to return to government the amount of money that the government provided to the Public Trustee each year as a dividend.

QTON - Conferences with multiple victims

MR SMYTH: Sorry, \$339,000. I have one last question of Mr Crockett. In the last line on page 6, you say that the commission's risk mitigation strategy is to manage demand consistent with existing resources. Is that turning people back? Is that rationing it over a monthly amount?

Mr Crockett: Yes. It has not got to that stage yet, fortunately, where we are actually having to ration month by month, but it has meant, over the last 18 months, we have been applying the eligibility criteria quite strictly; so there is X room to exercise discretion. Whereas in the past we might have erred on the side of liberality, now we would be a bit tougher.

We have also cut back on things like approvals for cost of expert reports, which is something that is causing a great increase in the cost of cases. The courts consistently want more and better expert reports, and they are very costly, particularly in this jurisdiction.

Mr Corbell: Madam Chair, if I may, a question was taken on notice earlier today in relation to the restorative justice unit, the budget for that unit, the number of conferences held and the make-up of those conferences. If I could quickly provide that information, the restorative justice unit's budget for 2009-10 was \$602,664. In addition, ACT Policing funds one convenor position to conduct conferences for police referrals. The cost to ACT Policing is \$103,348.

In terms of conferences held, 559 conferences have been held since January 2005, and that is as at 15 April this year. Of these, 135 involved multiple victims, and 108 conferences involved multiple offenders. For the current financial year to 15 April, RJU has conducted 108 conferences. Of these, 91 had one victim participate, 17 had two victims participate and, in relation to offenders, 97 of these conferences had one offender participate, nine had two offenders participate, and two had three offenders participate.

THE CHAIR: Thank you, minister. Members, the Public Trustee has been waiting all morning. Are we able to take another 10 minutes? I believe there are a couple of questions.

MRS DUNNE: Yes.

THE CHAIR: I have checked with the committee. Thank you, Mr Crockett. We will finish off with the Public Trustee for the ACT. Mrs Dunne, I believe you have a question.

MRS DUNNE: Yes, if I could. In relation to government outputs, is the long-term aim of the Public Trustee to be financially independent from government? Is that a Mr Taylor question or a Mr Corbell question?

Mr Taylor: I can answer that. It definitely would be something that we would aim at and we certainly have aimed our budget at doing so over the last number of years; but we had not factored in the GFC. Yes, to be financially independent we would need to return to government the amount of money that the government provided to the Public Trustee each year as a dividend.

QTON - BP4 225: breakdown of funding for rights organisations BP4 254

Asked by Mr Rattenbury on 24 May 2010 : Mr Corbell took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 Page 30 of the uncorrected proof]

In relation to : Unit Titles

“Do you have the figures on what the cost of the mail-out to unit titles was that the government undertook last year to advise about the changes to the Act?”

Mr Corbell : The answer to the Member’s question is as follows:–

The government wrote out to over 33,000 unit owners to inform them about the amendments to the Unit Titles Act. The cost of the mail out was \$17,096.00.

QTON - JACS Strategic indicators: data for trends over time (2 yrs) for all strategic indicators

Asked by Mr Smyth on 24 May 2010 : Mr Corbell took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 Page 930]

In relation to : Strategic Indicators for the Department of Justice and Community Safety

“For any strategic indicator where it says trend over time, can the Committee have the last two years data and the projection for this year, please?”

Simon Corbell : The answer to the Member’s question is as follows:–

Strategic indicators are intended to measure performance against long-term strategic objectives and outcomes which have an impact in the community.

As reported at page 287 of 2009-2010 Budget Paper 4, the Department undertook a review of its performance indicators in early 2009. This review was undertaken to better align strategic indicators with the high level outcomes of the portfolio as well as address the Auditor General’s audit comments on accountability indicators from the Department’s 2007-2008 Audit of Financial Statements.

This review led to the development of a number of new strategic and accountability indicators and associated targets which were reported for the first time at pages 287 – 289 of 2009-2010 Budget Paper 4. The current financial year (2009-10) is the first full year of operation of the new suite of indicators.

The strategic indicators compliment the accountability indicators for the relevant outputs with all accountability measures including a target and a 2009-10 estimated outcome.

As the success measure for a number of new strategic indicators refer to a percentage change and number, trend over time has been identified initially as an appropriate basis for comparison. The results will be collated for the first time on completion of the 2009-2010 financial year.

The 2010-2011 Budget Paper No 4 does include targets for a number of strategic indicators for example:

Strategic Indicator 4 – Effective Regulation and Enforcement

- *High level of compliance:* the measure seeks to achieve a targeted compliance of 80% of individuals, businesses and workplaces with relevant legislation and compare compliance over time.
- *Accurate data:* the measure seeks to achieve 95% accuracy of Registrar General’s data.

Strategic Indicator 5 – Promotion and Protection of Rights and Interests

- *New government laws are compatible with human rights legislation at the time of introduction:* this aims for a target of 100% compatibility of new law with human rights legislation at the time of introduction of the new law.

Other measures for many of the strategic indicators draw on data from publicly available series. These include publications such as the Commonwealth Grants Commission Annual Report on Government Services and Australian Bureau of Statistics Publication such as the series 4513.0 Criminal Courts, Australia. The statistics from these publications are based on data extracted from administrative records held by outputs such as the Courts; Emergency Services and Corrective Services and compiled by the publishing agency according to national standards and classifications. The use of such series will enable standardised comparisons over time.

The department is preparing for annual reporting and will shortly undertake analysis of performance data against strategic indicators in order to report. This analysis will also assist to inform the basis for the development of targets where appropriate.

As reported at page 249 of 2010-2011 Budget Paper 4, the Department will report on performance against the new suite of strategic indicators for the first time in its 2009-2010 Annual Report. Reporting against strategic indicators in the Annual Report has been the practice for a number of years. The Department's Annual Report is due to be tabled in October 2010.

QTON - 1% efficiency savings on Shared Services - how much/ where /how and breakdown of savings Shared Services 1% admin efficiencies 2010-2011

Asked by Mr Seselja and Mr Smyth on 24 May 2010: Ms Leigh took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 Page 36 of the uncorrected proof]

In relation to :

- departmental budget papers, provide the dollar value of 1% savings of JACS Shared Services budget, and
- what proportion is this amount of the Department's efficiency dividend.

Mr Corbell: The answer to the Member's question is as follows:–

The estimated dollar value of 1% savings in JACS Shared Services budget is \$0.144m. This amount is approximately 8% of the Department of Justice and Community Safety efficiency dividend savings target of \$1.842m in 2010-11.

QTON - Breakdown \$320mil public order and safety budget

Asked by Mr Seselja on 24 May 2010 : Ms Crowhurst took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 Page 39 of the uncorrected proof]

In relation to : Budget Paper no. 3, page 346

- The budget papers, what is included in the public order and safety budget, how much of it belongs to the Department of Justice and Community Safety.

Mr Corbell: The answer to the Member's question is as follows:–

The Public Order and Safety expenditure as reported in Table F.18 General Government Sector (GGS) Expenses by Function in 2010-11 Budget Paper No. 3, represents government agency expenditure categorised by ABS classifications. Table F.18 details that this includes police and fire protection services; law courts and legal services; prison and corrective services; and other public order and safety expenditure.

Approximately 91% of the Public Order and Safety expenditure relates to Department of Justice and Community Safety (JACS). The balance relates to other government agencies.

The difference in the total of JACS Departmental and Territorial 'Total Ordinary Expenses' as shown in 2010-11 Budget Paper No.4, pages 270 and 277, as compared to the JACS portion of the GGS Public Order and Safety function, mainly is due to parts of JACS expenditure being reported under other GGS functions, and also as some types of expenses are not included within this GGS table.

QTON - costs of administering current liquor licensing scheme; expected increase in revenue; allocation of new revenue

Mr Corbell: I think we are having a semantic argument. I have made it clear—

MR SMYTH: A million dollars worth of semantics.

Mr Corbell: I have made it clear that the government is increasing the cost. There is no hiding of that.

MRS DUNNE: No, there is no hiding. But Mr Phillips is saying—

Mr Corbell: If I can just answer your question, we are increasing the total amount of money that licensees will pay to have a liquor licence and, in particular, to trade late. We have made it very clear to the industry throughout that that is in addition to some of the existing fees that they already pay. So we have made that quite clear.

MRS DUNNE: But you have consistently said, and you say here, that the revenue from the liquor licensing reform will be \$1.8 million in a full year.

Mr Corbell: Yes.

MRS DUNNE: You and Mr Phillips are now telling the committee that you expect the revenue to be \$2.8 million in a full year.

Mr Corbell: This is additional revenue, Mrs Dunne, not that which is already in the budget.

MRS DUNNE: Answer my question—

MR HARGREAVES: So what we are talking about, minister, is that there is a base amount—

MRS DUNNE: minister, would you?

Mr Corbell: I just did, Mrs Dunne.

MR HARGREAVES: already contained within the context of the budget, the base amount, and what we are talking about is in addition?

Mr Corbell: We have got an existing base and we are adding to that.

MR HARGREAVES: An incremental budgeting process?

Mr Corbell: Yes.

MRS DUNNE: Can I go back to what Mr Phillips said. It is very unclear, and, by Mr Phillips's own evidence, it is about \$600,000 which is currently expended on liquor licensing in ORS.

Mr Corbell: Yes.

MRS DUNNE: You are adding to that the police component, which is \$1.3 million,

Mr Corbell: In relation to ORS, there is approximately \$196,000 for two positions for the administration of liquor licensing applications and renewals, as well as half a full-time position to assist with review of the responsible service of alcohol arrangements and development of new guidelines for the industry. This is in terms of assessment of risk management plans and so on. There is also \$20,000 for ICT maintenance and support and \$50,000 for an independent review of the new legislation two years after operation.

MRS DUNNE: Why is that in the budget now?

Mr Corbell: I beg your pardon: commencing 18 months after operation.

MRS DUNNE: So why is that money in this year's budget?

Mr Corbell: That is just a notional allocation of the total amount of revenue and where we are going to spend it.

MRS DUNNE: Okay.

QTON - projected revenue from new liquor licensing regime

Asked by Ms Hunter on 24 May 2010: Mr Corbell took on notice the following question:

[Ref: Hansard Transcript 24 May 2010 Page 49 of the uncorrected proof]

In relation to: The Liquor Act Review.

In relation to the departmental budget papers, provide a detail analysis that underpins figures related to revenue for liquor reforms.

Mr Corbell: The answer to the Member's question is as follows:–

The estimated revenue for the liquor reforms was based on analysis undertaken with reference to current practice of other jurisdictions, the anticipated costs to implement the reforms and the estimated number of operators in the market under the new risk-based licensing fees.

The cost of implementing the new reforms flows mainly from the additional regulatory and enforcement functions. This includes 10 additional police officers to inspect and enforce the responsible service of alcohol practices in licensed premises on weekends; and 2.5 FTE in the first year, and 2 additional staff ongoing, for the Office of Regulatory Services. Capital injection has been provided for database upgrades to accommodate the new licensing regime. There is also one-off funding for an independent review after 18 months of operation.

The final fee structure has not yet been set. A number of options were developed and are being considered by government. Discussions are currently underway with key stakeholders to develop the optimal fee structure.

QTON - when was Gov't Solicitor's advice given to Treasury re change of use charge implementation

Asked by Mrs Dunne on 24 May 2010: Mr Garrison, Chief Solicitor took on notice the following question:

[Ref: Hansard Transcript 24 May 2010 page 60 of the uncorrected proof]

In relation to:

When did the ACT Government Solicitor provide the advice to the Department of Treasury regarding change of use charges referred to by the Treasurer?

Mr Corbell: The answer to the Member's question is as follows:–

22 April 2010.

QTON - % of Work Safety Budget spent on Education

MR SMYTH: What percentage was spent on education?

Mr Corbell: I cannot tell you off the top of my head, Mr Smyth. It is publicly available. I just do not have it immediately to hand. I will see if I can get that for you.

MRS DUNNE: Could I just ask for clarification. I may have written this down incorrectly before. Ms Leigh, I think you said that 2.6 of staff would be allocated to outdoor smoking compliance. Did I get that right?

Mr Phillips: Mrs Dunne, it is 0.6 of staff.

Ms Leigh: Yes, it is 0.6.

MRS DUNNE: It is 0.6. I wrote it down incorrectly.

Mr McCabe: If I could respond to your earlier questions—virtually all of the commissioner's budget, prior to this mix, was involved in education. It is very hard to say what would be the mix in the new organisation because even inspectors who go out and do enforcement do education activity when they go out. If they go to a workplace and suggest that there should be certain changes that in itself is education activity, especially if they choose at that stage not to issue notices. It is very hard to get a strict definition between the two. I would see the large bulk of the new inspector resources augmenting the education side of that activity as opposed to the enforcement side. The reactive side is pretty much already covered. The need is to build up the proactive side.

MR SMYTH: Is there a figure on how much we spend on education at this time?

Mr McCabe: I do not think that you can put a figure on it at the moment from the existing ORS resources. As I said, virtually all of the commissioner's budget is spent on education in some way or another.

Mr Corbell: Can you indicate what your current budget is, Mark?

Mr McCabe: The current budget for the commissioner's office is \$450,000, plus an additional \$120,000 which was allocated this year for the first time.

MR SMYTH: So, minister, there will be no decrease in the education effort?

Mr Corbell: No. There is an absolute net gain in the total amount of funding for OH&S—the OH&S effort, to put it that way, to follow Mr McCabe's lead. Mr McCabe's current budget for the Office of the Work Safety Commissioner will be consolidated with the budget of the new WorkSafe ACT—the old ACT WorkCover—into a single budget.

MR SMYTH: When a complaint is received, how quickly will an officer respond?

Mr Corbell: It will depend on the circumstances of the complaint.

QTON - explanation for indicator for DPP re case management

Mr White: The overall cost is something like \$250,000. Part of the tender process comprehended that that would take account of any modification that was needed.

MR RATTENBURY: Just on these indicators, are these indicators used in other jurisdictions?

Mr White: No. I think it is fair to say that generally in other jurisdictions they relate to the number of cases that have been finalised and outcomes in relation to those cases broken down into different categories—for example, theft, property offences, sexual assaults, homicides et cetera.

MR RATTENBURY: So why have you chosen this one in particular?

Mr White: These outputs really are a function of the office to date not having had effective management in relation to its cases because of the lack of a computerised case management system. In terms of our statistics, we are reliant on statistics kept by the court in relation to those matters. We have not had any way of assessing those matters in-house.

MR RATTENBURY: I am unclear then. It seems to be an interesting measure—average cost per matter finalised. Obviously the matters are going to be very diverse. As an office, what are you learning from that figure, given that other jurisdictions do not use that figure? What does it give you?

Mr White: I might have to take that on notice. I am not sure whether that is a measure that is used in other jurisdictions, but there is always a difficulty in comparing us to other jurisdictions because of the very simple matter that in this jurisdiction we do all the summary matters within my office and as a general rule that is not done in other jurisdictions. And there are many other differences between the directors of public prosecutions which lead to these kinds of rather facile comparisons not being of terribly much value. There has been some discussion arising out of SCAG as to whether there might be a way of measuring the work of the directors, but I think it is fair to say that so far the difficulties in the face of that are quite considerable.

MR RATTENBURY: I see your point and I accept those comments. I am just interested in the fact that you have chosen a particular benchmark—the rationale behind that benchmark and what your office will learn from having that benchmark.

Mr White: It is an attempt to express an efficiency in terms of our total budget to our total throughput. That is the best I can probably say.

MRS DUNNE: Do you have an idea of the average cost of, say, all summary matters as opposed to all matters that go to the Supreme Court?

Mr White: No, we do not, but I can make some general observations about that. Clearly, every matter that goes to the Supreme Court is in effect double-handled in my office in the sense that it has to find its way through the Magistrates Court and then have a life of its own in the Supreme Court. Obviously, Supreme Court matters are far more resource intensive, but apart from that I cannot really put a dollar figure on it.

QTON - no. of lockdowns at AMC

Asked by Mr Seselja on 24 May 2010: Dr Helen Watchirs, Human Rights and Discrimination Commissioner took on notice the following question(s):

Ref: Hansard Transcript 24 May 2010, page 70 of the uncorrected proof.

In relation to:

What is the status of any investigation that you have undertaken into issues around lockdowns at the Alexander Maconochie Centre?

Mr Corbell: The answer to the Member's question is as follows:–

The Human Rights and Discrimination Commissioner, Dr Helen Watchirs advises me that the ACT Corrective Services informed her by letter dated 19 May 2010 that on nine occasions there were an average of 45 detainees (out of a population of 209 prisoners) locked in their cells for more than 15 hours at one time. Mr James Ryan stated in his letter that:

‘During March and early April 2010 there was a significant increase in the use of rolling lockdowns as compared with January and February. Some were for searches or prolonging incidents of ill-discipline by prisoners. However, the primary cause of this increase in lockdowns was a shortage of available staff. This arose due to a combination of absenteeism and the absence of a budget available to pay overtime to staff otherwise rostered off to replace absent officers. This situation was exacerbated by a series of unexpected hospital watches in March and April which resulted in reduced time out of cells for cell block prisoners. On all occasions, education, programs and visits continued to the extent possible. ACTCS has implemented solutions to relieve the immediate pressure in the AMC for both staff and prisoners, resulting in a significant drop in lockdowns since the 10-11 April reported incident. There has [sic] only been three lockdowns since 12 April 2010’.

QTON - nature of complaints at AMC

Asked by Mr Seselja on 24 May 2010: Ms Mary Durkin, Health Services Commissioner took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 page 74 of the uncorrected proof]

In relation to:

What is the nature of concerns being expressed about the health services at the Alexander Maconochie Centre?

Mr Corbell: The answer to the Member's question is as follows:–

The Health Services Commissioner advises me that the majority of contacts from detainees at the AMC have related to concerns around access to health services, or delays in access to services. Several detainees have raised concerns in relation to the dispensing of medication within the Centre. Other concerns have related to individual issues that do not indicate a pattern or cluster of issues.

QTON - no & timeliness of reports made under new protection legislation for children and young people (no & timeliness)

Asked by Mrs Dunne on 24 May 2010: Ms Byrne took on notice the following question:

[Ref: Hansard Transcript 24 May 2010 page 76 of the uncorrected proof]

In relation to:

Number of reports received by the Public Advocate of the ACT under Section 507 of the *Children and Young People Act 2008* and do they need to be substantiated incidents?

Mr Corbell: The answer to the Member's question is as follows:–

The number of Section 507 reports brought to the attention of the Public Advocate of the ACT for the period 1 July 2009 to 9 April 2010 is fifty two (52) reports for 46 children. There were multiple reports for five children and young people. The Public Advocate of the ACT meets monthly with the Office of Children, Youth and Family Support to review these reports. As of 27 April 2010 the Public Advocate of the ACT has reviewed 45 reports with Office of Children, Youth and Family Support.

The reports do not have to be substantiated reports.

QTON - whether there is a policy on housing children at risk in unsupervised public housing

Asked by Mrs Dunne on 24 May 2010: Ms Byrne took on notice the following question:

[Ref: Hansard Transcript 24 May 2010 page 78 of the uncorrected proof]

In relation to:

Does the Public Advocate have a policy in respect of children at risk and housing options?

Mr Corbell: The answer to the Member's question is as follows:–

The Public Advocate of the ACT (PA ACT) prioritises the provision of advocacy for children and young people at risk that can include housing options, where they are brought to the PA ACT attention and the PA ACT is best placed to provide advocacy. The PA ACT can undertake a range of advocacy functions. The PA ACT will liaise with the Office of Children, Youth and Family Support, other key stakeholders and the Youth Housing Manager, where appropriate, regarding the case plan and supports for these children and young people.

The PA ACT may undertake individual advocacy on behalf a child or young person if: (i) requested to do so by a child or young person themselves; (ii) the PA ACT believes that a child or young person remains in need of protection from abuse, exploitation or neglect; or (iii) requested to do so by a court or tribunal.

Individual advocacy occurs when the PA ACT acts on behalf of a child or young person to achieve an outcome which is in the child or young person's best interests. This usually means obtaining services for, or changing the way services are provided to them. Advocacy can be provided when a child or young person presents with complex support needs and other options or strategies have not addressed their accommodation needs and/or barriers have been faced regarding the coordination of case planning and service provision.

For example the PA ACT receives referrals under Section 74 K of the *Children and Young People Act 2008* where a child or young person attends court for criminal proceedings and due to care and protection issues, such as being at risk of homelessness. The Magistrate adjourns the matter for 15 days for further investigation. The PA ACT can attend court proceedings and/or liaise with Office of Children, Youth and Family Support regarding services and supports for the individual young person.

In respect of Domestic Violence and Personal Protection hearings involving young people the PA ACT prioritises intervention based on the best interests of the young person and may attend hearings, particularly in situations where a parent has made an application which could result in the young person being homeless. In instances where it is known that the Chief Executive has parental responsibility the PA ACT ensures that Office of Children, Youth and Family Support is available to support the young person either by way of a case worker or a legal officer.

Young people detained at Bimberi are visited by the Public Advocate and are able to confidentially telephone the PA ACT at any time if they have any concern or issue. The PA ACT provides advocacy where indicated to follow up any issues on their behalf. The PA ACT can attend case conferences for these young people.

The PA ACT also is involved in programmes and initiatives such as Turnaround, the STEPS Programme, undertaking individual advocacy when required to facilitate appropriate supports and services being in place for at risk children including housing and accommodation options.

An increasing area of involvement is the newly introduced Child Protection Case Conferences. Through these avenues the PA ACT is invited to independently represent the best interest of the child or young person. In the case of adolescents accommodation is often a key element of the conference.

In addition to young people known to the care and protection or the youth justice system, the PA ACT is involved in providing advocacy for young people with mental health problems or a mental dysfunctions and those young people with other disabilities where their condition gives rise to the need for protection from abuse, exploitation or neglect.

The PA ACT also undertakes systemic advocacy to advocate on behalf of a number, or group, of at risk children and young people to achieve an outcome, which is the best interests of the group. This usually means changing the way an agency provides services, so that many young people will benefit both now and in the future.

For example policy and service reform issues highlighted through the Care and Accommodation forum such as the need for Therapeutic models of care, alternative accommodation and housing options, specialised programmes, early intervention service models and work force development issues will continue to be included in ongoing systemic advocacy undertaken by the PA ACT.

As part of the PA ACT monitoring of statutory compliance some priorities have been identified which are directly relevant to children and young people at risk and their housing options. For example young people leaving care are required to have a leaving care plan which identifies key areas which need to be addressed when they transition from care. The PA ACT is currently monitoring the receipt of, timeliness and the development of Leaving Care Plans.

QTON - trends in disability complaints commissioner

Asked by Mr Seselja on 24 May 2010 : Ms Mary Durkin, Disability and Community Services Commissioner, took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010, page 80 of the uncorrected proof]

In relation to:

What is the nature of complaints about disability services?

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

The Disability and Community Services Commissioner advises me that it is difficult to identify complaint themes from the small number of complaints received to date in 2009-10. To the extent that any themes appear to be emerging, a number of complaints have been about billing practices and requests for refunds or compensation. Many of the complaints can be categorised as inadequate access to services or failure to provide a service. Complaints relate to a disparate range of service providers across government and the community sector.

QTON - Quantification of amount of funding needed to meet unmet demand for legal services

Asked by Mrs Dunne on 24 May 2010 : Mr Andrew Crockett took on notice the following question):

[Ref: Hansard Transcript 24 May 2010 Page 92 of the uncorrected proof]

In relation to : Demand for legal assistance.

“Given the (increased) rate of refusals for legal aid, can you quantify what you would need to meet that demand.”

Mr Corbell : The answer to the Member’s question is as follows:–

Mr Andrew Crockett, ACT Legal Aid, advises that:

Demand for legal assistance tends to be supply driven, so an increase in the approval rate would be likely to result in an increase in the number of applications received, and a proportional increase in the number of grants. The following assessment against historical data is therefore somewhat hypothetical.

At the current application rate (about 3,400 applications per annum) if the rate at which the Commission approved applications were increased to 80% (the approval rate prior to measures being taken in 2008-09 to contain the cost of grants within budget), the Commission would expect to make about 2720 grants of assistance in 2009-10. This is about 394 more grants than the Commission currently expects to make in 2009-10. At an estimated average cost of \$2,000 per grant, the additional grants would cost a total of about \$788,000.

QTON - Assets confiscated by Public Trustee

Asked by Ms Hunter on 24 May 2010: Mr Taylor took on notice the following question:

[Ref: Hansard Transcript 24 May 2010 page 95 of the uncorrected proof]

In relation to : Public Trustee for the ACT

“Value of Confiscated Criminal Assets seized by the Public Trustee in the last financial year.”

Mr Corbell : The answer to the Member’s question is as follows:–

The Public Trustee’s role under the Act is to take control of and administer assets which have been seized under the Act. Forfeited assets are secured and disposed of and moneys realised are deposited to the Confiscated Assets Trust Fund (CAT) for community safety initiatives.

During the financial year to date, the Public Trustee has deposited \$46,566.20, and currently holds \$22,446.90 (less PTACT fees) to be deposited, to the CAT fund in respect to 13 different criminal charge matters.

For comparison, in its 2009 Annual Report, the Public Trustee for the ACT reported that \$115,695.11 was deposited for the full year 2008-09.

QTON - Spike in profitability indicator

Asked by Ms Dunne on 24 May 2010 : Mr Taylor took on notice the following question:

[Ref: Hansard Transcript [24 May 2010 Page 96 of the uncorrected proof]

In relation to : Public Trustee for the ACT

Statement of Intent for the Public Trustee - "Can you explain, Mr Taylor, why there was a big spike in the profitability indicators for this year?"

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

The Public Trustee for the ACT was not established to generate profits. Its financial model seeks to –
produce sufficient income to cover costs;
subsidise the cost of providing Community Service Obligations; and
return to Treasury a dividend equal to half of any declared end-of-year surplus and retain the remainder as reserve.

Consequently, profit is low as a percentage of income and a small variation in income due to external economic influences can create wide variance of % in profitability analysis.

The Public Trustee's low profitability for the current and previous years relates to the Global Financial Crisis (GFC), which has significantly curtailed the Public Trustee's major income sources ie income and capital commissions and management fees.

The Public Trustee is required to use Profitability Ratios to measure financial performance during the year. Whilst profitability ratios are an accepted form of reporting for non-government commercial business, their value is misleading when used to report profitability for an entity of the nature of the Public Trustee, which is not established to generate profits and its success is not dependent upon making profits.

The figures used are 2008/09 Actual, 2009/10 Estimate Outcomes and the 2010/11 Budget. The reason behind the variances in the profitability ratio is that the common denominator used in calculating the Return on Assets, Return on Equity and Profit Margin is the Operating Result for the period, which may indicate an erratic variance from the previous year or the estimate for the following year. The variance in the ratios reported is however favourable compared with those reported in previous years.

The nature of the trustee business is that, despite the best intentions, there are problems in predicting future profitability due to –
unpredictability and volatility of the investment market;
the erratic nature of the property market and value; and
the difficulty of predicting estate business and estate values.

The reported losses are not unusual amongst Public Trustees and, as markets have improved and property values have risen, so too have revenue returns from commissions on these sectors. The Public Trustee has also structurally reviewed all of its sources of revenue over the past few months and increases in fees and charges will apply from 1 July 2010.

Given the Public Trustee's responsibility to cover Community Service Obligations, generate revenue to pay wages, maintain completion of current and new business commitments, the prudent nature of investment policies as well as the inability of such an investment structure to respond to temporary changes in market activity, the losses in question were not unexpected.

QTON - payments related to supply of the services BP4 500

Asked by John Hargreaves on 25 May 2010: Ms Schreiner took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010; Pages 1106-07.

In relation to :

Budget Paper 4, page 500, Cash Flow Statement, Payments Related to Supplies and Services

Mr Hargreaves: You talk about the estimated outcome 2009-10 at \$1,285,000. You are going to drop \$40,000 in your 2010-11 year; then you are going back up by 50 grand in the 2011-12 year. There is a dip here. Whilst it is only \$50,000, it has excited my curiosity. Perhaps you can allay that curiosity.

Mr Corbell: The answer to the Member's question is as follows:–

The decrease in expected payments for supplies and services in 2010-11 reflects the Commission's anticipation that the cost of investigations will be lower in 2010-11 than in 2009-10. One contributor to lower investigation costs is that the transitional franchise tariff investigation at present nearing completion covers a two-year period as opposed to the annual investigations of recent years. This means a more limited and less costly process in 2010-11. The anticipated rise of payments for supplies and services in 2011-12 reflects the standard indexation applied to supplies and services.

QTON - breakdown of expenditure on sheds

Asked by Mr Smyth and on 25 May 2010 : Mr Corbell took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 1112.

In relation to :

Breakdown of costs involved in the Jerrabomberra and Rivers Sheds Project

Mr Corbell : The answer to the Member's question is as follows:–

The Jerrabomberra and Rivers Station upgrades are being run as one project. The current expected cost for the design and construction of the project is the \$2.27m allocated. A breakdown of all project costs is as follows:

Building Costs in accordance with the WT Partnership Cost Plan dated 12th January 2010 are attached.

RIVERS:

New Building	\$ 606,860.00
Extension and Alteration to Existing building	\$ 12,680.00
External Works	\$ 27,950.00
External Services	\$ 34,000.00
Preliminaries and Margin	\$ 122,669.00
Construction Contingency	<u>\$ 80,841.00</u>

TOTAL BUILDING COST for RIVERS \$ 885,000.00

JERRABOMBERRA:

Vehicle Shed and Link	\$ 467,524.00
External Works	\$ 156,148.00
External Services	\$ 30,000.00
Preliminaries and Margin	\$ 130,735.00
Construction Contingency	<u>\$ 78,593.00</u>

TOTAL BUILDING COST FOR JERRABOMBERRA \$ 863,000.00

PROCUREMENT SOLUTIONS FEE -4% \$ 90,800.00

ACT INSURANCE AUTHORITY– 1% \$ 22,700.00

**Project Management/ Site Supervision/ Contingency
(across both Rivers and Jerrabomberra projects) \$ 408,500.00**

TOTAL \$2,270,000.00

QTON - funds for arson and wildfire investigation

Asked by Mr Rattenbury on 25 May 2010 : Commissioner ESA, Mr Crossweller took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 97

In relation to :

Specific funds allocated towards arson prevention research and strategies, as opposed to prosecution after the event.

Mr Corbell : The answer to the Member's question is as follows:–

Under the ACT Strategic Bushfire Management Plan Version Two, (SBMPV2) which was released in October 2009, a clear commitment has been made to arson reduction in the ACT with the following strategy to “*undertake targeted programs to reduce the number of unplanned ignitions (page 38 SBMP V2)*”

Under this strategy, a number of specific actions are identified including:

Targeted awareness and education programs will be provided to:

- *assist the community in understanding its legal obligations and social responsibilities in relation to bushfire ignitions;*
- *reduce preventable ignitions; and*
- *improve early detection.*

(Action 14, Government Implementation Plan, SBMP V2)

With the release of the 2010/11 budget papers, the ACT Emergency Services Agency has received additional funding to undertake key preparedness functions under the SBMPV2, including funding provision for:

- additional support for community education and awareness programs, before and during the bushfire season;
- the ESA to assess the effectiveness of community information and advice for bushfire preparedness;

This additional funding of \$150, 000 (indexed) for community educations and awareness will include provision for arson reduction programs identified above, as part of a comprehensive bushfire education and awareness program for the ACT.

The Bush Fire Arson Initiative being led by the Federal Attorney General, is being directly supported by the ESA through the secondment of Mr Richard Woods, Operations Manager, ACT Rural Fire Service.

A function of this program is to spatially record all Bush Fire Arson in Australia, including the ACT, to provide data to direct Arson Prevention Strategies to specific communities and locations. This will enable the funded community education and awareness programs to specific locations.

The ACT Fire Brigade runs what is known as the Juvenile Firelighter Awareness and Intervention Programme (JFAIP) where juvenile firelighters are referred to the programme by the Juvenile Justice System. The programme is aimed at addressing at an early stage underlying factors that lead to juvenile fire lighting behaviour through structured interventions.

The costs incurred vary from year to year and funded from the ACTFB general appropriation. In the year to date, the ACTFB has incurred specific costs of approximately \$4000 associated with this activity.

QTON - background MDT project; rollout of communications into SES, RFS vehicles and tender specifications for comms upgrade contract

Asked by Mr Smyth on 25 May 2010 : The Commissioner ESA, Mr Crossweller took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Pages 1125 and 1126

In relation to :

Copy of the analysis undertaken for the Mobile Data Project and a copy of the criteria in the tender document

Mr Corbell: The answer to the Member's question is as follows:–

In August 2004, the Emergency Services Agency (ESA) implemented a Mobile Data System (MDS) which was installed as an integrated component of the ESA's Computer Aided Dispatch (CAD) System. The Mobile Data System allows dispatchers to transmit 000 incident information and other messages directly to the Mobile Data Terminal's (MDT) display. Emergency service crews send incident status and messages directly to Communication Centre as data transmissions. The MDS is also equipped with a GPS which tracks the vehicle location. This information is transmitted to the CAD system to enable the system to allocate resources to reported 000 incidents

MDT hardware reached end of life in December 2007 and the contract to provide MDT hardware support expired in December 2009.

A project was conducted to identify ACT Ambulance Service and Fire Brigade current and future requirements for a MDS and to procure a suitable replacement hardware platform, to develop the application and integrate this new platform into the existing Computer Aided Dispatch infrastructure.

A copy of the "Mobile Data System with Automatic Vehicle Location Statement of Requirements" is at [Attachment 1](#).

Please contact the Committee Office for a copy of this Attachment.

QTON - projects completed on time and within budget while Minister Corbell Min for ESA

Asked by Mr Smyth on 25 May 2010 : Mr Corbell took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 1128

“What have you delivered on time and on budget in Emergency Services since you became the minister?”

Mr Corbell : The answer to the Member’s question is as follows:–

On a yearly basis, the ESA undertakes a Capital Upgrade Program. Over the past four financial years, the ESA has delivered on numerous station upgrades. From 20 April 2006, the following Minor New Works Upgrades and Capital Works projects have been delivered on time and on budget:

1. Fuel tank removal and remediation (addressing significant environmental issues and future issues relating to Station Relocation Program)
2. Asbestos Removal at 15 ESA sites
3. Water saving shower heads, low flow spouts and dual flush toilets at all sites not fed from water tanks
4. Completion of new SES facility at Hackett
5. Security access control systems at all ESA sites
6. Personal Protective Equipment storage at all ACT Fire brigade facilities
7. Exhaust extraction systems in all ACT Fire brigade and ACT Ambulance facilities
8. Heating and cooling plant upgrade at all sites
9. New kitchens at Fyshwick, Belconnen, Phillip, Chisholm and Charnwood Fire Stations, along with new kitchens at Woden SES Depot and Phillip Ambulance Station
10. Fire Indicator Panels, Emergency Warning Systems, emergency lighting, detector upgrades and emergency exit lights at all sites where required under Building Code of Australia and Fire Code
11. New Building Management System at Gungahlin Joint Emergency Services Centre
12. New vehicle bay doors at various sites

13. Electrical upgrades to accommodate new equipment and increased capacity at sites
14. Improved office, vehicle and accommodation for staff at various sites
15. A third appropriation budget of \$1million was allocated in March 2009. ESA delivered capital works on time and on budget by mid December 2009 as follows:

Stations	Works done
Hall RFS Station	Electrical, heating cooling, plumbing and painting
Tidbinbilla RFS Station	Electrical, plumbing, roadside lighting, concreting and provision of drinking water
Guises Creek RFS Station	Plumbing, concreting and painting
Southern Districts RFS Station	Provision of training room and associated electrical, heating cooling, sheeting and floor coverings
Fyshwick Joint Emergency Services Centre	New mechanical engine bay doors
Ainslie Fire Station	New mechanical engine bay doors, and heating upgrade
Greenway Fire Station	Boiler and electrical upgrade
Belconnen Fire Station	Heating cooling and trip hazard and OH&S reduction and rectification
Chisholm Fire Station	Electrical and joinery
Training Building	Plumbing, heating cooling, joinery and provision of new training props
Woden SES Depot	Floor coverings and vehicle bay doors
Hackett SES Depot	Security upgrades
Gungahlin JESC	Heating cooling, storage, painting and joinery
ESA Fairbairn	Hazard identification
Molonglo RFS/SES Station	Electrical, plumbing, security, concreting and vehicle bay doors
Rivers RFS/SES Station	Electrical, painting and security
ACT Ambulance Stations	Security, electrical, joinery, heating cooling and OH&S reduction
All Volunteer Sites	Rekeying on master key system all sites
All Stations	Dual flush toilets, low flow spouts and water saving shower heads
Various Sites	Anchor and harness points (compliance)

QTON - para 5.48 Auditor-General report - adjustment of total project cost to take a/c transfer to Hume & Fyshwick

Asked by Mr Smyth on 25 May 2010 : Mr Corbell took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 1129 and 1130

In relation to : The Auditor General's Report on Office Accommodation

“That is okay. In the same paragraph, the Auditor-General says:

In total, the commitment is \$75.3 million from the date the lease for the new HQ building commences, plus the base rent spread over the subsequent 15 years.

Comparing apples with apples, what is the upgraded total cost of this project now?”

Mr Corbell: The answer to the Member's question is as follows:–

In relation to the estimated commitment for the ESA Headquarters at Fairbairn the updated comparison is as follows:

**ESA Headquarters
Estimated commitment as at May 2010**

	Revised HoA¹ \$'000	Capital² \$'000	Total \$'000
B183	24,354	4,670	29,024
HQ Office	29,520	7,471	36,991
Workshop & Vehicle Compound	7,749	3,876	11,625
Total	61,623	16,017	77,640

1 HoA commitment assumes estimated annual CPI is 2.5% pa over the life of the agreement

2 Capital commitment includes Procurement Solution Fees of \$0.423m which were not included in the figures disclosed in the Auditor-General's Report

QTON - ambulance station closures - update of info previously provided

Asked by Mr Seselja on 25 May 2010 : Chief Officer ACT Ambulance Service, Mr Foot took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 1132.

In relation to :

“If we could have some detail about how often stations were closed in the last financial year around Canberra.”

Mr Corbell : The answer to the Member’s question is as follows:–

Between 1 July 2008 – 31 May 2010, there were 10,570 rostered shifts. During this period, there were 6 instances of full shift closure and 11 partial closures of an ACT Ambulance Service station representing 0.16% of rostered shifts.

A partial closure is where a station is crewed at the commencement of a shift however the rostered resource is re-deployed between the hours of the rostered shift i.e. 0800 – 1800 – 1800 – 0800.

QTON - check whether incorrect addresses provided to ambulances leading to delays

Asked by Mr Smyth on 25 May 2010 : Chief Officer ACT Ambulance Service, Mr Foot took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 1132 and 1133.

In relation to :

“Mr Foot: I have certainly not had a case recently raised in my office, where we had a late response to a 000 job, because of the actual address has been wrong in the system.

Mr Smyth: Okay. Given you are not aware, could you take it on notice and check whether the wrong addresses or wrong details have been supplied?”

Mr Corbell: The answer to the Member’s question is as follows:–

There have been three instances where the wrong address or wrong details have been provided by the communications dispatcher to the responding crew reported in key messaging and daily logs maintained by communications centre personnel between 1 January 2010 and 31 May 2010.

QTON - analysis of data re no of accidents and unlicensed and unregistered drivers and causes of accidents

Asked by Ms Meredith Hunter on 25 May 2010 : Mr Roman Quaedvlieg took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010, P1139

In relation to : Fatal road crashes

“In her budget speech, the Treasurer said that 40 per cent of fatal road crashes in the ACT involved either an unregistered car or an unlicensed driver and that this is part of the reason for introducing the system. I have two further questions around that data. Firstly, do you have a breakdown of the 40 per cent between uninsured and licensed drivers? Secondly, has there been further analysis of the data to see what is the main cause of the accident—that is, it is not just because they are unlicensed or unregistered, but what were the factors? ...can you also break down that data to give us some idea of that 40 per cent—what were the causes?”

Mr Simon Corbell MLA : The answer to the Member’s question is as follows:—

During the period 1 January - 16 May 2010, 46% of fatal collisions involved unregistered vehicles and/or unlicensed drivers.

In the majority of fatal collisions, investigations have revealed that ‘driver error’ played a major role in the collisions. Such errors include drivers failing to give way or not allowing enough room when overtaking.

It should be noted that fatal collisions do not have one singular element which contributed to the death of a person, and usually consist of a number of elements (e.g. fatigue, speeding and driver error contributed to the fatal collision).

QTON - screening of volunteers for police

Asked by Ms Porter on 24 May 2010 : Mr Corbell took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 Page 115 of the uncorrected proof]

In relation to : Working with Vulnerable People

“Do volunteers need to actually individually apply for that screening in order to qualify for the exclusion from the fee, or how does it work?”

Mr Corbell : The answer to the Member’s question is as follows:–

The process itself has not yet been formally determined as the legislation has not yet been developed.

However, it is expected that an individual will apply for a card with the support of the organisation for which they are or intend to be a volunteer.

The application will be made by completing an application form, and a police check consent form. The application can then be sent by post or the applicant may attend the office.

QTON - cost to ACT of US Presidential visit

Mr Brendan Smyth MLA: To ask the Minister for Police and Emergency Services

In relation to: What will the cost of the president's visit be to the people of the ACT?

Mr Corbell MLA: The answer to the Member's question is as follows:–

ACT Policing is still planning for the visit of President Barack Obama and his family. For this and operational security reasons, ACT Policing is unable to provide a budgetary projection at this time.

ACT Policing will lead the coordination and provision of policing services for the visit. The responsibility for protection around visiting dignitaries lies within the state/territory jurisdiction, hence ACT Policing is responsible for delivering this outcome.

AFP National will supplement ACT Policing with specialist and general resources, at no cost to the ACT Government.

At the completion of the visit, ACT Policing will provide a full costing including the number of staff and resources dedicated to the visit.

QTON - Number of meetings with service providers at AMC

Asked by Ms Hunter on 25 May 2010 : Mr Corbell took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 126

In relation to: Throughcare.

“I understand meetings are held every six to eight weeks with the community sector with regard to the throughcare and aftercare issues. Two of these occurred last year. I also wanted to know how many meetings have been held this year?”

Mr Corbell : The answer to the Member’s question is as follows:–

Throughcare meetings normally occur once every two months. However, rather than hold a throughcare meeting in February, a throughcare expo was held. A throughcare expo is a forum for community groups and stakeholders to display their services to prisoners, allowing prisoners to seek assistance from such groups. These groups include government and non-government organisations who are an integral part of the throughcare system.

A throughcare meeting was held in April and another is scheduled for June.

QTON - Staff resignations @ AMC

Asked by Mr Smyth on 25 May 2010 : Mr Corbell took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 146 of the uncorrected proof.

In relation to: AMC staff

How many staff at the AMC have quit since the recruitment process started?

Mr Corbell : The answer to the Member's question is as follows:–

From 1 April 2009, following the first receipt of prisoners into the Alexander Maconochie Centre, to 30 April 2010, 12 separations of corrections officers at the AMC have occurred.

QTON - additional revenue to AMC

Asked by Mr Smyth on 25 May 2010 : Mr Corbell took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 148

In relation to: Other revenue.

“On page 383 of Budget paper 4, the prison receives other revenue. What other revenue does a prison receive?”

Mr Corbell: The answer to the Member’s question is as follows:–

“Other revenue” reflects ‘ad hoc’ or miscellaneous revenue or minor cost recovery that is received by Corrective Services Output Class. This revenue varies from year to year, but has in the past, for example, been received from the Commonwealth Department of Immigration and Citizenship for holding illegal entrants at ACT Correctional Centres.

QTON - full cost of prisoners including health care etc

Asked by Mr Hanson on 25 May 2010 : Mr Corbell took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 1172 and 1173.

In relation to: the cost of prisoners.

“Can you find out what the total cost of Corrections Health is and then aggregate that out so we see the full cost of a prisoner, which includes the corrections element and the Corrections Health element?.....Yes, and if there are any other costs?”

Mr Corbell: The answer to the Member’s question is as follows:–

The cost per prisoner per day for the health costs component for the AMC, based on year to date figures provided by Corrections Health, is estimated to be \$19. Please note that this does not include administration and management costs, as Corrections Health is unable to break down this figure across the centres for which they provide health services.

The prisoner cost per day for ACT Corrective Services for the third quarter of the 2010-11 financial year was \$462, having decreased from \$510 per prisoner at the end of the second quarter.

Based on a combination of Corrective Services and Corrections Health figures, the cost per prisoner per day for the third quarter is approximately \$481. Both cost components will tend to reduce as prisoner population increases.

There are no other costs.

QTON - figures re weapons authorisation

Asked by Mr Seselja on 25 May 2010 : Mr Corbell took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 150 of the uncorrected proof.

In relation to Alexander Maconochie Centre armoury.

“So how many has it changed from. You said it was reduced?”

Mr Corbell: The answer to the Member’s question is as follows:–

Prior to the investigation into the employee who resigned after it was revealed that he had removed a gun from the prison’s armoury, the number of officers with access to the armoury at the Alexander Maconochie Centre was 25. Following the investigation, the number of officers with access to the armoury at the AMC was reduced to 11. This is the current number of officers with access to the AMC armoury.

QTON -List of incidents investigated

Asked by Mr Smyth on 25 May : Mr Corbell took on notice the following question(s):

Ref: Hansard Transcript 25 May 2010 Page 150 of the uncorrected proof.

In relation to: Investigations occurring at the AMC.

“Can the committee have a list of all the investigations that have had to be undertaken since the opening of the AMC?”

Mr Corbell: The answer to the Member’s question is as follows:–

The following information does not include investigations into prisoner breaches of policies or procedures.

There have been seven investigations into breaches of policy or procedure by ACT Corrective Services staff (where an investigation has been undertaken into the breach) relating to the management of the AMC.

These breaches refer to breaches of policies or procedures made under the *Corrections Management Act 2007 (ACT)*.

The investigations occurred as a result of the following incidents:

Type of breach	Policy/Procedure breached
Not following the required observation regime	Observations, Musters and Head Checks Policy
Unauthorised removal of firearm	Firearms Policy
Missing Radio Frequency Identification bracelets	RFID Policy
Providing goods (coffee) to prisoners	Contraband Policy
Allowing greater than authorised access to the internet	Email/Internet for Prisoners Policy
Prisoner erroneously released (verification/confirmation of sentence details)	Discharge Procedure
Prisoner discharged late (verification/confirmation of sentence details)	Discharge Procedure

QTON -Costs of appointing new district court

Asked by Mr Smyth on 25 May 2010 : Mr Corbell took on notice the following question(s):

[Ref: Hansard Transcript 25 May 2010 Page 1187]

In relation to :

“Will you table the breakdown of costs to establish the new court? Will you table the cost benefit analysis that led to this decision?”

Mr Corbell: The answer to the Member’s question is as follows:–

Costs of the new court

The budget provides approximately \$2.65 over 4 years to establish the “virtual District Court” jurisdiction and related measures to improve the delivery of justice to the ACT community. The establishment of this jurisdiction will ensure that cases are able to be dealt with at the appropriate level without the administrative costs and rigidities of establishing separate court infrastructures.

The funding provides:

- \$71,000 pa being the uplift of 2 magistrates half-time to the level of District Court judges;
- \$79,000 pa to increase the current number of magistrates by .25 to enable the appointment of Special Magistrates;
- a new jury court room to allow more trials to proceed (\$450,000 in 2010-2011, \$201,000 pa indexed operating costs);
- provision for additional acting judge resources in the Supreme Court (up to \$472,000 pa in 2010-2011 – the equivalent of 9 months’ judicial time) to allow the Court to tackle the existing backlog of cases while the District Court is being established;
- provision of additional registry support to significantly enhance the capacity of the Magistrates Court (\$137,000 pa indexed for 2 years);
- one-off set-up cost of \$210,000.

Cost benefit analysis

As has been set out in the publicly released document ‘2010 Access to Justice Initiative’, the establishment of the District Court will provide a significant improvement to access to justice in the ACT. In addition, the ongoing costs of a District Court are less than those of the Supreme Court.

The additional budget funding required to establish the proposed jurisdiction (\$1,100,000 over 4 years, an average of \$275,000 pa) is clearly less than the cost of an additional Supreme Court judge (approximately \$3,400,000 over 4 years, at an average of \$850,000 pa). This does not include the capital and operating costs of a new jury court room, which would be required whichever approach (District Court or additional Supreme Court judge) is taken.

Even on a simple comparison in today's dollars of the remuneration and additional associated costs of a District Court judge (approximately \$520,000 pa) to a Supreme Court judge (approximately \$820,000 pa), the advantage of introducing a District Court level jurisdiction is clear.

QTON -no. of cases backlog civil and criminal in courts

Mr Rattenbury : asked the Attorney General, upon notice, on 25 May 2010:

Ref: ACT Law Courts and Tribunal Administration

In relation to : Supreme Court – backlog

‘Number of backlog cases in the Supreme Court... Criminal and civil’.

Mr Corbell : The answer to the Member’s question is as follows:–

The 2010 Report on Government Services reported the following backlog indicator for the Supreme Court of the ACT for the year ended 30 June 2009 (refer Chapter 7 attachment, tables 7A.17 and 7A.18):

Jurisdiction	Pending caseload	Cases > 12 mths	Cases > 12 mths (%)	Cases > 24 mths	Cases > 24 mths (%)
Criminal appeal	51	8	15.7%	1	2%
Criminal non-appeal	360	112	31.1%	20	5.6%
Civil appeal	31	8	25.8%	2	6.5%
Civil non-appeal (excluding probate)	1726	759	44%	364	21.1%

QTON -backlog in ACAT

Asked by Mrs Dunne on 25 May 2010: Mr Corbell took on notice the following question(s):

[Ref: Hansard Transcript 25 May 2010 Page 173 of the uncorrected proof]

In relation to: ACT Civil and Administrative Appeals Tribunal (ACAT)

“The statistics that I have is that there were 900 matters lodged in the last six months and 553 cleared. So, that would seem to be a substantial backlog in the small claims jurisdiction. Provide some point of comparison.”

Mr Corbell : The answer to the Member’s question is as follows:–

I would like to confirm that for the period 1st July 2009 to 31st December 2009 there were 896 new matters lodged in the civil disputes (small claims) jurisdiction of the ACAT. Of these matters 553 matters were finalised by 31st December 2009.

On 2nd February 2009 the ACAT “inherited” 754 matters from the small claims jurisdiction of the Magistrates Court. Under provision 60 of the ACT Civil and Administrative Tribunal Procedural Directions 2009 (No 1), an application will lapse and be taken to have been withdrawn if an applicant has taken no action on the application for a period of 12 months. Provision 80 allows for restoration of an application in certain circumstances. Similar provisions existed previously in relation to small claims (refer rules 74-76 of the Court Procedures Rules 2006). The act of transferring 754 matters from the Magistrates Court to the ACAT on its commencement constituted ‘action’ for the purposes of provision 60 of the ACAT Procedural Directions, with the effect that it would not be until beyond 2 February 2010 that a substantial amount of dormant claims could be finalised.

Between 1st January 2010 and 30th April 2010 the civil jurisdiction of the ACAT processed 607 new matters. For the same period the finalisation count was 1142, due to the closure on 2 February 2010 of a significant number of dormant claims transferred from the Magistrates Court small claims jurisdiction.

QTON - ORS workplace visits

Asked by Ms Bresnan on 24 May 2010: Mr Corbell took on notice the following question(s):

[Ref: Hansard Transcript 24 May 2010 Page 55 of the uncorrected proof]

In relation to :

Providing the Committee with information on the breakdown of workplace inspections.

Mr Corbell : The answer to the Member's question is as follows:–

Between 1 July 2009 and 30 March 2010, 1716 workplace visits were conducted. Visits were carried out in 18 different industry groups, with mining and the finance/insurance sectors the only areas that no visits were recorded for.

The workplaces visited included the following:

- 125 Inspections of lifts and moving walkways
- 196 boiler and pressure vessel inspections
- In September 2009 Inspectors conducted an audit of brothels visiting 10 premises. 2 premises are currently being audited on a monthly basis.
- In September 2009 inspectors undertook 13 audits on premises as stage two of the Heads of Workplace Authority (HWSA) Manual Handling in Manufacturing project.
- In October/November 2009 inspectors conducted 21 visits as part of the HWSA stage one scaffolding audit.

The major industries visited were:

- Construction – 921
- Retail – 355
- Personal and other services – 71
- Cultural and recreational services – 56
- Health and community services – 54
- Transport and storage – 48.

Construction standards for apartment buildings - complaints

VICKI DUNNE MLA : To ask the Attorney-General

Ref: Department of Justice and Community Safety, BP4, p247

In relation to : Construction standards for apartment buildings

1. How many complaints about:
 - (a) construction standards;
 - (b) building quality;
 - (c) building defects;
 - (d) warranty arrangements; and
 - (e) workmanship;have been lodged with the department or any of its agencies, including ***but not limited to*** the Office of Fair Trading, by:
 - (a) Owners Corporation Network;
 - (b) owners corporations;
 - (c) individual unit owners;
 - (d) individual unit occupiers; and
 - (e) other persons or corporate entities?
2. To which units plan does ***each*** complaint refer?
3. What was the nature of ***each*** complaint?
4. Of the complaints lodged by owners corporations, how many involved multiple complaints about individual multi-unit developments?
5. What action has the department or its agencies taken in response to those complaints?

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

The Office of Regulatory Services has received over 6700 enquiries about Fair Trading matters, including unit titles, this financial year. It is difficult to determine which enquiries relate specifically to complaints about construction standards as the system used to record these enquiries has no set search parameters to produce the information requested. There is however one known formal written complaint received in May 2010 about the construction standard of an apartment building in the City where claims have been made about water leakage in the ground floor apartment. This complaint has been made by the owner of the apartment. The Office of Regulatory Services is working with the complainant to resolve the issue.

Public Trustee

VICKI DUNNE MLA : To ask the Attorney-General

Ref: Public Trustee for the ACT, BP4, p523

In relation to :

1. Priorities [ref BP4, p523]

- (a) 25th anniversary celebrations [ref 4th dot point]
 - (i) What is planned for the 25th anniversary celebrations;
 - (ii) When will the celebrations take place;
 - (iii) What will they cost; and
 - (iv) What will be achieved in terms of public awareness of the services provided by the Public Trustee?
- (b) Greater Good Foundation [8th dot point]
 - (i) By how much has the fund grown during 2009-10 to date;
 - (ii) What is the target growth for 2010-11;
 - (iii) What promotional activities are planned for 2010-11; and
 - (iv) What will those activities cost?

2. Operating Statement [ref BP4, p525]

- (a) Given the long-term aim of the Public Trustee to be financially independent from government funding, why are government payments for outputs budgeted to increase in the 2010-11 budget and in each of the out years?
- (b) Operating result:
 - (i) Why is the estimated operating result for 2009-10 a deficit of \$353,000?
 - (ii) Why are deficits forecast for 2010-11 and 2011-12?

3. Statement of Intent

- (a) Nature and Scope of Activities to be Carried Out [ref Part 2]
 - (i) Fees and charges
 - what are the current rates;
 - by what percentage will each of those rates increase;
 - what concessions are offered; and
 - in what circumstances?
- (b) 2010-11 to 2013-14 Key Performance Indicators [ref Part 3A]
 - (i) Why did the profitability indicators spike in 2009-10 compared to 2008-09?
 - (ii) Why will the profitability indicators fall in 2010-11 compared to 2009-10?

- (c) Review of performance against 2009-10 Objectives [ref Part 3B]
- (i) What impact did the global financial crisis (GFC) have on the capital value of the various common funds managed by Public Trustee?
 - (ii) If not already fully recovered, when is it expected the capital values of the funds will fully recover?
 - (iii) To what extent was the level of investor “churn” higher or lower during the period of the GFC?
 - (iv) To what extent during the period of the GFC did investors leaving any of the funds sustain capital losses on their investments?
 - (v) What strategies have been adopted to mitigate the effect of any future financial crises?

Mr Simon Corbell MLA : The answer to the Member’s question is as follows:–

1. Priorities [ref BP4, p523]

- (a) (i) The following is planned for the 25th anniversary celebrations:
- The Public Trustee (PTACT) logo was modified to reflect the 25th year anniversary.
 - A two broadsheet page lift-out featuring the Public Trustee and GreaterGood was published in the Canberra Times on 10 March 2010.
 - New PTACT banner featuring the 25th anniversary logo.
 - Modified 25 year anniversary lettering for PTACT reception area.
- (ii) There are no formal celebrations other than Seniors’ Week and the Canberra Times lift-out.
- (iii) The costs are as follows:
- | | |
|--------------------------------|----------|
| Total cost | \$962.25 |
| Broken down as follows - | |
| • Logo | \$121.00 |
| • Stationery Modifications | \$121.00 |
| • Change ad format | \$30.25 |
| • Canberra Times lift-out | \$Nil |
| • Pull-up banner | \$195.00 |
| • Front office vinyl lettering | \$495.00 |
- (iv) A continuation of efforts to build a greater awareness on the part of Canberrans of the Public Trustee’s and GreaterGood’s proud history

of caring for the ACT community. It is also a significant aim of the Public Trustee to promote in the community the value of making appropriate arrangements and decisions in the event of loss of capacity (Enduring Power of Attorney) or end of life (Will).

- (b) Greater Good Foundation [8th dot point]
- (i) During 2009-10 the fund has grown by \$1.03M or 19.6%.
 - (ii) The target is to continue to reach as many potential philanthropists and Will-makers as possible, particularly through their legal and financial advisors with an underlying target of generating maximum income for the benefit of charities. Our focus during the next 12 months will be to grow the corpus through new contributors, principally through Wills, workplace-giving and new account initiatives as well as through further market recovery. Growth is affected by many unpredictable factors eg rate of maturing Wills, market performance, workplace-giving participation rate etc, such that PTACT does not attempt to predict fund growth.
 - (iii) The following promotional activities are planned for 2010-11:
 - GreaterGood featured in PTACT's 25th year lift-out on 10 March 2010 and will feature in a further lift-out later in the year.
 - GreaterGood is celebrated and promoted by recipient charities through cheque handover ceremonies during the year.
 - The Public Trustee proposes to promote its millionth dollar distribution at a function to be held later in the year.
 - Quarterly newspaper articles.
 - Personal promotion by PTACT staff to Will clients and to potential workplace-giving employers.
 - Ambassadorial work of board members.
 - Addresses to service clubs, AGMs, retired professionals groups & church groups.
 - GreaterGood/PTACT website development, articles on charity websites.
 - A "Friends of GreaterGood" web-page.
 - Annual "JACS4 GreaterGood" workplace-giving dinner dance.
 - (iv) The costs to PTACT are minimal and are already part of PTACT's established infrastructure. GreaterGood is fortunate to have a number of commercial sponsors which provide services at minimal cost. GreaterGood absorbs all of its day-to-day costs, which are extremely low. There will be no cost associated with the function as it is to be funded by external sponsorship.

2. Operating Statement [ref BP4, p525]

- (b) The adjustments indicated reflect anticipated rises in the WPI only. PTACT's aim to be financially independent is based upon the premise that it will raise sufficient revenue through commercial activities to repay the Government payment for outputs out of end-of-year surplus. Unlike other Public Trustees, PTACT does not receive guaranteed Government funding for Community Service Obligations (CSOs) based upon volume of work. It should be noted however that, should PTACT achieve financial independence, it is difficult to insulate against market crashes of the magnitude of the GFC.

Out of the Government payment for outputs of \$655,000.00, \$435,000.00 was specifically provided for Community Service Obligations. PTACT subsidises this in the order of \$1,000,000.00 out of income from its commercial undertakings. The rising cost of Community Service Obligations has a significant effect on PTACT's budget. PTACT's business strategy is to address this, not through seeking further CSO funding, but to grow the business to compensate for the cost growth.

- (c) Operating result:

- (i) PTACT's main sources of revenue are management fees and commissions on income and capital. Capital commission fees are based on a sliding % scale on increments of \$200,000 up to \$600,000 and flat % fee over \$600,000.

The falling income on asset (investment asset classes eg shares) values and property values (real estate) have significantly affected the Public Trustee's income. Both of these factors have significantly affected the value of estates and trusts under administration and management. Given the fluctuations in the market, it would be counterproductive to predict positive returns in the market. Whilst PTACT is cautiously optimistic that markets will return, this will be a slow process, they will probably not return to peak levels in the short term and, given the Public Trustee's prudent investment strategy, many investments are legacy and cannot be easily changed quickly to address fluctuations.

Another contributor (-\$258,000.00) has been the changes in the government's methodology used to determine recreation and long service leave balances as well as fewer staff utilising long service leave than anticipated.

- (ii) In depressed markets, it is counterproductive to predict positive growth. The forecast of deficits for both years is a conservative estimate however the estimates for out-years show a reducing deficit returning to positive in 2012-13.

3. Statement of Intent

- (b) Nature and Scope of Activities to be carried out [ref Part 2]

- (i) Fees and charges

- The rates adjustment has resulted mainly from the proposed increase in the hourly rate which was instigated as part of the WHOG fees review and following examination of the hourly rate of other Public Trustees. The hourly rate is proposed to rise from \$128.00 per hour to \$185.00. However that this is a maximum

fee and the Public Trustee has a capacity to partially or fully waive fees based upon hardship and full fees are charged only where appropriate.

Whilst PTACT is required to operate along commercial lines, very few commercial enterprises set themselves maximum fees. All of PTACT's fees are determined as maximum fees.

- The % rates are not being increased, having been reviewed two years ago. The hourly rate increase represents an increase of 44.5%.
- As mentioned above, PTACT adjusts its fees to suit the value of work undertaken as well as the client's capacity to pay. This is particularly evident in charging for Community Service Obligations which are not charged at commercial rate. PTACT's fees brochure advertises a concession (Nil fee) on the Will fee to Pensioners with a concession card. Other concessions have been offered in respect to the Will fee to seniors during Seniors Weeks and to women to mark International Women's Day in March each year. Concessions may also be offered to secure prospective commercial business.
- Refer above.

(c) 2010-11 to 2013-14 Key Performance Indicators [ref Part 3A]

- (i) Previously responded to as a QTON.
- (ii) Previously responded to as a QTON.

(d) Review of performance against 2009-10 Objectives [ref Part 3B]

- (i) The Global Financial Crisis (GFC) significantly affected capital values of funds under management as well as income return. Additionally, capital values of deceased estates under administration fell. Due to PTACT's commission-based fees, returns have fallen accordingly.

In compliance with the Prudent Person Investment Principle in section 14 of the *Trustee Act 1985*, all medium and long term Public Trustee Common Funds have an allocation to the share market and these allocations suffered a fall commensurate with the market fall.

However to spread risk, all common fund risk models have varying diversifications in Growth and Conservative asset sectors according to their individual risk profiles. This diversification enabled incomes to be maintained and capital falls ameliorated.

Historic figures project a stronger performance from a Growth portfolio in the long term and this is achieved at higher volatility. PTACT funds are well-diversified, prudently managed, have no gearing and have predominantly returned to pre GFC 2007 values (with the exception of the Listed Property Trust sector).

On advice of the Investment Board as well as other Public Trustees, PTACT did not access the federal government's bank guarantee and

instead aiming to limit investments to \$1,000,000.00 per financial institution where practicable as well as with safer AAA rated institutions, generating lower, (but safer) returns for clients. This resulted in cost savings to the funds.

- (ii) The share market experienced a spike which peaked in November 2007, fell to a low in February 2009 and has since recovered to its December 2005 level more in line with its long term trend. In this sense the value of PTACT funds have recovered to pre-boom values. The peak can be considered an artificial one created by an aberration in a market overheated through gearing and investor confidence. Long-term projections suggest that it may be in excess of 10 years before the market returns to that inflated level.
- (iii) Under the Prudent Person Investment Principle when investing a trustee is required to be strategic not tactical. Adopted strategies are for the full term of the trust and there was no increase in investor churn during GFC.
- (iv) At the height of the GFC, the share market index had fallen to a January 2004 level. Whether any trusts maturing at the time of the GFC sustained losses depended on the date the trust investments were placed in the market. If invested between 2004 and the crash in November 2007 losses were incurred. PTACT recommends that all beneficiaries receiving funds from maturing trusts take appropriate financial advice regarding reinvestment and appropriate strategies would have been to return to the market in anticipation of the ensuing recovery.
- (v) The Prudent Person Investment Principle requires trustees to diversify investment across asset sectors. PTACT funds are well-diversified, prudently managed, have no gearing and are fully compliant.

Strategies are applied at two levels -

- At individual level, client investment profiles are assessed before investment and reviewed annually and appropriate strategies according to individual trust risk profiles are adhered to.
- At fund level, PTACT's investment officers, the Investment Management Advisory Committee and the Public Trustee Investment Board (which meets quarterly) constantly review the Public Trustee's Common Funds. One strategy has been a change in fund manager for the listed property trust sector to a low fees passive manager.

The Common Funds are administered for medium and long term trusts and are best considered over the longer term. As at 31 March 2010, annual fund performances over 7 years after fees and with income reinvested were as follows:-

- Income Stable Investment Fund - 6.89% pa
- Balanced Investment Fund - 8.27% pa
- Growth Investment Fund - 9.54% pa

Legal Aid Commission

VICKI DUNNE MLA : To ask the Attorney-General

Ref: Legal Aid Commission, BP4, p513

1. Commission's Re-location

- (a) Where are the costs associated with the re-location shown in the Commission's budget estimated outcomes for 2001-10?
 - (i) If they are not included in the budget figures for the Commission, why?

2. Priorities (BP4, p513)

- (a) National Partnership Agreement on Legal Aid Services [ref 1st dot point]
 - (i) What are the objectives of the proposed partnership?
 - (ii) What budget implications will it have for the ACT and the Legal Aid Commission?
 - (iii) How will it improve services to Legal Aid clients?
- (b) Networking with welfare services [ref 5th dot point]
 - (i) With what kinds of welfare service organisation does the Commissioner network?
 - (ii) Do those organisations include NGO victims of crime service organisations?
 - (iii) What benefits has this networking brought to the Commission and to service delivery to clients?
- (c) Fees paid to private lawyers [ref 9th dot point]
 - (i) What are the objectives of the review of the structure of fees paid to private lawyers?
 - (ii) What are the budget implications?

3. Strategic Indicator 3 – Law Reform [ref BP4, p514]

- (a) What recommendations for law reform did the Commission make during 2009-10 to date?
- (b) Which of those recommendations did the government implement?
- (c) For those that the government did not implement, why?
- (d) What reforms does the Commission intend to recommend during 2010-11?

Simon Corbell MLA : The answer to the Member's question is as follows:–

1. Commission's Re-location

- (a) The costs associated with the re-location shown in the Commission's budget estimated outcomes for 2009-10 appear in the Balance Sheet on page 519 as an increase in Property, Plant and Equipment from the amount shown in the 2009-10 BP4 at page 512. The primary cost in the re-location is the fit-out of the new premises which is capitalised and depreciated over the life of this new asset.
- (vi) Not applicable.

2. Priorities (BP4, p513)

(a) National Partnership Agreement on Legal Aid Services

- (i) The draft National Partnership Agreement (NPA) states that its objective is: 'A national system of legal assistance that is integrated, efficient and cost-effective, and focused on providing services for disadvantaged Australians in accordance with access to justice principles of accessibility, appropriateness, equity, efficiency and effectiveness.'
- (ii) The amount provided in the Commonwealth Budget for 2010-11 is \$4.291m. This is equivalent to the Commission's base Commonwealth funding in 2009-10, plus indexation of 1.6%.
- (iii) In the absence of a real increase in Commonwealth funding the NPA will contribute little to improving services to Legal Aid clients in the ACT.

(b) Networking with welfare services

- (i) The Commission networks with welfare service organisations that have contact with people who may experience legal issues in their lives but face barriers in recognizing those issues, or accessing legal help. This includes organisations working with elderly people, homeless people, people with disabilities, culturally and linguistically diverse people and young people.
- (ii) The Commission has regular contact with Victim Support ACT and community legal centres in connection with assistance for victims of crime. There is less frequent contact with other victims support agencies.
- (iii) The principal benefit of networking activity is that it raises awareness among the staff of network organisations to common legal issues experienced by their clients and facilitates the referral of these clients for legal advice and assistance. This enables network organisations to take a more whole-of-person approach to addressing their clients' needs, and improves legal service delivery by reducing barriers that prevent people from accessing legal services.

(c) **Fees paid to private lawyers**

- (i) Section 31C of the *Legal Aid Act 1977* requires that fees paid by the Commission for services provided by private legal practitioners to legally assisted people as far as practicable consist of fixed amounts for the performance of particular services. The objective is to review where changes in court and other procedures in recent years have altered the nature or extent of services covered by fixed sum fees so that the fees can be restructured to reflect those changes.
- (ii) Changes to fee structures have the potential to impact on the budget, but the intention will be to make any changes as budget neutral as possible.

3. Strategic Indicator 3 – Law Reform

- (a) In 2009-10 the Commission made various comments and submissions, and participated on committees in regard to law reform issues. Specific issues included bail, the review of the *Coroners Act 1997*, the review of the *Children and Young People Act 2008*, police investigative powers, the unavailability of witnesses, mental health reform, human rights and changes to the *Legal Aid Act 1977*.
- (b) The changes to the *Legal Aid Act 1977* have been implemented. Comments in regard to other issues have been taken into account by the Government.
- (c) Comments made in regard to specific issues have been taken into account by the Government.
- (d) The Commission will respond to discussion papers and requests for comment on a broad range of issues and will make other submissions in relation to law reform issues as the need arises.

Public Advocate

VICKI DUNNE MLA : To ask the Attorney-General

Ref: Department of Justice and Community Safety, BP4, p247, Output 1.5 – Protection of Rights

In relation to : Public Advocate

1. When young people in the care of the Chief Executive appear before the courts on criminal matters, does the Chief Executive have to report that to the Public Advocate?
 - (a) If yes, how many reports did the Public Advocate receive in 2008-09 and 2009-10 to date?
 - (b) If no, should the law be changed?
 - (i) If yes, what changes are proposed?
 - (ii) If no, why?
2. Is the Public Advocate advised of all instances in which children are involved in court matters, including criminal matters and matters relating to order for care?
 - (a) If yes, what role does the Public Advocate play in those matters?
 - (b) If no, why?
3. Does the Public Advocate have a role in developing carer plans for children and young people in the care and protection of the DHCS chief executive?
 - (a) If no, why?
 - (b) If yes, what is that role?

Simon Corbell MLA : The answer to the Member's question is as follows:–

1. No.
 - (a) Not applicable.
 - (b) This is a policy matter for the Minister for Children and Young People.
2. Not all instances.
 - (a) The Public Advocate (PA ACT) is advised of the following in respect of care matters under the Childrens and Young Persons Act:

Emergency Action – under section 408 the PA ACT must be told if the Chief Executive or a Police Officer takes “emergency action” in respect of a child or young person. The PA ACT role in these matters is to review each individual application. Priority for attendance at court is given to those situations in which emergency action has been taken in relation to any children under 2 years of age, cases where children or young people

are currently under care orders or have been in the past, and cases where there may be concerns regarding the capacity of a parent to give instructions in the case of mental illness or dysfunction.

The PA ACT receives from the court copies of all court orders associated with care matters. These orders are provided to the PA ACT after the matter has been dealt with by the court or in a case management conference. These orders are reviewed by the PA ACT and are then prioritised for involvement; the PA ACT may also make a request to the Chief Executive for further information to determine the need for the PA ACT to provide advocacy services for the child.

The PA ACT has previously attempted to attend all criminal matters, but does not do so at present. As each young person appearing before the court on a criminal matter has access to a legal representative, the PA ACT has chosen to attend only those cases where attendance will add value, which frees resources for other advocacy work.

The PA ACT is notified by the Children's Court magistrate under Section 74K in circumstances where a child or young person appears before a Children's Court magistrate on criminal matters and the magistrate forms the opinion that there are safety or wellbeing issues present. In these cases the magistrate will adjourn the matter for 14 days for Care and Protection to report within that time frame on the action taken. The PA ACT receives a copy of the Care and Protection report and may attend the court if further advocacy is required.

(b) This is a matter for the Minister for Children and Young People.

3. The PA ACT may be involved in the development of a care plan upon the request of the PA ACT or where the PA ACT is a member of a Care Team. The role of the PA ACT in these cases is to provide an independent voice and represent the best interests of the young person.

Estimates employment level

VICKI DUNNE MLA : To ask the Attorney-General

Ref: JACS, BP4, p247

In relation to : Estimated Employment Level [ref BP4, p248]

1. The department's staffing is to increase by 61 above the estimated outcome for 2009-10. In what areas will the additional staff be working?
 2. 61 additional staff could be expected to cost at least \$6m. However employee expenses budget for 2010-11 is only \$479,000 above the estimated outcome for 2009-10. How will the additional 61 staff be funded?
 3. Note the following for:
 - (i) employee expenses [ref BP4, p 270]:
 - 2009-10 budget – \$120m
 - 2009-10 estimated outcome – \$132m
 - Therefore, budget blow out – \$12m
 - (ii) employee numbers [BP4, p248]:
 - 2009-10 budget – 1,497
 - 2009-10 estimated outcome – 1,465
 - Therefore, budget saving – 32
- (a) Why was there a \$12m budget blow-out in employee expenses, when there was a budget saving of 32 in employee numbers?

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

1. Please refer to QON E10-345 which outlines the details of the 40.75 additional FTE approved in the 2010-11 Budget to be employed in the areas of ESA, ORS, Courts, Corrections and Capital Project Management. The other 20.25 FTE mainly relate to filling of current vacant positions and other net movements within the Department.
2. The increase in 61 staff will be funded through a combination of recurrent and capital funding. Four staff will undertake capital project management and are consequently funded through capital project funding. The remaining staff will be funded through operating funding as follows:

2009-10 Estimated Outcome to 2010-11 Budget	Total Cost \$'000
2009-10 Estimated Outcome	132,229
2010-11 Budget	132,708
Variance	479

Increase mainly relates to:

2010-11 Budget Initiatives	3,088
transfer from ACT Health of Ambulance related resourcing in the 2009-10 Medical Retrieval Services initiative	449
Revised wage parameters relating to Clerical, ACTAS and ACTFB Agreements, and Remuneration Tribunal Outcomes for Judiciary and Tribunal members	1,374

offset by:

Cessation of the backpayment component of ACTAS ICP Workvalue decision	-3,147
Efficiency Dividend	-506
Net movement in cessation of higher 2009-10 employee costs, indexation and other adjustments	-779

3. The increase of \$12 million in employee expenses is mainly due to:
- the ACT Intensive Care Paramedics' WorkValue outcome (\$5.597m);
 - revised wage parameters (\$0.948m); and
 - higher employee related codes (\$5.589m), mainly for ESA, Corrections and ORS, in the main offset by increased own source revenue (2009-10 estimated outcome for own source revenue is \$1.848m higher than budget) and reallocation of supplies and services related funding (2009-10 estimated outcome for supplies and services excluding rollovers is \$3.366m lower than budget).

Policy advice and justice programs

VICKI DUNNE MLA : To ask the Attorney-General

Ref: JACS, BP4, p247

In relation to : Output 1.1 – Policy Advice and Justice Programs [ref BP4, p253 & 253]

1. During 2001-10:
 - (a) how many new acts were passed; and
 - (i) how many pages in those acts;
 - (b) how many acts were repealed; and
 - (i) how many pages in those act;
 - (c) how many new instruments were made;
 - (d) how many instruments were repealed; and
 - (e) how many regulations were removed?
2. What action has been taken to reduce the volume of legislation and associated red tape to which the community and business, is subject?
3. What action has been taken to make the body of law more comprehensible to the community and business?
4. [ref BP4, p257, Note 2] What are the variables that would cause the level of satisfaction in the Restorative Justice Program to fall from 90% achieved in 2009-10 to 80% forecast for 2009-10?
5. How many restorative justice sessions were held during 2009-10 to date?
6. How many of those sessions resulted in positive outcomes for both offender and victim?
7. What was the nature of those positive outcomes?
8. What was the incidence of recidivism by offenders who participated in restorative justice sessions?
9. How does this compare to cases in which the offender did not participate in restorative justice sessions?

Mr Simon Corbell MLA: The answer to the Member's question is as follows:–

1. During 2001-10:
 - (a) how many new acts were passed; and
 - (i) how many pages in those acts;

Type	Number of Acts	Number of pages
Principal	10	852

Amending	47	1114
Total		1966

- (a) how many acts were repealed; and
(i) how many pages in those act;

Type	Number of Acts	Number of pages
Principal	10	937
Amending	34	799
Total		1736

- (a) how many new instruments were made;

Classification	Type	Number of instruments
Regulations		
	Principal	11
	Amending	32
Rules		
	Principal	
	Amending	1
Disallowable instruments		207
Notifiable instruments		619
Approved forms		237
Commencement notices		7
Total		1114

- (a) how many instruments were repealed; and
(b) how many regulations were removed?

Classification	Type	Number of instruments
Regulations		
	Principal	13
	Amending	28
Rules		
	Principal	
	Amending	1
Disallowable instruments		33
Notifiable instruments		229
Approved forms		35
Commencement notices		6
Total		345

2. What action has been taken to reduce the volume of legislation and associated red tape to which the community and business, is subject?

The Government continues to carefully consider legislative proposals with a view to minimising the red tape that applies to the community and business. A useful tool in this process is the regulatory impact statement, the use of which is required for certain subordinate laws and disallowable instruments under the Legislation Act.

My portfolio in particular uses omnibus bills to reduce the volume of legislation. The omnibus bill program was developed in response to the need for greater flexibility in the drafting of amendments for revision purposes and to minimise costs associated with keeping ACT legislation up to date. Omnibus bills enable legislative amendments and repeals to be made that, taken alone, would generally be insufficiently important to justify separate legislation; the use of separate legislation in this manner would be an inefficient use of resources.

3. What action has been taken to make the body of law more comprehensible to the community and business?

ACT legislation and associated instruments are together published on the internet in a coherent site - the ACT Legislation Register, in a manner that makes the information more accessible than most other Australian and overseas jurisdictions. ACT drafting practice focuses on producing high quality legislation which is comprehensible and accessible and ACT Parliamentary Counsel's Office works consistently to maintain a high standard of drafting.

4. [ref BP4, p257, Note 2] What are the variables that would cause the level of satisfaction in the Restorative Justice Program to fall from 90% achieved in 2009-10 to 80% forecast for 2009-10?

The percentage figure of 80% is a benchmark figure. It should not be interpreted as a forecast figure. The level of satisfaction in the restorative justice scheme is expected to exceed 80%.

5. How many restorative justice sessions were held during 2009-10 to date?

130 conferences were conducted in 2009-10 to 31 May 2010.

6. How many of those sessions resulted in positive outcomes for both offender and victim?

One important measure of positive outcomes is compliance with agreements formed at conferences. To date 144 individual agreements have been reached this year between young offenders and victims. Of these agreements, nine were completed at the conference, 84 were completed within the term of the agreement, four were completed after the term of the agreement and 33 are still being monitored for compliance.

7. What was the nature of those positive outcomes?

Young offenders have given written and verbal apologies for their behaviour, completed 345 hours of community work, performed 13 hours of work for their

victims, completed 90 hours of programs and activities designed to benefit themselves, donated money to charity and reimbursed victims for losses incurred by them.

8. What was the incidence of recidivism by offenders who participated in restorative justice sessions?

In accordance with the legislation, a review of restorative justice was conducted in 2006, 18 months after phase one commenced. One of the indicators reported against was any reduction in recidivism. The sample size was small because the restorative justice scheme had not been in operation long, so the results must be interpreted with caution. There is a requirement to conduct another review of restorative justice after phase two commences, at which time sample sizes for Phase one will be larger. There will also be a longer period in which to measure recidivist activity.

For the phase one review, an analysis of young people responsible for offences who had participated in conferences was conducted to identify rates of arrest, frequency of arrests and rates of conviction for a period prior to their conference and for a period after their conference.

There were 70 individuals who had at least three months in which they might have re-offended since their conference and 40 individuals who had a period of six months in which they might have offended since their conference. Of the 70 individuals only 7% (n=5) were re-convicted and of the 40 individuals 13% (n=5) were re-convicted. However, due to the nature of the sample size, it is difficult to draw reliable conclusions about recidivism from the review in terms of convictions. For example, in relation to the 70 individuals, the five individuals received 14 convictions; and in relation to the 40 individuals two individuals were responsible for 14 of 19 convictions.

9. How does this compare to cases in which the offender did not participate in restorative justice sessions?

Comparative effectiveness data of this type is not kept. At this time the only requirement of the Restorative Justice Unit is to measure the rehabilitation of offenders who have taken part in restorative justice.

Legal services to Government

VICKI DUNNE MLA : To ask the Attorney-General

Ref: JACS, BP4, p247

In relation to : Output 1.2 – Legal Services to Government [ref BP4, p253 & 257]

1. Is the GSO now advising government on all major contracts?
 - (a) If no:
 - (i) why; and
 - (ii) where is the government getting that advice?
 - (b) If yes, have there been instances in which that advice has led to further negotiations over particular contractual matters?
 - (i) If yes:
 - what has been the nature of those matters; and
 - have those further negotiations resulted in more favourable outcomes for the government?

Simon Corbell MLA: The answer to the Member's question is as follows:–

Yes, in accordance with agreed criteria. To address appropriate risks to the Territory, if contracts are categorised in the procurement proposal as "high risk", are valued at \$50 million or more, or are anticipated to involve non-routine contractual arrangements, ACT Procurement Solutions, acting on behalf of responsible chief executives, will instruct the ACT Government Solicitor (**ACTGS**).

Procurement processes must naturally be completed in a relevant category before legal advice can be sought in connection with contract negotiations with preferred tenderers.

Initial instructions tend to arise, however, at the commencement of the procurement and ACTGS advice may be sought as to the form and content of any proposed contract intended to be used as part of that process. The ACTGS is involved in negotiations over a range of contractual matters, dependent upon the particular transaction. It is not possible to particularise those matters without descending into a level of detail that it is not appropriate or feasible to do. It is expected that the involvement of ACTGS will result in more favourable outcomes.

Legislative drafting and publishing services

VICKI DUNNE MLA : To ask the Attorney-General

Ref: JACS, BP4, p247

In relation to : Output 1.3 – Legislative Drafting and Publishing Services [ref BP4, p257 & 257]

1. What did PCO learn from its recent client satisfaction survey?
2. Are any changes to procedures or quality standards to be made as a result?

Simon Corbell MLA: The answer to the Member’s question is as follows:–

1. What did PCO learn from its recent client satisfaction survey?

PCO conducted three client satisfaction surveys in March 2010—a legislation register survey, a notification service survey and a legislative drafting service survey.

ACT legislation register survey

An invitation to complete the legislation register survey was on the register home page and also sent to ACT government employees through whole-of-government messages and to law librarians news groups. Advertisements were placed in the Canberra Times and the Law Society and Bar Association newsletters. 332 people responded.

This is the first time that PCO has surveyed the broader community about the ACT legislation register and the results and positive comments exceeded its expectations. It was also useful to get some information about how people access the register and what does not work for them. The responses identified a number of things of particular value:

- most respondents access the register weekly;
- almost all respondents use current legislation and over half use historical legislation;
- 22.7% of respondents do not use the search function but rely on the browse function (of respondents who used the new search function 70% found it excellent or good at delivering results that are useful);
- some respondents find the new search function an improvement on the old search facility, however others prefer to use Google or Austlii;
- most respondents would like to be told about changes to legislation (a high proportion indicated that the existing methods (legislation update and what’s new) meet their needs but 40.5% are also interested in receiving alerts by email with a small amount of interest in other (newer) technologies including RSS);
- many respondents believe the ACT has the best legislation website in the country with a clear layout and good structure;
- respondents indicated support for the range of legislation already on the register and some requested more historical legislation (PCO has directed considerable resources into the backcapture program for historical legislation);
- some respondents would like to have legislation in HTML format;

- some respondents would like to have more general information about how the register works;
- some respondents would like repealed information to be displayed differently.

Notification service survey

Cabinet liaison officers in all client agencies were asked to complete the ACT legislation register notifications service survey. 16 clients responded. The survey results were very positive about the notification service provided by PCO. In particular:

- 81.3% of respondents rated their working relationship with PCO staff as excellent;
- 93.8% of respondents rated as excellent the willingness of PCO staff to discuss and explain issues that arise for notifications.
- 87.5% of respondents rated the timeliness of PCO's notification service as excellent.

The responses also identified that most clients would prefer to receive information from PCO by email.

Drafting service survey

Drafting instructors in all client agencies and individual members of the Legislative Assembly were asked to complete the drafting service survey. 65 clients responded. Overall, the survey results were very positive about the drafting service provided by PCO, with 76.9% of respondents rating PCO's drafting service as excellent.

The survey highlighted that PCO staff are approachable, open and helpful.

The responses also identified areas for improvement, including:

- the need to develop a clearer approach to transitional provisions;
- the need to ensure consistency in drafting approaches;
- the need for more training and guides about the drafting process.

2. Are any changes to procedures or quality standards to be made as a result?

PCO is currently looking at areas where people have suggested improvements and resources permitting will address the issues raised. Many of the comments and suggestions were not a surprise but will help inform priorities for development and improvement in the coming financial year. PCO will also continue to work hard to preserve the important things that survey respondents have identified as highly valued in its working relationships and service.

Public prosecutions

VICKI DUNNE MLA : To ask the Attorney-General

Ref: JACS, BP4, p247

In relation to : Output 1.4 – Public Prosecutions [ref BP4, p254 & 258]

1. Are the problems that were encountered in the office of the DPP and reported in the media over the past couple of years now subsiding?
 - (a) If no, why?
 - (b) If yes:
 - (i) what changes have been implemented to achieve that result;
 - (ii) what problems remain to be resolved; and
what work is being done to address those remaining problems?

Simon Corbell MLA: The answer to the Member's question is as follows:–

The DPP has advised me that the problems in his office are indeed subsiding. A key reason for that is the additional resources that were provided by the Government in the 2009-10 re-evaluated budget. Those resources included provision for a number of additional prosecutors who now have been recruited and trained for their responsibilities. I am also advised by the Director that he has changed management structures within the office to make those structures more responsive to the day to day needs of prosecutors and more responsive to the requirements of the Courts. All aspects of the office have been considered and revaluated. Importantly, a computerised case management system is now in the final stages of implementation.

Protection of rights

VICKI DUNNE MLA : To ask the Attorney-General

Ref: JACS, BP4, p247

In relation to : Output 1.5 – Protection of Rights [ref BP4, p 254 & 258]

1. [ref P258, Note 1] If there is a continuing increase in client satisfaction in the complaints handling of the Human Rights Commission, why is there a decline in the target for 2010-11 (75%) compared to the estimated outcome of 80% for 2009-10?
2. How many referrals did Victim Support ACT make to victims of crime support NGOs during 2009-10 to date?
3. What is forecast for 2010-11?
4. To how many NGOs are referrals made?
5. What criteria are used to determine which NGO will best provide the required support?
6. What funding was provided to NGOs for their victims of crime support work in the last two financial years and what is budgeted for 2010-11?

Mr Simon Corbell MLA : The answer to the Member's question is as follows:–

1. The target for 2010-2011 has not declined, but is the same as the target for 2009-2010.

The Human Rights Commission has chosen not to adjust the 2010-2011 target to ensure it is best able to apply available resources to expected demand.

I have also been advised that in 2006-2007 and 2007-2008 the target was 70%, with end of year results for these two periods being 86% and 85% respectively.

2. From July 2009 to May 2010 Victim Support ACT received 670 new clients. On reception, all clients are provided with an initial assessment that responds to their presenting issues. This includes being given information about other appropriate services in government and in the community. This includes, in particular, a Victims of Crime Helpcard that provides contact details for both government and community agencies. Clients are encouraged to make and attend a subsequent intake assessment at which more specific service and other information is provided to them. Clients initiate contact with agencies themselves.
3. The number of new clients to Victim Support ACT for 2010-2011 who would be provided with information about other appropriate services in government and in the community is estimated at 650-700.
4. The non-government agencies listed on the Victims of Crime Helpcard are:
 - Victims of Crime Assistance League (VOCAL)
 - the Domestic Violence Crisis Service (DVCS)

- Canberra Rape Crisis Centre
- Women's Legal Centre
- Welfare Rights & Legal Centre
- Aboriginal Legal Service.

In addition and depending on the assessed needs, clients are provided with information on a wide range of other community-based services.

5. A thorough psycho-social assessment is conducted of clients at intake appointments. The client case coordinator will, with the client, identify needs and priorities for service. The *Victims of Crime Regulations 2000* section 37 stipulates how services are to be provided. Approved Providers become approved by meeting criteria set under the Regulations and through a process of approval involving the Victim Assistance Board.
6. In 2009-2010, the Victims of Crime Assistance League (VOCAL) was awarded \$168,000 to provide volunteer services. The ACT Government increased the amount to be paid to community-based victim services in the 2010-2011 budget by \$0.62m.

Electoral services

VICKI DUNNE MLA : To ask the Attorney-General

Ref: JACS, BP4, p247

In relation to : Output 1.6 – Electoral Services [ref BP4, p254 & 259]

1. ICT upgrade in readiness for the 2012 ACT election. [ref BP4, p248, 3rd dash under 5th dot point]
 - (a) What particular ICT system will be implemented?
 - (b) In what ways will the upgraded ICT system improve the electoral system?
 - (c) How much will it cost?
 - (d) When will it be:
 - (i) procured; and
 - (ii) implemented?
2. Redistribution of electoral boundaries. [ref BP4, p248, 3rd dash under 5th dot point]
 - (a) What processes will be followed to determine the extent of any redistributions?
 - (b) What consultation process will be followed?
 - (c) When will the process begin and end?
 - (d) What are the terms of reference?
3. What is the current level of registration on the electoral roll as a percentage of eligible population?

SIMON CORBELL MLA: The answer to the Member's question is as follows:–

1. (a)

The ICT systems that are being upgraded, redeveloped or newly developed include:

1. Election results system, which includes the election night results;
2. Electronic voting and counting system;
3. Election management systems;
4. Electronic certified list of electors;
5. Scanning of ballot papers; and
6. On-line voting system for fee-for-service ballots.

1. (b)

The ACT Electoral Commission is an election industry leader in implementing innovative and best practice ICT systems for managing and conducting elections in the ACT. However, the Commission's election critical systems are aging and require redevelopment to make them robust, reliable and operational for future elections. The upgrade and redevelopment of the Commission's existing ICT systems is intended to ensure that the 2012 Legislative Assembly election is conducted to a high standard using up-to-date hardware and software. The new on-line voting system for fee-for-service ballots is intended to provide accessible, cost-effective services for some of the smaller elections conducted by the Commission, particularly enterprise agreement ballots for ACT government agencies.

1. (c)

Total capital funding for the project is \$1,373,000 over 2009-2013.

1. (d)

Project development work on the ICT systems commenced in 2009. System upgrade and development projects will be procured gradually over 2010-2012. Those ICT systems intended for use at Legislative Assembly elections will be implemented at the 2012 Legislative Assembly election. The on-line voting system intended to be used for enterprise agreement ballots is currently subject to a feasibility study with the object of procuring and implementing the system in 2010-2011.

2. (a), (b), (c) and (d)

The processes to be undertaken to conduct a redistribution of ACT Legislative Assembly electoral boundaries are set out in Part 4 of the *Electoral Act 1992*.

The Electoral Act provides that a redistribution of electorates for the ACT Legislative Assembly must begin as soon as practicable after the beginning of the period 2 years before the date of the next election. Therefore a redistribution must commence in anticipation of the 20 October 2012 election as soon as practicable after 21 October 2010.

The first statutory task of the ACT Electoral Commission is to appoint a Redistribution Committee. The Redistribution Committee consists of the ACT Electoral Commissioner, the ACT Planning Authority, the Surveyor-General and a person appointed by the Electoral Commission. The Committee has the task of producing a proposed set of boundaries and names for electorates for the ACT Legislative Assembly.

The redistribution is carried out in accordance with the Electoral Act with several opportunities for public consultation throughout the process.

Step 1 - Public Suggestions

Before the Redistribution Committee makes its proposal, any interested persons or organisations who wish to make suggestions regarding the redistribution are given 28 days to forward suggestions in writing to the Redistribution Committee.

Step 2 - Comments on the Public Suggestions

The public suggestions will be made available for public inspection. Any comments on the suggestions must be lodged in writing within 14 days.

Step 3 - The First Proposed Redistribution

The Redistribution Committee considers the public suggestions and comments before making the proposed redistribution. Maps showing the proposed boundaries and names of the electorates will be published in a newspaper and exhibited at the office of the ACT Electoral Commission and on the Commission's website.

Step 4 - Objections to the Proposed Redistribution

Following the publication of the first proposed redistribution there will be 28 days within which initial objections to the proposed redistribution may be lodged by members of the public or organisations.

Step 5 - Objections Considered by the Augmented Electoral Commission

The objections are considered by the augmented Electoral Commission. The augmented Electoral Commission comprises the Chairperson of the ACT Electoral Commission and the other part-time Member of the Commission, sitting together with the members of the Redistribution Committee. The augmented Electoral Commission may hold public hearings into objections.

Step 6 - The Second Proposed Redistribution

After it has considered all the initial objections lodged, the augmented Electoral Commission makes a second proposed redistribution. If this second proposal is not significantly different from the first proposal, the second set of proposed boundaries will become the final boundaries for the ACT.

Step 7 - Further Objections

If the second proposal is significantly different from the proposal made by the Redistribution Committee, the augmented Electoral Commission will invite further objections from members of the public or organisations. Further objections must be lodged within 28 days.

Step 8 - Final Determination

The augmented Electoral Commission will then consider any further objections. The augmented Electoral Commission may again hold public hearings into objections. Following its consideration of all objections, it will make a final determination of boundaries and names of electorates for the ACT.

Depending on whether there is a need to undertake a second round of objections, it is expected that the redistribution process will take between 6 and 9 months to complete, starting from the date of the invitation for public suggestions. For example, the redistribution conducted before the 2008 election, which did require a second round of objections, started with the invitation for suggestions on 8 February 2007 and concluded with the final determination publicly announced on 11 September 2007, followed by the submission of the official report to the Minister on 28 September 2007 and the tabling of that report in the Assembly on 16 October 2007.

While there are no formal “terms of reference” for a redistribution there are statutory requirements that must be followed by the Redistribution Committee and the Augmented Commission.

In conducting the redistribution, the Redistribution Committee and the Augmented Commission are bound by section 36 of the Electoral Act and section 67D of the Commonwealth *Australian Capital Territory (Self-Government) Act 1988*.

The Electoral Act provides that the Territory must be divided into three separate electorates with seven members of the Legislative Assembly to be elected from one electorate and five members of the Legislative Assembly to be elected from each of the other two electorates.

The Self-Government Act sets out the following formula for calculating a quota:

$$\frac{\text{Number of Territory electors} \times \text{Number of electorate members}}{\text{Number of Territory members}}$$

In summary, the Electoral Act and the Self-Government Act provide that the Redistribution Committee and the augmented Electoral Commission shall

- (a) ensure that the number of electors in an electorate immediately after the redistribution is within the range of not greater than 110%, or less than 90% of the quota;
- (b) endeavour to ensure, as far as practicable, that the number of electors in an electorate at the time of the next general election of members of the Legislative Assembly will not be greater than 105%, or less than 95%, of the expected quota for the electorate at that time; and
- (c) duly consider
 - (i) the community of interests within each proposed electorate, including economic, social and regional interests;
 - (ii) the means of communication and travel within each proposed electorate;
 - (iii) the physical features and area of each proposed electorate;
 - (iv) the boundaries of existing electorates; and
 - (v) the boundaries of divisions and sections fixed under the *Districts Act 2002*.

3. As at 30 April 2010 there were 241,321 electors on the ACT electoral roll. This represents around 94% of the estimated population of persons eligible to enrol in the ACT.

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON ESTIMATES 2010-2011

ANSWER TO QUESTION ON NOTICE**VICKI DUNNE MLA** : To ask the Attorney-General

Ref: JACS, BP4, p247

In relation to : Output 1.7 – Regulatory Services [ref BP4, p255 & 259]

1. In relation to all licensing areas:
 - (a) In relation to announced licence inspection visits:
 - (i) how much notice is given; and
 - (ii) to what extent does ORS work pro-actively with licensees to ensure visits are made at mutually convenient times?
2. In relation to liquor licensing:
 - (a) What is the process followed in assessing potential licensees and potential licensed premises for licence eligibility?
 - (b) What matters are required to be in place for both the individual and the premises before assessment of an application will proceed?
 - (c) To what extent do the above processes change for both the individual and the premises when they involve the sale of the associated business?
 - (d) In assessing licence eligibility, what regard does ORS have to existing and previously allowed facilities at licensed premises when they are involved in the sale of an associated business?
3. In relation to motor vehicle repairers
 - (a) What progress is being made in preparation for the introduction of the new legislation?
 - (b) To what extent is ORS working with stakeholders in that process?

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

1. In relation to all licensing areas:
 - (a) In relation to announced licence inspection visits:
 - (i) how much notice is given; and
 - (ii) to what extent does ORS work pro-actively with licensees to ensure visits are made at mutually convenient times?

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Legal Aid Commission

Shane Rattenbury : To ask the Attorney General

Legal Aid Commission (ACT), Budget paper 4, page number 516, output class1.1:

In relation to the 1379 grants referred to Private Practitioners in 2009/10, what was the number of grants referred in each quarter?

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

1. For the quarter ending 30 September 2009, there were 363 grants referred to Private Practitioners.
2. For the quarter ending 31 December 2009, there were 318 grants referred to Private Practitioners.
3. For the quarter ending 30 March 2010, there were 357 grants referred to Private Practitioners.
4. For the quarter ending 30 June 2010, the Commission has forecast 341 grants will be referred to Private Practitioners.

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

1. For the quarter ending 30 September 2009, there were 363 grants referred to Private Practitioners.
2. For the quarter ending 31 December 2009, there were 318 grants referred to Private Practitioners.
3. For the quarter ending 30 March 2010, there were 357 grants referred to Private Practitioners.
4. For the quarter ending 30 June 2010, the Commission has forecast 341 grants will be referred to Private Practitioners.

Review of the Unit titles Act

Shane Rattenbury : To ask the Attorney General

Justice and Community Safety , output 1.1, Budget paper 4, p.253

In relation to : The review of the Unit Titles Act carried out by Greg Bugden which lead to legislative changes to the Act in 2009:

How much did the Review cost expressed as either a total number of working days spent on the task or total monetary cost?

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

The review of the Unit Titles Act carried out by Greg Bugden was arranged, oversighted and paid for by ACT Planning and Land Authority. The Department of Justice and Community Safety is unable to answer the question posed. The question should be directed to the Minister for Planning.

Grants programs

ZED SESELJA : To ask the Attorney-General

In relation to : Grants Programs and JACS;

1. What grants programs within the Attorney's portfolio will commence in 2010-11, and which grants programs will cease?
2. Which grant programs ceased in 2009-10?
3. For each program above, what is the total cost of the program, including a) the cost to administer the program; b) the cost to advertise the program and c) the total amount of grants that are budgeted to be awarded in 2009-10 and 2010-11?
4. For those grants programs commencing in 2010-11, when is the program scheduled to cease?
5. What process will be used to determine the recipients of the grants?
6. Will grants under each program be contingent upon a contribution from the recipient of the grant?

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

The following table details an answer to the question as asked.

Program	Total Cost	Cost to administer	Cost to advertise	Total amount of grants awarded	End date	Award process	Contribution required?
2010-11							
Improving Safety and Security Grants Program	\$150,000	Nil for JACS	Nil for JACS.	\$150,000	30 June 2011	Assessed by assessment panel against an application criteria.	No.

No grant programs ceased in 2009-10.

Overhead costs

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LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
SELECT COMMITTEE ON ESTIMATES 2010-2011
ANSWER TO QUESTION ON NOTICE

ZED SESELJA MLA : To ask the Attorney-General

BP 4

In relation to : Overhead costs for JACS;

1. What are the overhead fixed costs for the Department for 2010-11 and how much is each?
2. How are these costs forecast to change between 2010-11 and 2013-14 (please provide a breakdown by output).
3. What are the variable and marginal costs for the Department for 2010-11 and how much is each.
4. How are these costs forecast to change between 2010-11 and 2013-14, and how has this changed since 2009-10 (please provide a breakdown by output).

SIMON CORBELL MLA : The answer to the Member's question is as follows:-

1. The Department's overhead fixed costs that do not vary significantly with the Department's activities during the financial year include rental; utility and outgoing costs; finance, procurement and human resources provided by Shared Services; insurance; workers compensation premium; ACT Audit Office fees and depreciation and amortization of fixed assets.

For 2010-11, the Department's internal budgets are not yet disaggregated to line items. However, indicative estimates are shown in the following table based on 2009-10 budgeted costs and adjustments included in the 2010-11 Budget process.

	2010-11 Estimate \$'000
Fixed Costs	
Worker's Compensation	4,258
Rent & Outgoings (incl Utilities & Cleaning)	14,884
Insurance	3,101
Shared Services Centre Fees	3,483
External Audit	153
Depreciation & Amortisation	19,327

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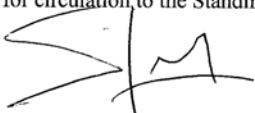
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2. The Department's budget for the forward estimates is outlined in the 2010-11 Budget Paper No. 4. The budget in the budget papers has not been broken down into specific overhead cost line-items requested, however, indicative allocations for 2010-11 are provided in the answer to question (1).

For the Forward Estimates, allocation of the budget at the detailed level will be undertaken closer to the relevant financial year, taking into account operational requirements, overall budget limits and other prevailing circumstances, such as contract negotiations.

3. Although some of the components within the overhead costs may vary during the year (eg. utilities and outgoing), generally, all of the overhead costs are largely fixed in the short-term (i.e. 2010-11) and are considered to be variable in the longer-term.
4. The Department's budget is shown in the 2010-11 Budget Paper No 4. The Department's budget is not broken down into variable and marginal cost. The allocation of the budget at the detailed level will be undertaken closer to the relevant financial year, as highlighted in the response to Q2 above. In relation to 2009-10, final cost will not be known until completion of the 2009-10 financial statements.

Approved for circulation to the Standing Committee on Estimates 2010-2011	
Signature: 	Date: 17.6.10
By the Attorney General, Mr Simon Corbell MLA	

Output programs



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LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2010-2011

QUESTION ON NOTICE

ZED SESELJA : To ask the Attorney-General

In relation to : Output programs for JACS;

1. Please provide a list of initiatives or programs that are run under each output.
 - a. What is the budgeted cost for each in 2009-10 and 2010-11?
 - b. How many staff (by ASL) work in each, and what is level of each staff member?
 - c. What capital equipment is required by each?
 - d. What specialist skills are required by staff in each, and what are the specialists levels?
2. For each program or initiative that was implemented in the 2009-10 budget that relates to JACS
 - a. How many staff were budgeted to be employed for the initiative, and how many have been employed to date?
 - b. What was the budgeted cost of the initiative for JACS in 2009-10, and how much has been spent to date?
 - c. What capital equipment was required (including the budgeted cost), and has all required capital equipment been purchased, and if so, what was the cost. If not, when will the equipment be purchased?

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

Budget initiatives are included in Chapter 4.2, Budget Paper No. 3. In general, budget initiatives or programs that commenced in the previous years (which would be highlighted in the past budget papers) would become part of the departmental outputs, or cease depending upon the funding provided.

Data is not available in the forward years at the level of disaggregation requested without significant diversion of resources for the Department's ongoing business.

Approved for circulation to the Standing Committee on Estimates 2010-2011

Signature:

Date:

7.6.10

By the Attorney General, Mr Simon Corbell MLA

E10-482

Staff management

ZED SESELJA : To ask the Attorney-General

BP 4

In relation to : Staff Management within JACS;

1. How many staff are currently employed by the Department, and what level is each (please provide a breakdown by output and work area).
2. What was the total staff turnover rate in 2008-09 and 2009-10 to date, and what is the budgeted staff turnover rate for 2010-11 (please provide a breakdown by output class and level).
3. How many positions within the Department are currently unfilled as a result of the Government's staffing freeze?
 - a. When will these positions now be filled?
 - b. How much money has the Department saved as a result of the freeze?
4. How many staff receive a total salary of
 - a. below \$70,000,
 - b. between \$70,000 and \$80,000,
 - c. between \$90,000 and \$100,000,
 - d. between \$100,000 and \$110,000,
 - e. over \$110,000; and.
 - f. For each salary range, how many staff are considered administrative or policy, and how many are considered frontline service delivery staff?
5. How many additional staff will be employed in 2010 (in FTE), and what level is each (please provide a breakdown by output and level).
 - a. How many are administrative or policy staff, and how many are considered frontline service delivery staff?
6. How much will be spent on training programs 2010-11?
 - a. What is the purpose of each training program, and
 - b. how many staff are expected to participate?
7. Will officers attend any training programs in 2010-11 interstate?
 - a. If so, what is the purpose of these training programs?
 - b. How many officers will attend?
 - c. What is the cost of each programs, including travel expenses?
8. What training programmes in 2010-11 will be held which will result in no marginal cost to the Department?
9. What in-house training programs will be held in 2010-11 which will result in a cost to the Department, and what is this cost expected to be?
10. What is the average oncost for each employee within the Department budgeted to be in 2010-11?
 - a. What is included in this oncost?
 - b. What is the marginal oncost of an additional worker at the current staffing levels in 2010-11?
11. What specialist qualifications are required by staff for the Department to undertake its roles and responsibilities?
 - a. What skills are currently lacking in the Department?
 - b. How will these gaps be filled in 2010-11?
 - c. Has the staffing freeze contributed to this shortfall?

12. What is the average salary for each employee who has a specialist skill that is required for the Department to undertake its roles and responsibilities? What will be the average salary in 2010-11 (please provide a breakdown by specialisation, output and employee level).
13. What training must employees undertake on a regular basis to maintain their specialist skills, and what is the budgeted total cost of this training in 2010-11?
 - a. What is the average cost per employee?
 - b. Who will provide the training?
14. What specialist equipment is required for employees within the Department to undertake their jobs, and how will this change in 2010-11? For each piece of equipment:
 - a. how many are required,
 - b. what is the capital cost of each,
 - c. what is the running cost of each?
 - d. Over what period is each piece of equipment depreciated?
 - e. What equipment will be purchased in 2010-11 for this purpose?
15. How many graduates will be employed in 2010-11?
 - a. What is the cost of employing each graduate, and what is the breakdown of these costs, including oncosts?
 - b. How many graduates have been employed on average each year since 2001?
16. How many staff will be recruited in 2010-11, and how much has been spent on recruitment in 2009-10 to date?
 - a. How much is budgeted to be spent on recruitment in 2010-11, and how is this broken down?
17. How much office space is currently leased by the Department, or the ACT Government on behalf of the Department?
 - a. Will this change in 2010-11, if so how will it change and what is the cost of the change?
 - b. What is the cost of the current lease, what is the make-good provision, and when will this lease be complete?
 - c. If a new lease is to be signed in 2010-11, what is the cost of the lease, what is the make-good provision, and when will this lease be complete?
18. How many staff, are budgeted to receive HDA in 2010-11? For each staff member,
 - a. why will they receive HDA?
 - b. How long will they be on HDA?
 - c. What is the budgeted expense for staff receiving HDA in 2010-11?
 - d. Please provide a breakdown by output class and level
19. How many staff are currently on any form of leave indefinitely?
 - a. What are the reasons for these staff being on indefinite leave?
 - b. Please provide a breakdown by output class and level

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. Similar information on actual performance is published in annual reports including audited financial statements. Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from the Department of Justice and Community Safety's ongoing business that I am not prepared to authorise.

Working groups

ZED SESELJA : To ask the Attorney-General

In relation to : Working Groups involving JACS;

1. How many working groups, consultation groups, inter-departmental committees, roundtables or other intra-Government committees have been created (or will be created) by the Department in 2009-10?
2. Will any working groups, consultation groups, inter-departmental committees, roundtables or other intra-Government committees be created by the Department in 2010-11?
3. For each group, committee or roundtable in questions 1 and 2:
 - a. What is the cost of creating and maintaining each?
 - b. For how long will each run?
 - c. How many staff will regularly be involved?
 - d. How often will each meet?
 - e. Where will each meet?
 - f. Which departments, agencies or non-government organisations will be represented, and what is the role of each?

Simon Corbell MLA : The answer to the Member's question is as follows:–

1. A total of 17 have been (or will be) created by my Department in 2009-10.
2. A total of 2 new group, committee or roundtable are currently intended for establishment during 2010-11. However, should need arise during this year, new entities may be established.
3. The table at Attachment A details the requested information.

Please contact the Committee Office for a copy of this Attachment.

IT and advertising

ZED SESELJA : To ask the Attorney-General

In relation to : IT and Advertising for JACS;

1. What is the budgeted cost of the provision of IT services for the Department for 2010-11?
2. What is the budgeted or forecast increase in costs for the provision of IT services in 2011-12, 2012-13 and 2013-14?
3. What will be the marginal cost and the average cost of the provision of IT services at the forecast staffing levels in 2010-11?
4. How much will be spent on advertising in 2010-11, and what is forecast to be spent in 2011-12, 2012-13 and 2013-14, and how is this spending broken down between i) outputs and ii) design, printing, distribution etc.
5. What form of advertising will be undertaken in 2010-11?
6. What is the purpose of each form of advertising to be undertaken in 2010-11?
7. How much has been spent on graphic design purposes in 2009-10, and how much will be spent on graphic design in 2010-11, 2011-12, 2012-13 and 2013-14?
8. How much has been spent on advertising in 2009-10 to date, and what forms of advertising does this include?

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

- 1) The allocation of budget to detailed cost line items has not yet been undertaken, however, the estimated budgeted cost for the provision of IT services for the Department in 2010-11 is \$11.177m.
- 2) The allocation of budget to detailed cost line items will be undertaken at the beginning of each financial year, however, the estimated budget for IT services is forecast to increase as follows:

	2011-12 (\$m)	2012-13 (\$m)	2013-14 (\$m)
IT Services	0.161	0.231	0.219

- 3) The 2010-11 estimated average cost of the provision of IT services at forecast staffing levels is:

$$\$11.177\text{m}/1,526 \text{ FTE} = \$7,324$$

The approximate estimated marginal cost of IT (ie the cost should one new Departmental staff member be employed) is in the order of \$3,900 per annum based on Treasury's On-Costs Model (August 2009). This will, however, vary depending on the role of the employee and IT requirements association with the position.

- 4) The Department does not budget specifically for advertising. Any advertising costs are managed within the supplies and services budget in 2010-11, 2011-12, 2012-13 and 2013-14.
- 5) In 2010-11 it is possible that the Department of Justice and Community Safety will advertise using various media such as website, newspaper, radio and television.
- 6) The purpose of the advertisements in 2010-11 includes to the recruitment of staff, general advertising for work safety and other portfolio activities, change of legislation and community safety campaigns.
- 7) The Department's expenditure on graphic design in 2009-10 mainly relates to design associated with website design, branding and document design. Costs relating to graphic design cannot be accurately quantified as individual components of the bill as such are not separately identified by the supplier.

The Department may incur graphic design costs in 2010-11 as indicated above, however, the Department has not yet allocated the budget to detailed cost line items for 2010-11 and forward years.

- 8) To date, the Department of Justice and Community Safety has spent approximately \$0.439m in advertising costs in 2009-10 which is 0.3% of the Department's GPO for 2009-10. This amount has been used for newspaper, television and radio advertising.

Budget initiatives

ZED SESELJA : To ask the Attorney-General

BP 3

In relation to : Budget initiatives involving JACS;

1. For each expense, revenue or capital measure reported in Budget Paper No. 3 which applies to the Department:
 - a. what is the staffing increase required
 - b. what are the IT requirements, including those which are to be purchased “off the shelf” and those which are to be custom built
 - c. what is the average on cost per additional staff member
 - d. what consultancies are required, including the purpose of the consultancy and budgeted cost, and whether the contract for the consultancy will be single select or open tender.
 - e. What are the capital requirements, including any equipment that will be purchased
 - f. Has the Department offset any funding to accommodate any part of the initiative, and what was the offset?
 - g. Will the initiative require any form of regulatory change and if so, what change is required, and will a regulatory impact statement be published prior to it being considered by the Assembly?

Simon Corbell MLA: The answer to the Member’s question is as follows:–

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. Similar information on actual performance is published in annual reports including audited financial statements. Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from the Department of Justice and Community Safety’s ongoing business that I am not prepared to authorise.

Budgeted costs

ZED SESELJA : To ask the Attorney-General

BP 4

In relation to : Budgeted Costs for JACS;

1. What is the budgeted cost for the Department in 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14 of
 - a. Electricity
 - b. Internet communications
 - c. Telecommunications
 - d. Travel for senior executive staff
 - e. Travel for non-executive staff
 - f. Local travel, including taxis, bus fares, and vehicles
 - g. Printing
 - h. Paper
 - i. Official entertainment
 - j. Consultant's fees
 - k. Office supplies

Simon Corbell MLA : The answer to the Member's question is as follows:–

The table below outlines the budgeted costs for 2009-10 for each item:

Item	Category	2009-10 Budget \$m
a.	Electricity	0.635
b.	Internet communications ¹	0.110
c.	Telecommunications	1.016
d. & e.	Travel ²	0.495
f.	Local Travel (including Vehicle Fleet Costs) ³	0.598
g.	Printing	0.506
h.	Paper	0.078
i.	Official Entertainment (including official ceremonies & functions)	0.023
j.	Consultant's Fees ⁴	0.768
k.	Office Supplies ⁵	0.603

Notes:

1. Based on Internet Charges estimate included in the 2009-10 InTACT Service Level Agreements.
2. Internal Budget Allocations do not distinguish between executive and non-executive staff level.
3. Including car and taxi hire costs and vehicle fleet charges.
4. Including consultants, valuations associated with the Department's assets and other professional charges.
5. Including general supplies and services, but excluding paper expenses.

In relation to 2010-11, the Department's internal budgets have not yet been disaggregated to line items.

In relation to the forward estimates, the internal budgets will not be disaggregated to a detailed level until just before the commencement of each financial year.

Budgeted costs

ZED SESELJA : To ask the Attorney-General

BP 4

In relation to : Budgeted Costs and JACS

1. What are the annual depreciation costs for the Department?
 - a. How much depreciation is allocated to small capital items which are used in the day-to-day activities of the Department, and how much is related to major capital works or items?
 - b. What are those major capital works or items specifically and how much is the depreciation for each annually?
2. What capital initiatives will be completed by the Department in 2010-11, 2011-12, 2012-13 and 2013-14?
 - a. What was the original cost of those initiatives when they were first considered by Government?
 - b. What is the current budgeted cost of each initiative?
 - c. What are the ongoing costs to the Budget of the initiative, including running costs and depreciation costs?
3. What capital initiatives (or expenditure on capital equipment) were completed/will be completed by the Department in 2009-10?
 - a. What was the original cost of those initiatives when they were first considered by Government?
 - b. What is the current budgeted cost of the initiative?
 - c. What are the ongoing costs to the Budget of the initiative, including running costs and depreciation costs?
 - d. What was the estimated completion date when the initiative was first considered by Government?

Simon Corbell MLA: The answer to the Member's question is as follows:–

- 1) a) 2009-10 estimated depreciation and amortisation for Departmental and Territorial is reported in BP4 on pages 270 and 277 respectively. The estimated depreciation and amortisation relating to major capital asset classes (considered to be buildings, leasehold, property assets) is approximately 56% for the Departmental and 91% for the Territorial. The estimated depreciation and amortisation relating to other smaller capital asset classes is approximately 44% for the Departmental and 9% for the Territorial.
- b) Of the estimated depreciation relating to major capital works items:
 - for Departmental, approximately 76% relates to buildings at valuation and 24% to leasehold improvements; and
 - for Territorial, approximately 99% relates to buildings at valuation and 1% to leasehold improvements.

The top 10 major capital items and estimated annual depreciation for 2009-10 are listed below:

Asset Description	Estimate 2009-10 Depreciation \$
Alexander Maconchie Centre	4,724,516
ESA Radios	781,261
Winchester Centre	499,364
Supreme Court	438,415
Tuggeranong Police Station	319,233
City Police Station	272,662
Symonston Periodic Detention Centre	262,805
Magistrates Court Fitout	257,977
ESA Computer Aided Dispatch	244,527
Woden Police Station	242,440

2) Information relating to capital initiatives that the 2010-11 Budget estimates forecast will be completed in 2010-11, 2011-12, 2012-13 and 2013-14 is provided at Attachment A.

3) Information relating to capital initiatives that the 2010-11 Budget estimates forecast will be completed in 2009-10 is provided at Attachment B.

Attachment A			
	Original Project Value \$'000	Revised Project Value \$'000	Total Ongoing Additional Cost to Budget \$'000
Capital Initiatives to be completed in 2010-11			
AMC Chapel & Quiet place	513	513	26
Correctional Facilities (AMC)	110,000	131,330	4,725
Court Case Management System	834	834	225
Human Right Commission Database	250	250	120
Integrated Victims Database	96	96	56
New Forensic Medical Centre	4,770	5,570	209
New Supreme Court - Forward Design	4,000	4,000	N/A
ORS- Integration	260	260	52
Work Cover Integration	416	416	83
ESA - Communications Project	23,668	23,668	2,367
ESA - Community Fire Units	289	289	142
ESA - ICT Infrastructure	2,834	2,834	930
ESA - Increased Fire Vehicle Replacement	6,500	6,500	550
ESA - Jerrabomberra & Rivers Sheds			113

	2,270	2,270	
ESA - New Headquarters *			4,073
	18,429	29,074	
ESA - Stations Upgrade			78
	831	831	
ESA - Thermal Imaging Camera			16
	213	213	
Liquor Reforms for a Safer Community			33
	100	100	
Additional Jury Courtroom			60
	450	450	
ESA - Tidbinbilla Rural Fire Service Shed			115
	1,644	1,644	
ESA - Mobile Data Solution Project			790
	2,576	2,576	
New Belconnen Police Station - Forward Design & Construction			652
	18,188	18,188	
Capital Initiatives to be completed in 2012-13			
ACT Electoral Services - ICT Systems			406
	1,373	1,373	
Note: Capital programs for which the Department has ongoing capital funding have been excluded from the above list.			
* ESA Headquarters revised project value includes additional funding the Specialist Outdoor Training Centre and Helicopter Base at Hume			

Attachment B				
	Original Project Value	Current Budgeted Value	Total Ongoing Additional Cost to Budget	Original completion date
	\$'000	\$'000	\$'000	
Departmental Capital Initiatives				
Accommodation Rationalisation			1,165	Jun-07
	4,470	4,470		
AMC Transitional Costs			45	Jun-09
	900	900		
CCTV Phase 2			507	Jun-09
	1,797	1,797		
CCTV Phase 3			409	Jun-09
	1,808	1,808		
Disability Access and Accommodation			55	Sep-07
	550	200		
DPP Additional Resourcing			10	Jun-10
	50	50		
DPP Management System			106	Dec-08
	250	250		
Integrated Justice Information System - Design			N/A	May-09
	125	125		
New Courts Technology			290	Jun-09
	998	998		
Parking Fees Increase			6	Mar-10
	50	50		
SARP - Courts			109	Dec-08
	545	545		
SARP - Information System			16	Jun-09
	80	80		
Supreme Court Roof Replace and A/C Sys Upgrade			78	Dec-08
	2,033	1,233		
Upgrade of Court Security Facilities			166	Dec-08
	1,904	1,904		
Maintenance of Operational Capacity			86	Dec-08

	807	807		
Minor Works ESA Stations and Sheds	1,000	1,000	92	Dec-09
Stations Relocation - Forward Design	2,184	2,184	N/A	Mar-09
Territorial Capital Initiatives				
Gungahlin Station 24/7	242	242	23	Jul-09
CCTV Phase 3	1,353	1,353	101	Jun-09

Environment measures

ZED SESELJA : To ask the Attorney-General

In relation to : Environmental measures for JACS;

1. What are the estimated greenhouse gas emissions for the Department in 2010-11, 2011-12, 2012-13 and 2013-14?
2. What initiatives or measures has the Department implemented in 2009-10 to reduce greenhouse gas emissions?
 - a. What is the cost of each initiative
 - b. how much greenhouse gas has each initiative saved?
3. What initiatives or measures will the Department implement in 2010-11 to reduce greenhouse gas emissions?
 - a. What is the budgeted cost of these initiatives
 - b. How much greenhouse gas will each initiative save?
4. How much paper recycling will be undertaken in 2010-11, 2011-12, 2012-13 and 2013-14, what percentage of total paper used is this, and what benchmark will the Department measure its success in recycling against?

Simon Corbell MLA – the answer to the members question is as follows:

1. Whilst the Department does not forecast projected emissions, it actively works towards reducing its greenhouse gas emissions.
2. As upgrades to facilities occur, a range of actions to improve operational effectiveness and environmental impact have been implemented. These include:
 - a. Installation of energy efficient lighting at ESA facilities.
 - b. Installation of water saving devices at stations and sheds, including dual flush systems; flow restrictor discs installed to all sinks and basins and low flow shower heads installed to all showering amenities.
 - c. Encouraging staff to turn off appliances when not in use.
 - d. Inclusion in design/fitout in leased premises of new mechanical services for improved air flow and maximised use of natural light.

More detail will be provided in the Department's Annual Report.

3. The Department's focus in 2010-11 will be to continue with the initiatives identified above and increase the amount of renewable energy purchased by the Department. Sustainability principles will be implemented through its construction of the Belconnen Police Station and the Forensic Medical Centre. These facilities will incorporate a range of features including rain water harvesting, solar hot water, use of low volatile organic compound materials, high efficiency lighting and provision of natural light to work areas.

In respect of savings data is not available in level of disaggregation requested.

4. The Department anticipates that paper recycling figures will be consistent to those quoted in its annual report for 2008- 2009 as follows:-

Estimate of waste to Recycled (co-mingled)	3 tonnes
Estimate of waste paper to landfill (paper)	0 tonnes
Total of waste paper recycled	2 tonnes

It is the aim to increase paper recycling across government however as part of the budget process projections for usage are not prepared.

ICRC

VICKI DUNNE MLA : To ask the Attorney-General

Ref: Independent Competition & Regulatory Commission, BP4, p495

1. Apropos the ICRC's review of competition in the ACT's electricity retail market in co-operation with the Australian Energy Market Commission, will similar reviews be undertaken for gas, water, waste water and any other services?
 - (a) If yes, when will those reviews be undertaken?
 - (b) If no, why?
2. Feed in tariff (for facilities greater than 30kW)
 - (c) What concerns have been raised by individuals or organisations about the possible extension of the feed in tariff to larger generators?
 - (d) In relation to the ACT Government's discussion paper of December 2009 about options for extending the feed in tariff to larger facilities:
 - (i) What does this analysis show in terms of:
 - short to mid term employment gains;
 - longer term (2015 – 2019) employment effects; and
 - long term (2020 – 2029) employment effects?
 - (ii) What is the ICRC's assessment of the analysis that higher electricity prices will have an adverse impact on the economy resulting in:
 - at the \$50 Price Impact, a reduction in employment in the longer and long term;
 - at the \$100 Price Impact, a reduction in employment in the longer and long term;
 - at the \$150 Price Impact, a reduction in employment in the longer and long term;
 - at the \$200 Price Impact, a reduction in employment in the longer term;
 - at the \$250 Price Impact, a reduction in employment in the longer term; and
 - at the \$300 Price Impact, a reduction in employment in the longer and long term?
 - (iii) What is the ICRC's assessment of the potential economic benefits that could arise from the consideration of the options in this discussion paper?
2. **Draft Report on the review of the projected costs of the Enlarged Cotter Dam**

- (a) What are the differences in the net economic benefit analysis undertaken by Halcrow, on behalf of the ICRC, when compared with that undertaken by ACTEW (ref the paper “*Economic benefits of new water supply options*”, by the Centre for International Economics, 2009)?
- (b) Did the ICRC come to a conclusion as to the efficacy of each of those analyses? If yes, what is that conclusion?
- (c) Taking the two net economic benefit studies together, what conclusions does the ICRC draw as to the projected costs of the enlarged Cotter Dam from a net economic benefit viewpoint?
- (d) What conclusions does the ICRC consider might be drawn if alternative options had been given further consideration as standalone options in the net economic benefit evaluation as the true costs of the ECD became apparent?
- (e) What does the ICRC consider have been the major impediments to the final cost outcome for the enlarged Cotter Dam?
- (f) What is the basis of the conclusion that the enlarged Cotter Dam, on its own, may not meet ACTEW’s security standard of 1 year in 20 in temporary water restrictions?
- (g) What are the concerns about ACTEW’s calculation and presentation of the NEB for the ECD and other options?
- (h) In what way does the ICRC consider this has influenced a decision on the ordering and timing of investment in these options?

MR CORBELL : The answer to the Member’s question is as follows:–

1. Australian Energy Market Commission review

As a point of clarification, the Independent Competition and Regulatory Commission is not undertaking a review of competition in the ACT’s electricity retail market. This review is being undertaken by the Australian Energy Market Commission which will report to the Ministerial Council on Energy.

In 2006 the ICRC received a reference from the Treasurer instructing it to investigate the need for the continued existence of a regulated tariff for franchise, or small electricity customers. The Final Report *Retail Price for Non-contestable Electricity Customers (Report 8 of 2006)* was released in April 2006.

The gas retail market is fully deregulated in the ACT, and thus there is no intention to undertake a review of competition in this sector.

The water and waste water services sector is a regulated sector in the ACT. At this time there are no plans for a review into competition in this sector.

2. Feed in tariff (for facilities greater than 30kW)

- (a) DECCEW advises that all submissions made by organisations and individuals and a précis of comments made at public meetings during the Review consultation are publically available on the web at www.environment.act.gov.au/energy/fit.

- (b) DECCEW advises that analyses and recommendations arising from the Discussion Paper have yet to be considered by Government and as such are classified as Cabinet-in-Confidence.
3. **Draft Report on the review of the projected costs of the Enlarged Cotter Dam.**
- (a) The net economic benefit analysis undertaken by CIE and presented in their 2009 report, *Economic benefits of new water supply options* provides a summary of the CIE's calculation of the projected costs of building the Enlarged Cotter Dam and the projected savings to the community primarily from the avoidance of water restrictions of different severity. These results are based on updated cost of restriction estimates prepared by CIE in 2008 for ACTEW. CIE has taken data from several sources including the CSIRO 2030 and 2070 climate projections and ACTEW's climate model in undertaking this assessment. The Halcrow review examined five sensitivity scenarios using the 2005 cost of restriction estimates prepared by CIE. The purpose of this work in part was to highlight the extent to which the outcome from the analysis was subject to the assumptions that were made including the discount rate applied, the estimated cost of restrictions, and the cost of the enlarged dam construction.
- (b) The Commission has released a Draft Report on the Enlarged Cotter Dam (*Draft Report, Enlarged Cotter Dam Water Security Project, Report 6 of 2010, April 2010*) in which it has presented its draft findings. Following receipt of comments on the draft and public hearings on this matter, the Commission will consider its final position on the efficacy of the various analyses that have been undertaken. In its Draft Report, the Commission gave greater attention to the outcomes from the more recent analysis undertaken by CIE on behalf of ACTEW, but noted the points raised by Halcrow, in particular the sensitivity of the findings given the assumptions made, including the cost of restrictions assumption.
- (c) The Commission will release a Final Report by 30 June 2010 in which it will address this issue.
- (d) The Commission has given some consideration to this issue in its Draft Report on the Enlarged Cotter Dam and will provide details of its final deliberations in its Final Report to be released by 30 June 2010.
- (e) Details of the reasons for the difference between the projected cost of \$145 million and the final cost estimate of \$363 million can be found in the Commission's Draft Report on the Enlarged Cotter Dam.
- (f) Discussion on the Commission's conclusion on the ability of the Enlarged Cotter Dam to meet the 1 year in 20 temporary water restrictions can be found in section 7.1 of the Commission's Draft Report on the Enlarged Cotter Dam Water Security Project, and is based on analysis undertaken by ACTEW and published in ACTEW's July 2007 report, *Future water options review*.
- (g) Relevant details on the Commission's concerns are presented in the Commission's Draft Report on the Enlarged Cotter Dam (in particular see chapter 4 and section 7.1)
- (h) See (g) above.

Courts and Tribunals

VICKI DUNNE MLA : To ask the Attorney-General

Ref: JACS, BP4, p247, Output 3.1 – Courts and Tribunals

1. Virtual District Court

- (a) To what extent has the Chief Justice of the Supreme Court expressed to the Attorney-General the Court's support for the establishment of a district court?
- (b) Was the Chief Justice of the Supreme Court consulted on the proposal for a district court?
 - (i) If no, why?
- (c) What is being done to ameliorate the potential for professional conflict between the Supreme Court and the district court?
- (d) How will increasing the workload on existing magistrates, by giving them dual magistrate/judge commissions, make the courts system more efficient?
 - (i) Will they be paid at a higher rate? If yes, by what proportional increase?
- (e) Why is it considered that a virtual district court will enable the Supreme Court to get through its caseload more quickly?
- (f) Has any review been undertaken in the past twelve months into the efficiency of the ACT court system as it is presently structured?
 - (i) If yes:
 - who conducted that review;
 - what were its findings and recommendations; and
 - what recommendations has the government implemented?
 - (ii) If no, why was a virtual district court added without such a review being undertaken?
- (g) How will an additional court reduce the incidence of:
 - (i) forum-shopping;
 - (ii) multiple adjournments; and
 - (iii) increased numbers of appeals?
- (h) What consultation process did the government follow in developing the proposal for a district court?
- (i) Why were the legal profession peak bodies, the ACT Law Society and the ACT Bar Association, surprised by the announcement of the establishment of a district court, when they were represented on the ACT Supreme Court Working Group?

2. Supreme Court

- (a) How frequently and in what form does the Attorney-General communicate or meet with the Chief Justice?
 - (i) What is the nature of the matters discussed?

- (b) Have there been matters of disagreement between the Attorney-General and the Chief Justice of the Supreme Court?
- (i) If yes:
- what is the nature of those matters of disagreement; and
 - how were they resolved?
- (c) Will a replacement Supreme Court judge be appointed upon the retirement next year of Justice Gray?
- (i) If no, why?
- (ii) If yes, what appointment process will be followed?
- (d) In relation to the appointment of a temporary Supreme Court judge:
- (i) What appointment process will be followed?
- (ii) What consultation will there be with the Chief Justice?
- (iii) When will the appointee begin duties?
- (iv) What new resources will be provided to this temporary judge by way of:
- chamber support;
 - judicial support;
 - other clerical support;
 - travel;
 - office accommodation;
 - residential accommodation; and
 - motor vehicle?
- (v) If existing resources are allocated to any of the above categories:
- which categories are they; and
 - what measures will be in place to ensure those resources are not over-stretched and used efficiently?
- (vi) What is the cost of each category in question 2(d)(iv)?
- (e) In relation to the forward design for a new Supreme Court:
- (Note – the 2009-10 budget provided \$2m, with a further \$2m to be spent in 2010-11. In the 2010-11 budget, the whole \$4m will now be spent in 2010-11.)
- (ii) Why has no work been done on the forward design for a new Supreme Court?
- (iii) With the \$4m budget for this work now to be spent in one year rather than two, as was provided in the 2009-10 budget, what assurance can be given that the work will be completed in 2010-11?

3. Administrative and Civil Appeals Tribunal

- (a) What feedback has the department or the Attorney-General had as to the efficiency of the operations and case management practices of the ACAT from:
- (i) the legal professional; and
- (ii) users of the ACAT?
- (b) In what way has the government responded to that feedback?

- (c) Has that feedback resulted in changes the operations and case management practices?
- (i) If no, why?
- (ii) If yes:
- what changes have been made; and
 - what feedback has been received in relation to those changes?
- (d) [ref BP4, p262, Accountability Indicator (p)] What strategies are in place to enable the ACAT to meet its target of less than 5% of pending active cases not resolved within 12 months?
- 4. Courts Accountability Indicators [ref BP4, p261]**
- (a) [ref Accountability Indicator (b)] Why were the fees collected for Supreme Court civil cases 8% higher in the estimated outcome for 2009-10 when compared to the target?
- (b) In relation to Accountability Indicators (d) and (e):
- (i) Why is the 2009-10 estimated outcome for Accountability Indicator (d) 80% higher than the target?
- (ii) Why is the 2009-10 estimated outcome for Accountability Indicator (e) 54% higher than the target?
- (iii) Is any particular court primarily responsible for these target exceedences? If yes, which court?
- (iv) What strategies are in place to enable the courts to meet the targets for 2010-11?

Simon Corbell MLA : The answer to the Member's question is as follows:–

1. Virtual District Court

- (a) My consultation with the Chief Justice in relation to the District Court proposal is ongoing.
- (b) I met with the Chief Justice on 28 April 2010 and wrote to the Chief Justice on 4 May 2010 providing him with a copy of the Access to Justice Initiative and noting that the report sought the views of the ACT community.
- (c) The professional relationship between the Supreme Court and the District Court will be the same as that between any Australian Supreme Court and District Court.
- (d) It is not anticipated that there will be an increase in the quantum of work of a Magistrate who accepts a dual appointment.
- (i) It is anticipated that a District Court judge will be entitled to a higher rate of remuneration than a Magistrate. The actual amount of remuneration is yet to be set but will be based, in part, on a comparison of remuneration of other Australian intermediate court judges (pro-rated as appropriate). Anticipating change in this respect, the 2010-11 Budget makes provision for an additional \$71,000pa for the uplift of 2 magistrates half-time to the level of District Court judges (note

that this amount may be allocated across a number of remuneration and allowance items).

- (e) The establishment of a District Court with a broad criminal jurisdiction will significantly reduce the number of indictable matters being heard at first instance by the Supreme Court.
- (f) In September 2009, the Chief Justice and I agreed to establish a working group to consider issues affecting the court's ability to complete in a timely way the high volume of cases currently coming before it. The ACT Supreme Court Working Group was comprised of representatives from the judiciary, the Department of Justice and Community Safety and significant stakeholder groups. The Working Group reported in April 2010.

The Supreme Court Working Group's report provided a number of recommendations, including that the Supreme Court should review case management practices at the court to ensure time spent on procedural matters is used most effectively. In addition, the Working Group considered that a reduction in the pressure would involve either:

- (i) reducing substantially how much work comes to the Supreme Court, or
 - (ii) increasing judicial resources in the Supreme Court.
- (g) The details of the District Court proposal will be developed once the Government has the benefit of submissions in response of the Access to Justice Initiative. The following comments can, however, be made. Adjournment practice is a matter for individual courts, but to the extent that it can occur more frequently in courts that are already experiencing significant delay, the expected reduction in workload pressure in the Supreme Court may have a positive effect on adjournments in that jurisdiction. With respect to the numbers of appeals, the Access to Justice Initiative notes that at present appeals from the jurisdiction to be conferred on the District Court (that is, matters presently dealt with by a single judge of the Supreme Court) lie to the Supreme Court sitting as the Court of Appeal. To avoid creating additional layers of appeal, this might be continued.
 - (h) I have released a paper outlining the proposal and have written to a number of stakeholders seeking their views on the proposal.
 - (i) While this is a matter those organisations are best able to comment on, those organisations have advised that they had not anticipated such a development. With the benefit of hindsight, this is perhaps surprising given that the ACT is surrounded by jurisdictions with intermediate courts, and many ACT practitioners practice not only in the ACT but have practices or experience of practicing in those jurisdictions and in those intermediate courts.

2. Supreme Court

- (a) I communicate and meet regularly with the Chief Justice in a variety of ways ranging from formal meetings to informal contact. We meet formally, with others, as a Courts Governance Committee approximately three times annually.
 - (i) We discuss matters that relate to the ACT Supreme Court.
- (b) The Chief Justice and I had differing views on the issue of appointing a fifth judge to the ACT Supreme Court. We resolved that matter by agreeing to the formulation of a working party to consider the matter of how best to deal with the backlog in the Supreme Court.
- (c) I responded to this question at the Estimates hearings.
- (d) In relation to the appointment of an acting Supreme Court judge:
 - (i) I have asked the Chief Executive of my department to seek expressions of interest from suitably qualified retired judicial officers.
 - (ii) Before recommending an appointment to the Executive I will consult with the Chief Justice about possible appointees.
 - (iii) An acting judge will be available in early July. I understand that the Supreme Court may not have matters listed by then, in which case an acting judge will start sitting in August.
 - (iv) Additional funding of \$0.472m has been approved for an acting judge for 9 months in 2010-11.
 - (v) It is proposed that the acting judge will utilise the chambers accommodation currently used by additional judges or other available chambers, thus no cost has been attributed to fit-out of office accommodation for an acting judge. A small amount of resourcing, which will be covered from the Courts' existing establishment, may be required to cover additional IT, phone services and other general administrative expenses to support additional judges while an acting judge is in place.
 - (vi) Cost of the categories listed will depend on the particular circumstances of the acting judge or judges and the availability of existing resources.
- (e) In relation to the forward design for a new Supreme Court:
 - (ii) The design work for the new Supreme Court has not yet begun because a site for the location of the potential court has not been finalised. Further feasibility work on the most suitable location for a new building is currently being conducted.
 - (iii) My department is currently working on measures to meet budget timeframes. However, the actual timing of completion of the forward design will depend on the outcomes of the feasibility study and the site option selection.

3. Administrative and Civil Appeals Tribunal

- (a) The ACAT has reported a high level of satisfaction among users and practitioners in relation to the operation and practices of the ACAT.

Specific concern was raised with Government by a number of stakeholders in relation to the two-tier appeal system within ACAT in relation to planning matters. (This concern has been addressed by Government, see paragraph (b) below.) Concerns are also raised from time to time by users and practitioners about issues encountered in relation to particular cases (such as delays). From time to time legal practitioners have suggested, formally and informally, that the rule that legal costs (including witness costs) should follow the cause should be introduced in the ACAT. The rule does not apply in the ACAT, where parties are required to meet their own costs (save in specific circumstances).

- (b) To reinforce Government's policy in relation to planning reviews, in early 2010 the Government proposed and the Assembly subsequently passed a number of amendments to the *ACT Civil and Administrative Tribunal Act 2008* (ACAT Act). These amendments were intended to ensure certainty in relation to planning decisions, consistent with section 22P of the ACAT Act which provides that the tribunal must decide applications under the relevant legislation within 120 days after the day the application is made.

As I noted to the Assembly on introduction, it was not the intention of the Government on establishing the ACT Civil and Administrative Tribunal (ACAT) to change the previously clearly defined arrangements for the timely handling of appropriate review rights of planning matters that existed under the former AAT. Restoring the former appeals processes for planning applications will ensure certainty in relation to the planning process whilst protecting the public's right to object to inappropriate development.

In relation to other policy issues raised with my Department, they will receive further attention as ACAT evolves, having regard to the weight of experience rather than initial impressions formed by a litigant or practitioner during the establishment phase of the ACAT or in single cases.

- (c) Where issues are raised in relation to particular cases, users and practitioners are referred back to the Tribunal. Feedback received directly by the Tribunal is considered and appropriate action is taken.
- (d) The ACAT has case management strategies in place to monitor pending cases. Reports on pending matters are produced and analysed monthly. All cases are marked with a 'forward date' – that may be in the form of a future listing or a date by which the tribunal has directed materials to be filed. Future listing dates are recorded in the case management system and re-submits are logged for materials to be filed.

Further case management involves referring complex issues directly to Presidential Members. In some instances this will result in a directions hearing to review the status of the case and assist the parties with progressing their matter through the tribunal. There are, however, instances that arise where legally complex issues do see cases not progressing to finality within a 12 month period.

4. Courts Accountability Indicators [ref BP4, p261]

- (a) The 2009-10 Estimated Outcome was based on the December 2009 actual outcome as that was the most current information available at the time the estimates were formulated.

Comparing the underlying data for the June 2008-09 full year result to the December 2009 result for measure (b), the increase in the average fees per Supreme Court civil case is mainly as a result of a higher number of probate fees collected where probate fees were 26% higher than for the previous period.

- (b) Accountability indicators (d) and (e) provide an indication of how the ACT compares to other jurisdictions for cost per matter. The Estimated Outcome for these measures were based on the December 2009 actual result.

The main reason for exceeding the targets for the measures is primarily due to economies of scale. Small changes for ACT Courts in relation to costs and finalisations can have a big impact on the results for these measures. For example, a change of 10 matters plus or minus can have a big impact on the reported result for ACT Courts but will have no discernable impact for the larger jurisdictions in comparison.

These measures are a comparison of the ACT Courts as a whole against the national data as reported in the Report on Government Services (ROGS) from the previous year. It does not purport to provide any analysis in relation to individual courts.

To improve comparability of information collected across jurisdictions, a sub-committee of the Courts Administrators Working Group, which reports to the Productivity Commission on ROGS Court issues, is working to identify and clarify any differences in data collected.

The Courts continue to review the efficiency and effectiveness of all aspects of administrative performance. In the coming year particular attention will be paid to IT systems, building issues and streamlining operations.

Process for appointing Supreme Court judge

Shane Rattenbury : To ask the Attorney General

Courts, Budget Paper 4, page 264, Output 3.1

In relation to the standard ACT Government process for appointing Supreme Court judges:

(1) How many months prior to a scheduled retirement of a Supreme Court judge does the Government start the selection process:

- (a) Internally, with the preparation of required information and documentation?
- (b) Externally, with the placement of job advertisements?

(2) If no standard Government practice is in place, what were the timeframes referred to in (a) and (b) for the appointment of the four current Supreme Court judges?

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

- 1) Due to the exceptionally low number of such appointments, there is no standard timeframe associated with the process for appointing judges.
- 2) There are four judges of the Supreme Court consisting of the Chief Justice, the President of the Court of Appeal and two other Resident Judges.

Higgins

In June 1990, Terence John Higgins was appointed a Judge of the ACT Supreme Court.

- a) The appointment as Judge was made by the Commonwealth and no information is available in relation to this matter.
- b) No information is available in relation to this matter.

Gray

In October 2000 Malcolm Forgan Gray RFD was appointed a Judge of the ACT Supreme Court.

- a) The appointment as Judge was made by a previous Government and insufficient information exists to answer this query accurately.
- b) No advertisement was made.

Refshauge

Richard Christopher Refshauge was commissioned as a Judge of the ACT Supreme Court on 8 January 2008.

- a) Preparation of required information and documentation commenced in August 2007. This process commenced following the Government's adoption of a judicial appointment process. Justice Connolly of the Supreme Court died suddenly on the morning of Tuesday 25th September 2007. Subsequently the appointments process was adapted to permit the filling of two judicial positions.
- b) A press release on 28 August 2007 reported adoption of the judicial appointment process and anticipated the filling of Justice Crispin's position. Advertisements for the position of Judge were placed in newspapers on 14 September 2007 and 15 September 2007.

Penfold

Hilary Ruth Penfold was commissioned as a Judge of the ACT Supreme Court on 15 January 2008.

- a) Preparation of required information and documentation commenced in August 2007. This process commenced following Government's adoption of a judicial appointment process. Justice Connolly of the Supreme Court died suddenly on the morning of Tuesday 25th September 2007. Subsequently the appointments process was adapted to permit the filling of two judicial positions.
- b) A press release on 28 August 2007 reported adoption of the judicial appointment process and anticipated the filling of Justice Crispin's position. Advertisements for the position of Judge were placed in newspapers on 14 September 2007 and 15 September 2007.

AMC - Incidents and breaches of policies

Jeremy Hanson CSC MLA: To ask the Attorney-General

In relation to incidents and breaches of policies at the Alexander Maconochie Centre (AMC):

1. How many critical incidents or breaches of security have occurred at the AMC since the commencement of operations, and list every type of incident or breach to have occurred;
2. How many assaults have occurred at the AMC since the commencement of operations:
 - a. How many sexual assaults have occurred?
3. How many times have police attended the AMC since the commencement of operations and breakdown the reasons for the attendances for each month since the commencement of operations;
4. How many items of contraband have been detected within the AMC since the commencement of operations, and list every type of contraband item to be detected;
 - a. Further to part 4, list the status of the individual or individuals found responsible for the contraband items e.g. detainee, staff or visitor. If other, please specify.
5. How many breaches of any policy in total have occurred relating to the management of the AMC, specifically as set out in the relevant legislative instruments under the *Corrections Management Act 2007*, and list the breaches by what type of breach and of which policy and the month in which the breach occurred?

Simon Corbell MLA – the answer to the Member’s question is as follows:

1. ACTCS does not have a definition of a critical incident. For the purpose of this Question on Notice, ACTCS has defined a critical incident as one involving:
 - a death of a prisoner
 - a death of a corrections officer
 - an injury to a corrections officer requiring hospitalisation
 - an injury to a prisoner requiring hospitalisation
 - an escape or attempted escape
 - a breach or attempted external breach of the perimeter, or
 - a hostage situation.

There have been four critical incidents at the AMC between the opening of the prison and 31 May 2010.

ACTCS does not have a definition of a breaches of security. For the purpose of this Question on Notice, ACTCS has defined a breach of security as one of the following:

- escape, or
- attempted escape.

There has been no breach of security at the AMC between the opening of the prison and 31 May 2010.

2. There have been 43 assaults or alleged assaults at the AMC between the opening and 31 May 2010.

Of the 43 assaults there have been five instances of alleged sexual assault.

3. The police attended the AMC on 295 occasions since the commencement of operations until 31 May 2010. The police attended the AMC for various reasons including breaches, serving papers, investigation of complaints, inter agency interaction and intelligence sharing. A breakdown of the reasons for the attendances has not been provided due to privacy concerns.
4. A 'prohibited item' (contraband) is any item that is illegal, offensive, or prejudicial to the health of any person or to the security or good order of the AMC. Prohibited items include mobile phones, explosives, liquor, drugs and other illegal substances, implements used for administering drugs, weapons and tattoo guns. A full list of prohibited items can be found in the AMC Contraband Policy on the ACT legislation register.

There have been 127 instances of prohibited item (contraband) finds within the AMC since the commencement of operations until 30 April 2010.

This figure includes prohibited item finds detected within the AMC (including the AMC carpark). Additionally, it contains items detected on both visitors and staff prior to their entry into the AMC.

Of the 127 instances of prohibited item finds, 97 related to prisoners, 6 to staff and 24 to visitors.

The type of items detected are:

- Drug-related substances
- Drug-related implements
- Unauthorised prescription medicine
- Unauthorised kitchen implements
- Unauthorised food
- Unauthorised recreational items
- Unauthorised tobacco-related items
- Alcohol
- Sharp items (e.g. razor blade, broken toothbrush)
- Unauthorised technology items (e.g. mobile telephones)
- Miscellaneous items (e.g. containers, currency)

5. There have been seven breaches of policy or procedure by ACTCS staff (where an investigation has been undertaken into the breach) relating to the management of the AMC.

These breaches refer only to breaches of policies or procedures made under the *Corrections Management Act 2007* (ACT). Please see the table below:

Type of breach	Policy/Procedure breached
Not following the required observation regime	Observations, Musters and Head Checks Policy
Unauthorised removal of firearm	Firearms Policy
Missing Radio Frequency Identification bracelets	RFID Policy
Providing goods (coffee) to prisoners	Contraband Policy
Allowing greater than authorised access to the internet	Email/Internet for Prisoners Policy
Prisoner erroneously released (verification/confirmation of sentence details)	Discharge Procedure
Prisoner discharged late (verification/confirmation of sentence details)	Discharge Procedure

AMC - Prisoner internet

Jeremy Hanson CSC MLA: To ask the Attorney-General

In relation to prisoner internet access at the Alexander Maconochie Centre (AMC):

1. What is the current status of prisoners' access to email and internet?
2. How many times has any policy or procedure designated under the *Corrections Management Act 2007* relating to internet and email access for prisoners' been breached and what were the circumstances surrounding the breaches?
3. What aspect of the *Corrections Management (Email, Internet and Legal Education and Resource Network [LEARN] for Prisoners) Procedure 2010* is deemed to pose a danger to public safety or undermine justice, security and good order at the AMC?

Simon Corbell MLA: The answer to the Member's question is as follows:–

1. All prisoners currently have access to email to approved recipients and limited access to the Internet. All emails are quarantined and checked by Corrections Officers before they are released to the intended recipients.
2. There have been two instances where a policy or procedure designated under the *Corrections Management Act 2007* relating to internet and email access for prisoners has been breached.

One incident concerned a prisoner who had accessed an approved *The Canberra Times* website and posted a message on it. The other incident involved a prisoner using another prisoner's computer password.

3. The *Corrections Management (Email, Internet and Legal Education and Resource Network [LEARN] for Prisoners) Procedure 2010* contains information regarding the process, duration and frequency of audits conducted by relevant ACT Corrective Services staff. The disclosure of this information could undermine the security and good order of the AMC.

AMC - Hepatitis C transmissions

Jeremy Hanson CSC MLA: To ask the Attorney-General

In relation to Hepatitis C transmissions at the Alexander Maconochie Centre (AMC):

1. How many transmissions of Hepatitis C have occurred at the prison since the commencement of operations?
2. What were the circumstances of the Hepatitis C transmissions and how was the virus transmitted?
3. Could any policy or procedure have prevented the transmission of Hepatitis C in the circumstances described in part 2?

Simon Corbell MLA : The answer to the Member's question is as follows:–

1. It has been reported that one transmission of Hepatitis C has occurred at the AMC since the commencement of operations.
2. ACT Corrective Services (ACTCS) does not have access to information to determine the circumstances of the Hepatitis C transmission.
3. As ACTCS does not have access to information to determine the circumstances of the Hepatitis C transmission, it is unable to determine if any policy or procedure could have prevented this.

However, the purpose of the current AMC *Infectious Diseases Policy* is to reduce the risk of the spread of infectious disease at the facility. As with all AMC policies and procedures, this policy is reviewed and amended when emerging issues are identified.

AMC - Prisoner complaints

Jeremy Hanson CSC MLA: To ask the Attorney-General

In relation to prisoner complaints at the Alexander Maconochie Centre (AMC):

1. How many complaints have been made by prisoners at the AMC since the commencement of operations;
2. Further to part 1, what have the complaints related to;
3. Further to part 2, how many complaints were investigated, by whom, and what was the outcome of any investigations conducted?

Simon Corbell MLA : The answer to the Member's question is as follows:–

1. Prisoners have access to both internal and external complaints processes. Formal provision is made for complaints to be raised through the ACT Health Services Commissioner, the Official Visitor, and the ACT Ombudsman. Prisoners may also choose to raise complaints with others, including Members of the Legislative Assembly, without there being a formal procedure, for example complaints have been raised directly with me as Attorney General. I am also aware that a complaint has been raised with the Speaker of the Legislative Assembly.

The Human Rights and Discrimination Commissioner does not have jurisdiction to handle complaints of human rights breaches but uses enquiries in assessing systemic human rights issues at AMC.

The following is a breakdown of the number of complaints received since the commencement of operations at the AMC:

- the Health Services Commissioner advised that she has received 10 written complaints, and 17 enquiries;
- the current Official Visitor advised that he has received 173 complaints from prisoners at the AMC during his term from 15 February 2010 until 31 May 2010;
- ACT Corrective Services (ACTCS) records indicate that the ACT Ombudsman referred 44 complaints to ACTCS between April 2009 and 31 May 2010;
- one complaint has been directly raised with the Attorney General through written correspondence;
- ACTCS is aware that one complaint has been directly raised with the Speaker of the Legislative Assembly; and
- the Human Rights and Discrimination Commission advised that they have received 113 enquiries regarding discrimination and human rights issues.

Prisoners are able to utilise the internal complaints process at the AMC, however, ACTCS does not collate this information as a separate data

source. Individual prisoner complaints are recorded on prisoners' files and therefore would be too resource intensive to collect. Prisoner complaints may be raised internally through the complaints forms, or verbally with corrections officers. Verbal complaints are generally of a minor nature and can be resolved quickly. These complaints are not documented.

2. The complaints handled by the Health Services Commissioner related to Corrections Health and Mental Health ACT.

The complaints directed to the Official Visitor concerned a range of issues including:

- access to information
- property
- case management
- communication
- internet / email / computers
- activities
- access to one-on-one counselling
- privacy of prisoner mail
- health issues
- buy-ups
- segregation
- maintenance
- the cost of telephone calls to mobiles
- cell/cottage conditions
- cell searches
- Corrections Officers, and
- lack of toys in visit's area.

The complaints referred to ACTCS by the Ombudsman related to:

- lockdowns
- employment and pay
- contact with family members
- property, clothing and buy-ups
- cultural needs
- segregation and discipline
- use of force
- self harm
- a missing bail application
- telephone accounts
- Corrections Officers
- contraband
- communication
- contact with case managers
- access to information
- programs
- prisoner relocation, and
- maintenance.

The complaint raised directly with the Attorney General concerned:

- programs, education and employment
- outdoor recreation areas
- maintenance
- visits
- buy-ups
- property and food
- access to weights, and
- case management.

The complaint raised directly with the Speaker of the Legislative Assembly concerned food.

3. Of the 10 complaints to the Health Services Commissioner, nine were investigated, and one was referred to the Ombudsman (as the Ombudsman was already investigating the matter). The Health Services Commissioner advised ACTCS that some complaints are still being considered and others were resolved to the satisfaction of the Health Services Commissioner. None of the matters resulted in formal recommendations being made on finalisation.

The complaints received by the current Official Visitor were raised with the Superintendent of the AMC. Some matters were referred to external agencies. The complaints received by the Official Visitor have either been resolved or investigations are ongoing.

The 44 complaints referred to ACTCS by the Ombudsman were investigated by the Governance Unit. Of the 44 complaints, 21 were resolved to the satisfaction of the Ombudsman, and 23 are awaiting response from the Ombudsman.

The complaint sent directly to the Attorney General was referred to ACTCS and the issues raised were addressed.

The complaint sent to the Speaker of the Legislative Assembly was referred to ACTCS via the Attorney General and the issues raised were addressed.

AMC - Human Rights status

Jeremy Hanson CSC MLA: To ask the Attorney-General

In relation to the Human Rights status of the Alexander Maconochie Centre (AMC):

1. Is the AMC currently classified as Human Rights compliant and what criteria is used to determine whether the AMC is Human Rights compliant or not?
2. How many Human Rights audits have been conducted at the AMC since the commencement of operations, who conducted the audits and when were they conducted?
3. Further to part 1 and 2, if no Human Rights audits have been conducted, on what basis would the ACT Government deem the AMC to be Human Rights compliant?
4. How many prisons in other Australian jurisdictions does the ACT Government consider to be not Human Rights compliant, please list and the reasons why?

Simon Corbell MLA: The answer to the Member's question is as follows:–

1. The AMC operates under the *Corrections Management Act 2007 (ACT)* (CMA); all ACT legislation has been approved by way of a human rights compatibility statement. The criterion used to determine the human rights compliant status of the AMC is its compliance with the *Human Rights Act 2004 (ACT)* (the Act). As stated above, the CMA is compliant with the Act.
2. No human rights audits have been conducted at the AMC since the commencement of operations.
3. See response to question 1 above.
4. Other prisons in Australia are not obliged to comply with the ACT's *Human Rights Act*. Nor is it the ACT's business to measure their compliance with international standards, or in the case of Victoria, the relevant state legislation. Only the ACT and Victoria have provided the legislative focus as a basis for measuring compliance.

ICRC Overhead costs

ZED SESELJA : To ask the Attorney-General

BP 4

In relation to : Overhead costs for the ICRC;

1. What are the overhead fixed costs for the Commission for 2010-11 and how much is each?
2. How are these costs forecast to change between 2010-11 and 2013-14?
3. What are the variable and marginal costs for the Commission for 2010-11 and how much is each?
4. How are these costs forecast to change between 2010-11 and 2013-14, and how has this changed since 2009-10?

MR CORBELL : The answer to the Member's question is as follows:-

1. The estimated overhead fixed costs for the Commission for 2010-11 are as follows:

Auditor	\$11,500
Office management costs	\$3,000
Equipment lease SLA	\$63,000
Insurance	\$6,600
Parking	\$5,700
Office rental (includes outgoings such as power, cleaning and security)	\$65,000
Storage	\$2,700
Subscriptions	\$4,500
Telephones and stationery	\$4,000
Procurement costs	\$11,000
Depreciation	\$13,000
Staffing	\$314,000
Senior Commissioner	\$90,000
Fringe benefits tax	\$6,000

2. The forecast change of costs between 2010-11 and 2013-14 reflects the standard Treasury indexation rate.
3. The estimated variable and marginal costs for the Commission for 2010-11 are as detailed below. They are based on full year figures for 2008-09.

Advertising	\$3,500
Regulator forum expenses	\$4,800
General expenses	\$700
Office management costs	\$7,000
Printing, postage and stationery	\$25,000

Travel	\$12,000
Salaries and superannuation	\$347,000

4. The changes in estimated variable and marginal costs for the Commission between 2010-11 and 2013-14 will reflect the standard Treasury indexation rate.

ICRC Staff Management

ZED SESELJA : To ask the Attorney-General

BP 4

In relation to : Staff Management within the ICRC;

1. What specialist qualifications are required by staff for the Commission to undertake its roles and responsibilities?
 - a. What skills are currently lacking in the Commission?
 - b. How will these gaps be filled in 2010-11?
2. How much will be spent on training programs 2010-11?
 - a. What is the purpose of each training program, and
 - b. how many staff are expected to participate?
3. Will officers attend any training programs in 2010-11 interstate?
 - a. If so, what is the purpose of these training programs?
 - b. How many officers will attend?
 - c. What is the cost of each programs, including travel expenses?
4. What training programmes in 2010-11 will be held which will result in no marginal cost to the Commission?
5. What in-house training programs will be held in 2010-11 which will result in a cost to the Commission, and what is this cost expected to be?
6. What training must employees undertake on a regular basis to maintain their specialist skills, and what is the budgeted total cost of this training in 2010-11?
 - a. What is the average cost per employee?
 - b. Who will provide the training?

MR CORBELL : The answer to the Member's question is as follows:--

1. The principal specialist qualifications required by the Commission to undertake its roles and responsibilities are regulatory economics and regulatory law and policy. No skills are identified as currently lacking in the Commission. The Commission continues to make periodic use of external consultants and fixed-term appointments to complement the capabilities of Commission staff.
2. The Commission encourages staff to take advantage of learning and development opportunities, including attendance at conferences, seminars and training sessions and programs relevant to the Commission's specific responsibilities. Participation in any training program would be justified on a case-by-case basis. No specific training programs have been identified for 2010-11.
3. It is not anticipated that any officers will attend training programs in 2010-11 that are held interstate.
4. See response to 2 above.
5. No in-house training programs are anticipated or scheduled for 2010-11 that will result in a cost to the Commission.

6. There is no specific training that employees must undertake to maintain their specialist skills.

ICRC IT and advertising

ZED SESELJA : To ask the Attorney-General

In relation to : IT and Advertising for the ICRC;

1. What is the budgeted cost of the provision of IT services for the Commission for 2010-11?
2. What is the budgeted or forecast increase in costs for the provision of IT services in 2011-12, 2012-13 and 2013-14?
3. What will be the marginal cost and the average cost of the provision of IT services at the forecast staffing levels in 2010-11?
4. How much will be spent on advertising in 2010-11, and what is forecast to be spent in 2011-12, 2012-13 and 2013-14, and how is this spending broken down between i) outputs and ii) design, printing, distribution etc.
5. What form of advertising will be undertaken in 2010-11?
6. What is the purpose of each form of advertising to be undertaken in 2010-11?
7. How much has been spent on graphic design purposes in 2009-10, and how much will be spent on graphic design in 2010-11, 2011-12, 2012-13 and 2013-14?
8. How much has been spent on advertising in 2009-10 to date, and what forms of advertising does this include?

MR CORBELL : The answer to the Member's question is as follows:-

1. The budgeted cost of the provision of IT services for the Commission for 2010-11 is \$63,000 to cover IT services provided by InTact.
2. The budgeted or forecast increase in costs for the provision of IT services in 2011-12, 2012-13 and 2013-14 reflect the standard Treasury indexation rate.
3. The average cost of the provision of IT services for the forecast staffing levels of 6 in 2010-11 is \$10,500 per staff member. The marginal cost is estimated to be in the order of \$5,000 per additional staff member.
4. An estimated \$3,500 will be spent on advertising in 2010-11. The forecasts for 2011-12, 2012-13 and 2013-14 reflect the standard Treasury indexation rate. All advertising is small newspaper public notices.
5. It is anticipated that in 2010-11, as in previous years, any advertising will be newspaper based.

6. Advertising will continue to be that related to the Commission's statutory obligations in relation to public consultation and notification on matters such as pricing investigations under the *Independent Competition and Regulatory Commission Act 1997* and matters, such as most industry code variations and determinations, that trigger mandatory consultation under the *Utilities Act 2000*.
7. There has been no expenditure on advertising graphic design for 2009-10 and no expenditure on graphic design is anticipated for 2010-11, 2011-12, 2012-13 and 2013-14.
8. \$5,908 has been spent on advertising in 2009-10 to date, the sum reflecting advertising on the Cotter Dam Enquiry, and the inquiries into the Transitional Franchise Tariff for electricity and the premium payable under the Feed-in Tariff scheme. These have involved small newspaper public notices.

ICRC Budgeted costs

ZED SESELJA : To ask the Attorney-General

BP 4

In relation to : Budgeted Costs for the ICRC;

1. What is the budgeted cost for the Commission in 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14 of
 - a. Electricity
 - b. Internet communications
 - c. Telecommunications
 - d. Travel for senior executive staff
 - e. Travel for non-executive staff
 - f. Local travel, including taxis, bus fares, and vehicles
 - g. Printing
 - h. Paper
 - i. Official entertainment
 - j. Consultant's fees
 - k. Office supplies

MR CORBELL : The answer to the Member's question is as follows:-

1. The budgeted cost for the Commission in 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14 is

	2009-10	2010-11	2011-12	2012-13	2013-14
Electricity	Included in rental costs				
Internet	\$60,000	\$63,000	\$65,000	\$68,000	\$71,000
Telecommunications	\$4,800	\$5,000	\$5,200	\$5,400	\$5,000
Travel	\$11,000	\$12,000	\$12,500	\$13,000	\$13,500
Printing	\$19,000	\$20,000	\$21,000	\$22,000	\$23,000
Paper	Included in office supplies				
Official entertainment	\$0	\$0	\$0	\$0	\$0
Consultants' fees	\$480,000	\$409,000	\$425,000	\$442,000	\$460,000
Office supplies	\$4,800	\$5,000	\$5,200	\$5,400	\$5,600

ICRC Environment measure

ZED SESELJA : To ask the Attorney-General

In relation to : Environmental measures for the ICRC;

1. What are the estimated greenhouse gas emissions for the Commission in 2010-11, 2011-12, 2012-13 and 2013-14?
2. What initiatives or measures has the Commission implemented in 2009-10 to reduce greenhouse gas emissions?
 - a. What is the cost of each initiative
 - b. how much greenhouse gas has each initiative saved?
3. What initiatives or measures will the Commission implement in 2010-11 to reduce greenhouse gas emissions?
 - c. What is the budgeted cost of these initiatives
 - d. How much greenhouse gas will each initiative save?
4. How much paper recycling will be undertaken in 2010-11, 2011-12, 2012-13 and 2013-14, what percentage of total paper used is this, and what benchmark will the Commission measure its success in recycling against?

MR CORBELL : The answer to the Member's question is as follows:--

1. The ICRC receives corporate support for accommodation through JACS. Commission greenhouse data is aggregated with that of the Department.
2. Initiatives or measures that the ICRC has implemented in 2009-10 to reduce greenhouse gas emissions include reducing print runs and mail-outs of published documents, making greater reliance on website availability, encouraging shutdown of PCs each evening, promoting recycling of used fax, printer and copier cartridges and paper/cardboard.
 - a. The ICRC has not attempted to cost these initiatives.
 - b. The ICRC has not attempted to estimate greenhouse gas savings.
3. The initiatives or measures that the Commission will implement in 2010-11 to reduce greenhouse gas emissions are those given above in section 2.
4. The Commission anticipates that it will recycle an estimated 3360 litres of paper. This figure is based on its recycling for 2008-09. The aim is for all potentially recyclable clean paper to be recycled. Figures for 2010-11, 2011-12, 2012-13 and 2013-14 are not anticipated to exceed the figure given above, noting the efforts that are being made to reduce unnecessary printing and paper use.