

**Standing Committee on Justice and Community Safety
Questions Taken on Notice and Responses
Annual Reports 2012-13**

No	Date	Witness	Member	Asked of	Subject	Proof p. No.	Date answered
1	06/11/2013	Victims of Crime Commissioner	Mrs Jones MLA	Mr John Hinchey Victims of Crime Commissioner	Victorian legislation 'to enforce justice processes to pay attention to the needs of victims'. Are you able to bring back to us as an answer later on, in an appropriate time frame, some information about what has been done in Victoria?	p.22	11/12/2013
2	06/11/2013	Victims of Crime Commissioner	Mr Hanson MLA	Mr John Hinchey Victims of Crime Commissioner	Mr Chair, could I just seek a point of clarification? When you said that the system is not user friendly to victims of crime, you are talking in generalisations, not just about victims of rape there? You are talking more broadly about a lot of categories?	p.22	11/12/2013
3	06/11/2013	Public Advocate	Mrs Jones MLA	Ms Anita Phillips Public Advocate	Are you able to come back to us with some information about times when you have felt that you have not been able to cover off as much as you should have been able to or would like to be able to?	pp.35-36	11/12/2013
4	13/11/2013	Corrective Services	Mrs Jones MLA	Ms Bernadette Mitcherson Executive Director, ACT Corrective Services	But are the parole rates increasing at present? Or can you come back to the committee with that information? It would be good to see it over the last three years.	p.47	28/11/2013
5	13/11/2013	Corrective Services	Ms Berry MLA	Ms Bernadette Mitcherson Executive Director, ACT Corrective Services	Is the insurance taken out by the government or the AMC or is it taken out by the community service organisation?	pp.52-53	28/11/2013
6	13/11/2013	Corrective Services / Justice	Mrs Jones MLA	Shane Rattenbury MLA Minister for Corrections	Whether the Women's Information and Referral Centre was 'used as any part of the corrections system'. What I will check and come back to the committee on notice with is whether that is being used as any part of the corrections system. And perhaps the whole suite of non-custodial options for women, because I would be very interested in what they are. Do I need to put that question to another minister?	p.56	28/11/2013
7	13/11/2013	Corrective Services / Justice	Mrs Jones MLA	Shane Rattenbury MLA Minister for Corrections	So nobody really knows why we have gone from 50-something matters concerning parole breaches and management up to over 300? Mr Rattenbury: No, we do not have a specific answer for you. I am happy to take it on notice and get some more information.	p. 59	28/11/2013
8	13/11/2013	Corrective Services - SAB	Mrs Jones MLA	Mr Grahame Delaney, Chair Sentence Administration Board	But over the three-year period there has been an enormous increase. That is what I am interested to understand. So you might come back with—some analysis of why that large increase.	pp.76-77	28/11/2013
9	14/11/2013	Continuous Improvement and Workers Compensation, CMTD	Mr Smyth MLA	Simon Corbell MLA, Minister for Workplace Safety and Industrial Relations	So the average cost per policy is about \$75—the average increase would be about \$75?	p.94	03/12/2013
10	14/11/2013	ESA	Mr Smyth MLA	Simon Corbell MLA, Minister for Police and Emergency Services	When will that information be online,... When will it be available? (regarding public release of the one-in-100-year flood line—the first maps to be published)	pp.108-109	29/11/2013
11	14/11/2013	ESA	Mr Smyth MLA	Mr Dominic Lane, Commissioner ACT Emergency Services Agency	I will be quick, Mr Chairman. Has any federal grant money been received? Have those studies been conducted and are the findings available?	p.110	21/11/2013 & 05/12/2013
12	14/11/2013	ESA	Mr Smyth MLA	Simon Corbell MLA, Minister for Police and Emergency Services	What is the longest running complaint that has not been resolved?	pp.112-113	05/12/2013
13	20/11/2013	Directorate / ESA	Mr Gentleman MLA	Simon Corbell MLA, Minister for Police and Emergency Services	I notice on page 300 a large grant went to Lifeline, and the description there is that it was ongoing training capacity for emergency services, private sector staff and volunteers. Why is it important to have that training for that sector?	p.127	09/12/2013
14	20/11/2013	Directorate	Mr Hanson MLA	Simon Corbell MLA, Attorney-General	Finally, could we have the breakdown of that \$22½ million on notice? Would that be possible?	p.132	05/12/2013
15	20/11/2013	Directorate / WorkSafe ACT	Mr Gentleman MLA	Mr Mark McCabe, Worksafety Commissioner,	A supplementary question, chair. Mr McCabe, you mentioned earlier on that you had 40 complaints; 32 were in the private sector. Were they within any particular grouping in the private sector?	p.144	28/11/2013
16	20/11/2013	Directorate / WorkSafe ACT	Mr Smyth MLA	Mr Mark McCabe, Worksafety Commissioner,	How many complaints have you had about the ACT public service and what categories do they fall in?	p.144	05/12/2013
17	20/11/2013	Directorate / Government Solicitor	Mr Doszpot MLA	Mr Peter Garrison SC, Solicitor-General for the ACT	Did the Government Solicitor provide advice concerning the legality of ongoing employment re executive contracts	pp.158-159	05/12/2013
18	20/11/2013	Directorate / Government Solicitor	Mr Hanson MLA	Mr Peter Garrison SC, Solicitor-General for the ACT	From the private bar. What is the full cost of the case, do you anticipate, to the ACT?	p.162	16/12/2013



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS



MEMBER FOR MOLONGLO

QTON # 1.

Answer to Question Taken on Notice

Mrs Giulia Jones asked the **Victims of Crime Commissioner, Mr John Hinchey**, during 2012-13 Annual Report Hearings for the Justice and Community Safety Directorate on 6 November 2013:

In relation to Victorian Victims of Crime Commission

MRS JONES: Are you able to bring back to us as an answer later on, in an appropriate time frame, some information about what has been done in Victoria?

Mr Hinchey: I will certainly provide more detail to the committee about that.

Attorney-General: The Government is committed to reducing delays in the criminal justice process, and to appropriate support and recognition of the rights of victims. The Government will continue to pursue further improvements to the system. I am advised by the Victims of Crime Commissioner, Mr Hinchey that the answer to the Member's question is as follows:

What has been done in Victoria?

Section 371 of the Criminal Procedure Act 2009 (Vic) provides that special hearings (the equivalent of pre-trial evidence) must be held within three months after the day on which the accused is committed for trial. There is provision in the legislation for the court to extend the time for holding the special hearing.

Approved for circulation to the Member

Simon Corbell MLA
Attorney-General

11.12.13

Date:.....



Simon Corbell MLA

ATTORNEY-GENERAL

MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

MINISTER FOR POLICE AND EMERGENCY SERVICES

MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS



MEMBER FOR MOLONGLO

QTON #2

Answer to Question Taken on Notice

Mr Jeremy Hanson MLA asked the **Victims of Crime Commissioner, Mr John Hinchey**, during 2012-13 Annual Report Hearings for the Justice and Community Safety Directorate on 6 November 2013:

In relation to the protection of offenders

MR HANSON: Mr Chair, could I just seek a point of clarification? When you said that the system is not user friendly to victims of crime, you are talking in generalisations, not just about victims of rape there? You are talking more broadly about a lot of categories?

Mr Hinchey: I am talking about our criminal justice system focusing on protecting the rights of offenders, ensuring offenders get fair trials. Those processes around that are designed to ensure that the law is applied appropriately. Because victims are not party to proceedings, their interests are not always balanced appropriately, or balanced equally, with the interests of offenders. People can say there are reasons for that. An accused has a greater potential cost.

THE CHAIR: Can I just make a recommendation that for both of those last two questions, if you were willing to put some answers to those as questions on notice it would be useful.

Thank you very much for appearing before us this morning. The committee secretary will be in touch with you regarding the transcript and any corrections that are required.

Mr Hinchey: Thank you.

Attorney-General: The Government is committed to reducing delays in the criminal justice process, and to appropriate support and recognition of the rights of victims. The Government will continue to pursue further improvements to the system. I am advised by the Victims of Crime Commissioner, Mr Hinchey that the answer to the Member's question is as follows:

In what way is the criminal justice system not user friendly to victims of crime?

Justice processes can re-traumatise victims, triggering memories of the event, often re-stimulating all of the initial presenting symptoms. Events such as committal proceedings, bail applications, the setting of trial dates, giving of evidence, verdicts, sentencing proceedings and appeals are particularly arousing for victims of crime. The longer these processes take, the more difficult they are for victims to manage.

Approved for circulation to the Member

Simon Corbell MLA
Attorney-General

11.12.13

Date:.....

The concept of a fair trial in our legal system has historically been framed as an exclusive two-sided affair. Reflecting the adversarial nature of our system of justice, the fair trial principle serves to remedy structural disadvantages facing the accused, imposing on courts an obligation on ensuring a fair balance between the interests of the prosecution and the defence.

The criminal justice system is particularly difficult for victims of sexual assault. Cases of sexual offence against children have one of the highest rates of attrition of any offence. In 2005, the ACT Director of Public Prosecutions and the Australian Federal Police (AFP) produced the report: *Responding to Sexual Assault: The Challenge of Change*. It made 105 recommendations for reforming the way sexual offence cases are handled by the ACT's criminal justice system. The Sexual Assault Reform Program (SARP) is one key initiative developed by Government in response to these recommendations. A number of legislative amendments since then have changed how evidence can be given by victims of sexual and family violence offences, children and other vulnerable witnesses.

The SARP reforms have been successful in coordinating the support services for victims of sexual offences. Perhaps SARP's main limitation has been that it has not reduced the time sexual offence cases take to be resolved.¹

Justice Hilary Penfold and Kathy Leigh's discussion paper on the review of case management and listing procedures in the ACT Supreme Court notes that a lack of early engagement with the issues is a common cause of delay. Scheduling trials far in advance, multiple adjournments of proceedings before trial, and a high proportion of late changes of plea all contribute to delay. Certainty of the trial date is an essential feature of effective case management.²

There are also delays in having matters listed for pre-trial evidence. The ACT Evidence (Miscellaneous Provisions) Act 1991 provides for the giving of evidence at a pre-trial hearing for certain categories of victims but does not impose time limits.

¹ Evaluation of the ACT Sexual Assault Reform Program (SARP): Final report, exec summary page x

² Discussion Paper: Review of case management and listing procedures in the ACT Supreme Court, Justice Hilary Penfold, ACT Supreme Court, Kathy Leigh, Director-General, Justice & Community Safety Directorate, August 2011, p16



Simon Corbell MLA

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MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS



MEMBER FOR MOLONGLO

QTON # 3

Answer to Question Taken on Notice

Mrs Giulia Jones asked the **Public Advocate for the ACT, Ms Anita Phillips**, during Annual Report Hearings 2012-13 for the Justice and Community Safety Directorate on 6 November 2013:

In relation to the workload for the Senior Advocate

MRS JONES: Are you able to come back to us with some information about times when you have felt that you have not been able to cover off as much as you should have been able to or would like to be able to?

Ms Phillips: If you would like to put a question to ask that, I certainly will respond to that.

MRS JONES: That can be taken on notice.

THE CHAIR: Take the question on notice.

MRS JONES: Across the whole work of the organisation.

Ms Phillips: Certainly, Mrs Jones.

- **Attorney-General:** By way of context, ACT agencies, statutory authorities and the Public Advocate are required to find modest savings. This is simply a function of the current financial climate. These entities must prioritise their services and adjust processes to deliver services more efficiently. It is appropriate for all agencies to set targets and to make decisions about the allocation of funds to deal with their business. This may involve assessments of competing priorities, for example, which complaints to consider in detail.

I am advised by the Public Advocate Ms Phillips, the answer to the Member's question is as follows:

The Public Advocate of the ACT has one Senior Advocate for the mental health program. A total of 4591 notifications were made to the PA ACT about 1029 adults during 2012-13 and the PA ACT was advised of 74 admissions of young people to hospital for mental health reasons. The Senior Advocate provided advocacy on 616 occasions for 364 adults and on 133 occasions for 45 young people.

Approved for circulation to the Member

Simon Corbell MLA
Attorney-General

Date: 11.12.13

Due to these workload challenges and high level advocacy demands the PA ACT has re-evaluated and rationalised the number of people who can be supported by this one Senior Advocate, taking into account that the number of people with mental illness brought to the PA ACT's attention in 2012-13 increased by 5%.

In order to manage within resourcing, occasions of advocacy for adults have reduced from 1281 occasions in 2010-2011 for 535 adults to 616 occasions for 364 adults in 2012-13. (from 53% of adults brought to our attention to 35%). Forensic related advocacy has reduced by 50% compared with last year's figures.

Other work that has not been able to progress due to need to operate within resourcing are:

- formal projects to assess the compliance of Mental Health ACT with the *Mental Health (Treatment and Care) Act 1994*
- monthly advocacy visits to BHRC and OPMH Inpatient Unit (only 5 visits undertaken over the last year to give priority to visits to acute mental health facilities)
- input to policy and service reforms in some cases (to give priority to individual advocacy). For example the PA ACT has been unable to finalise a collaborative project with BHRC which is exploring the barriers to discharge for clients who have been in BHRC for longer than two years.

In addition the Public Advocate of the ACT has two other "Senior Advocates" – one for Complex Disabilities including co-ordination of the MAP program, and Children and Young people, particularly those in the Care of the Territory. They both carry a significant workload because of the range of advocacy issues that they have to deal with.



Shane Rattenbury MLA

MINISTER FOR TERRITORY AND MUNICIPAL SERVICES
MINISTER FOR CORRECTIONS
MINISTER FOR HOUSING
MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS
MINISTER FOR AGEING

MEMBER FOR MOLONGLO



QTON # 41

Answer to Question Taken on Notice

Mrs Giulia Jones asked the **Minister for Corrections**, during Annual Report Hearings for the Justice and Community Safety Directorate on Wednesday 13 November 2013:

In relation to parole rates increasing

But are the parole rates increasing at present? Or can you come back to the committee with that information?

Mrs Mitcherson: I will take that on notice and have a look at that.

MRS JONES: It would be good to see it over the last three years.

Minister – the answer to the Member's question is as follows:

Yes, parole rates are increasing.

The number of parole orders made in 2012-13 has risen slightly from 2011-12, with an additional six orders. As indicated in the table below, while overall trend has seen an increase over the past six years, numbers do rise and fall.

Total Parole Orders made	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
	56	42	57	53	70	76

Approved for circulation to the Member

Shane Rattenbury MLA
Minister for Corrections

Date: 27/11/13



Shane Rattenbury MLA

MINISTER FOR TERRITORY AND MUNICIPAL SERVICES

MINISTER FOR CORRECTIONS

MINISTER FOR HOUSING

MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

MINISTER FOR AGEING

MEMBER FOR MOLONGLO



QTON # 5.

Answer to Question Taken on Notice

Ms Yvette Berry asked the **Minister for Corrections**, during Annual Report Hearings for the Justice and Community Safety Directorate on 13 November 2013:

In relation to providing coverage for offenders undertaking community service work, is the insurance taken out by the Government, AMC, or is it taken out by the community service organisation?

Minister – the answer to the Member's question is as follows:

For work being undertaken as part of a work crew supervised by ACT Corrective Services staff, the Territory is responsible for insurance matters. For work being supervised by community service organisations, the community organisation is responsible for insurance.

Approved for circulation to the Member

Shane Rattenbury MLA
Minister for Corrections

Date: 27/11/13



Shane Rattenbury MLA

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RTON # 6.

Answer to Question Taken on Notice

Mrs Giulia Jones asked the **Minister for Corrections**, during Annual Report Hearings for the Justice and Community Safety Directorate on 13 November 2013:

In relation to non-custodial options available

- 1) One of the issues that we have been canvassing with the Minister for Women is the closure of the Women's Information and Referral Centre, which was a non-custodial option for judges to use as an opportunity for women to do some courses or something instead of going down the custodial path. Do you have any information about that? Are you concerned about that? Have you thought about that or raised it with the minister? ...

Mr Rattenbury: I cannot comment further on that. You have obviously had a detailed conversation with the minister. What I will check and come back to the Committee on notice with is whether that is being used as any part of the corrections system.

MRS JONES: And perhaps the whole suite of non-custodial options for women, because I would be very interested in what they are. Do I need to put that question to another minister?

Minister – the answer to the Member's question is as follows:

The Women's Information and Referral Centre (WIRC) is not a non-custodial option of sentencing.

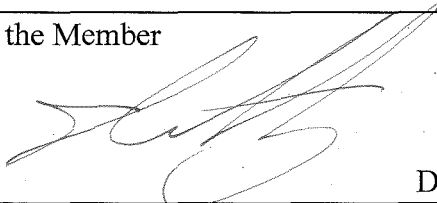
ACT Corrective Services Probation and Parole Unit has on occasion referred women to the WIRC to undertake programs, such as anger management; however, these women would be under sentence, either on a Good Behaviour Order (either having been convicted of an offence or as a result of a Non-conviction Order) or the subject of a deferred sentence.

The non-custodial options, applicable to both men and women, under Parts 3.3 and 3.5 of the *Crimes (Sentencing) Act 2005* are:

- Good Behaviour Orders
- Fines
- Driver Disqualification Orders
- Non-conviction Orders
- Reparation Orders
- Deferred Sentence Orders

Approved for circulation to the Member

Shane Rattenbury MLA
Minister for Corrections

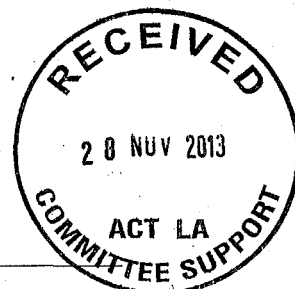


Date: 27/11/13



Shane Rattenbury MLA

MINISTER FOR TERRITORY AND MUNICIPAL SERVICES
MINISTER FOR CORRECTIONS
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MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS
MINISTER FOR AGEING
MEMBER FOR MOLONGLO



QTON # 7.

Answer to Question Taken on Notice

Mrs Giulia Jones asked the **Minister for Corrections**, during Annual Report Hearings for the Justice and Community Safety Directorate on 13 November 2013:

In relation to parole breaches

MRS JONES: So nobody really knows why we have gone from 50-something matters concerning parole breaches and management up to over 300?

MR RATTENBURY: No, we do not have a specific answer for you. I am happy to take it on notice and get some more information. From my mind, the legislation that covers parole is very clear. The primary principle that the Parole Board need to take into account is the public interest—essentially, public safety. They have a series of criteria which they then take into account to deliver that.

Minister – the answer to the Member's question is as follows:

The Sentence Administration Board Annual Report notes that the Board considered 319 matters relating to parole breaches and management, compared to 103 matters in the previous financial year:

This increase in numbers is due to a number of factors. Firstly, the number of offenders on parole has increased in line with the greater number of offenders being sentenced to custodial supervision.

Secondly, ACT Corrective Services has, as a result of improved training of probation and parole staff and more robust application of processes, initiated a much greater number of breach applications against offenders.

Approved for circulation to the Member

Shane Rattenbury MLA
Minister for Corrections

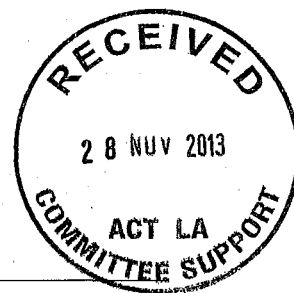
Date: 27/11/13



Shane Rattenbury MLA

MINISTER FOR TERRITORY AND MUNICIPAL SERVICES
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MINISTER FOR AGEING

MEMBER FOR MOLONGLO



STON # 8.

Answer to Question Taken on Notice

Mrs Giulia Jones asked **Mr Grahame Delaney, Chair of the Sentence Administration Board**, during Annual Report Hearings for the Justice and Community Safety Directorate on 13 November 2013:

In relation to significant increase in parole breaches

Mr Delaney, regarding parole breaches, the board considered three times more breaches this year than last—319 compared to 103—but cancelled less parole—26 compared to 34, a smaller difference. What is the explanation for these figures?

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

I have received the following advice from Mr Grahame Delaney, Chair of the Sentence Administration Board:

"The Sentence Administration Board maintains statistics relating to the number of reports of parole breaches received and their determination but is not in possession of information indicating why there has been an increase in the number of reported parole breaches referred."

I understand a similar question was taken on notice by the Minister for Corrections earlier in the Annual Report Hearing on 13 November 2013. I anticipate the response to the above question will be adequately addressed in the response provided by the Minister."

Approved for circulation to the Member

Shane Rattenbury MLA
Minister for Corrections

Date: 27/11/13



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO



Q to N # 9.

Answer to Question Taken on Notice

Mr Brendan Smyth MLA asked the **Minister for Workplace Safety and Industrial Relations**, during Annual Report Hearings for the Chief Minister and Treasury Directorate on 14 November 2013:

What will be the total cost to industry of the *Workers' Compensation Amendment Act 2013*? Please provide the related figures released by the Government earlier this year, including references to a cost impact of around \$22.50 per policy?

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

Industry will not incur any costs due to the *Workers Compensation Amendment Act 2013* until July 2014. The Act allows the cost of regulating work health and safety laws to be collected from workers' compensation insurers.

It should be noted that insurer levies are already in place to cover the cost of operating the Default Insurance Fund and regulating workers' compensation laws. The *Workers' Compensation Amendment Act 2013* did not affect these existing levies.

It is estimated that approximately \$1.2 million will be collected from industry in 2014-15 as a result of the *Workers Compensation Amendment Act 2013*. The actual amount will be determined based on independent actuarial analysis to be conducted in March 2014.

If insurers elect to pass the full cost on to employers, the price of a workers' compensation policy will increase by no more than 0.015 percentage points year-on-year as a result of the new work health and safety regulatory levy and the existing workers' compensation, and Default Insurance Fund levies.

The reference to a \$22.50 increase in premium costs was part of an example used to communicate with industry about the 2013-14 premium price impact of two policy initiatives:

- introducing the workers' compensation insurer levy to cover the cost of regulating workers' compensation laws, and
- modifying the Default Insurance Fund levy pricing model.

These policies were announced concurrently in February 2013 and commenced in July 2013.

The example assumed the employer in question had an annual wages bill of \$150,000 and it referred to the 2013-14 policy year. As such, it does not account for the *Workers Compensation Amendment Act 2013*, which will impact premium prices from 2014-15.

The example was initially used in a 27/2/13 media release entitled *ACT Government accepts recommendations of Getting Home Safely report in full*. An extract is below:

"For employers, this means workers' compensation policies that are renewed after 1 July 2013 are likely to be increased as a result of the levy. For an employer with an annual wages bill of \$150,000, this will mean paying up to \$22.50 extra for a workers' compensation insurance policy in 2013-14."

Approved for circulation to the Member

Simon Corbell MLA
Minister for Workplace Safety and Industrial Relations

Date: 3.12.13



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO



270N # 10.

Answer to Question Taken on Notice

Mr Brendan Smyth MLA asked the **Minister for Police and Emergency Services**, during Annual Report Hearings for the Justice and Community Safety Directorate on 14 November 2013:

In regards to the 1 in 100 year Flood Level Report when is work due to be completed, and when will the completed work be released?

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

Work to show the 1% Annual Exceedance Probability (AEP) /1:100 year flood line for the ACT, which includes the flood line for the Kingston Foreshore area as well as areas along the Molonglo River below Scrivener Dam, has been undertaken.

It is expected that the ACT Flood Data will be published on the ACTMAPi website before the end of the year.

Approved for circulation to the Member .

Simon Corbell MLA
Minister for Police and Emergency Services

28.11.13

Date:.....



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO



26 NOV 11

Answer to Question Taken on Notice

Mr Brendan Smyth MLA asked the **Minister for Police and Emergency Services**, during Annual Report Hearings for the Justice and Community Safety Directorate on 14 November 2013:

In relation to federal funding for flood data

Mr Smyth: Has any federal grant money been received? Have those studies been conducted and are the findings available?

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

A \$250,000 grant, through the Territory Wide Risk Assessment-Special Projects National Disaster Resilience Program (TWRA-SP NDRP), was provided to the ACT Flood Planning Committee for the Flood Study of Selected Canberra Creek Systems. This grant is being managed by the ACT State Emergency Service on behalf of the ACT Flood Planning Committee.

The Economic Development Directorate and the Territory and Municipal Services Directorate have been undertaking flood mapping studies on behalf of the ACT Flood Planning Committee through this grant. This work has been focussed on the following creeks: Sullivan's Creek, Yarralumla Creek and Long Gully Creek catchments. Findings from these studies are not available at this time.

Approved for circulation to the Member

Simon Corbell MLA
Minister for Police and Emergency Services

5.12.13

Date:.....



Simon Corbell MLA

ATTORNEY-GENERAL

MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

MINISTER FOR POLICE AND EMERGENCY SERVICES

MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS



MEMBER FOR MOLONGLO

2TON #12.

Answer to Question Taken on Notice

Mr Brendan Smyth asked the **Minister for Police and Emergency Services**, during Annual Report Hearings for the Justice and Community Safety Directorate on 14 November 2013:

In relation to longest disciplinary hearing

MR SMYTH: What is the longest running complaint that has not been resolved?

THE CHAIR: Mr Smyth—

Mr Corbell: I would have to take that on notice.

Minister – the answer to the Member's question is as follows:

In the ACT Public Service for staff covered by enterprise agreements, disciplinary proceedings are referred to as misconduct and discipline processes. The component of these processes that generally takes the longest time is the investigation which is usually undertaken by either Shared Services or external providers.

Time to complete such processes vary significantly depending on the complexity of the matter, the number of persons involved, the amount of evidence to consider, the number of interview conducted and statements taken. Typically, the more complex a matter, and more persons involved, the longer the investigation takes.

The longest misconduct process relating to the ESA between 2010 and 2013 is 11 months. This process is continuing.

Approved for circulation to the Member

Simon Corbell MLA
Minister for Police and Emergency Services

Date: 5.12.13



Simon Corbell MLA

ATTORNEY-GENERAL
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MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS



MEMBER FOR MOLONGLO

QTON # 13.

Answer to Question Taken on Notice

Mr Mick Gentleman MLA asked the **Attorney-General**, during Annual Report Hearings for the Justice and Community Safety Directorate on 20 November 2013:

In relation to a grant given to Lifeline

I notice on page 300 a large grant went to Lifeline, and the description there is that it was ongoing training capacity for emergency services, private sector staff and volunteers. Why is it important to have that training for that sector?

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

The training provided by Lifeline is firstly a familiarisation for emergency services personnel and volunteers of the services it provides. This training also provides emergency personnel and volunteers with practical training such as communication and management techniques in dealing with clients and colleagues in certain high stress and emotional situations when responding to incidents.

This training has also led to the development and enhancement of training protocols for emergency personnel. For example, since the commencement of the Lifeline training program, further collaboration with the organisation has led to the development of training packages and workshops, which assist the ACT Ambulance Service Call Takers to enhance their skill base across many communications units of study required for the Certificate III Ambulance Communications (Call Taking). These nationally recognised units include "*Communicate with clients and colleagues to support health care*", "*Communicate in complex and difficult situations*" and "*Manage personal stressors in the work environment*".

Approved for circulation to the Member

Simon Corbell MLA
Attorney-General

Date: 9.12.13



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS



MEMBER FOR MOLONGLO

Answer to Question Taken on Notice

2TON # 14

Mr Jeremy Hanson MLA asked the **Attorney-General**, during Annual Report Hearings for the Justice and Community Safety Directorate on 20 November 2013:

In relation to Statutory Office holders:

MR HANSON: Finally, could we have the breakdown of that \$22½ million on notice? Would that be possible?

Mr Corbell: On statutory office holders?

MR HANSON: Yes. You said there is \$22½ million—

Mr Corbell: I said it was between \$20 million and \$25 million.

MR HANSON: Sure, whatever the exact amount is for human rights officers or people involved in that, if you could break that down—

Minister – the answer to the Member's question is as follows:

The 2012-13 budget for Outputs relating to Statutory Office holders within the JACS Directorate and the estimated breakdown of Output 1.5 Protection of Human Rights is as follows:

	2012-13 Original GPO Budget (\$'m)
Output 1.4 Public Prosecutions	9.6
Output 1.5 Protection of Rights	
Human Right Commission	3.3
Public Advocate	2.1
Victim Support ACT	2.5
Privacy Commissioner	0.1
Output 1.6 Electoral Services	5.0
Total	22.6

The above output budgets include an allocation of JACS Directorate corporate support costs, Shared Services expenses and other centrally held costs.

In addition, the 2012-13 budget for the Public Trustee of the ACT is outlined in 2012-13 Budget paper 4 (page 549).

Approved for circulation to the Member

Simon Corbell MLA
Attorney-General

5.12.13

Date:.....



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO



RTON #15

Answer to Question Taken on Notice

Mr Mick Gentleman asked the **Attorney-General**, during Annual Report Hearings for the Justice and Community Safety Directorate on 20 November 2013:

In relation to cases of bullying

- 1) A supplementary question, chair. Mr McCabe, you mentioned earlier on that you had 40 complaints; 32 were in the private sector. Were they within any particular grouping in the private sector.

Minister – the answer to the Member's question is as follows:

“The Work Health and Safety Commissioner advised that there was no one area in particular from where these cases were reported. However, six complaints were received from the retail sector.”

Approved for circulation to the Member

Simon Corbell MLA
Attorney-General

28.11.13

Date:.....



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO



QTON #116

Answer to Question Taken on Notice

Mr Brendan Smyth MLA asked the **Attorney-General**, during Annual Report Hearings for the Justice and Community Safety Directorate on 20 November 2013:

In relation to cases of bullying

- 1) How many complaints have you had about the ACT Public Service and what categories do they fall in? And the eight bullying, what departments were they in?

Minister – the answer to the Member's question is as follows:

WorkSafe investigated 18 complaints regarding ACT Government workplaces in 2012-2013. There was no one area in particular from where bullying cases were reported. Four bullying complaints were received from personnel working in the Community Services Directorate, with three of these matters found not to be bullying under the *Work Health and Safety Code of Practice 2011*.

Approved for circulation to the Member

Simon Corbell MLA
Attorney-General

5.12.13

Date:.....



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO



QTON # 17.

Answer to Question Taken on Notice

Mr Steve Dozpote MLA asked the **Attorney-General**, during Annual Report Hearings for the Justice and Community Safety Directorate on 20 November 2013:

In relation to legalities of executive contracts

Mr Dozpote: Did the advice concern the legality of the ongoing employment (relating to Executive Contracts)?

Minister – the answer to the Member's question is as follows:

The Solicitor-General has provided advice to the Chief Minister's and Treasury Directorate regarding executive contracts. The substance of that advice is the subject of legal professional privilege.

Approved for circulation to the Member

Simon Corbell MLA
Attorney-General

5.12.13

Date:.....



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS



MEMBER FOR MOLONGLO

QTON # 18

Answer to Question Taken on Notice

Mr Jeremy Hanson MLA asked the **Attorney-General**, during Annual Report Hearings for the Justice and Community Safety Directorate on 20 November 2013:

In relation to total costs of the Marriage Equality Bill

Mr Hanson: All of the in-house work and also the people that you have engaged. Could you formulate a total cost of the case?

Minister – the answer to the Member's question is as follows:

To 26 November 2013 the Territory has incurred internal costs of the ACT Government Solicitor of \$104,035.00 and external Counsel's fees and disbursements of \$76,458.01 in defending the Commonwealth's challenge to the *Marriage Equality (Same Sex) Act 2013*.

Approved for circulation to the Member

Simon Corbell MLA
Attorney-General

16.12.13

Date:.....



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO



QTON # 19.

AMENDS ANSWER.

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

Dear Mr Dospot

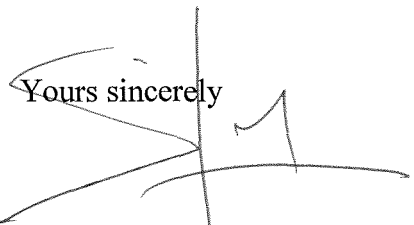
I write to correct information provided in evidence to the Standing Committee on Justice and Community Safety at the Annual Report Hearing on 14 November 2013, in response to questions from Mr Smyth about the current number of disciplinary matters for the ACT Emergency Services Agency (ESA).

The correction relates to evidence given on 14 November 2013 in relation to Emergency Services. In response to a question from Mr Smyth regarding the number of complaints that had been referred to external bodies such as the Fair Work Ombudsman, Work Safe ACT and the Human Rights Commission, I replied *six*.

I have been advised by my Directorate that the correct number of complaints to external bodies in relation to ESA such as the Fair Work Ombudsman, Work Safe ACT and the Human Rights Commission that have been notified to the Directorate is three for the period 1 July 2010 to 14 November 2013. The Directorate has subsequently been notified of one further complaint.

I appreciate the opportunity to correct the information which was provided relating to these matters during the Annual Report Hearings.

Yours sincerely


Simon Corbell MLA
Minister for Police and Emergency Services

26.11.13

ACT LEGISLATIVE ASSEMBLY

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100
CANBERRA



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO



QTON # 19.

Answer to Question Taken on Notice

Mr Brendan Smyth asked the **Minister for Police and Emergency Services**, during Annual Report Hearings for the Justice and Community Safety Directorate on 14 November 2013:

In relation to disciplinary hearings

Mr Smyth: How many disciplinary proceedings are underway inside ESA at the moment and could you break that number down by each of the four services?

Minister – the answer to the Member's question is as follows:

In the ACT Public Service for staff covered by enterprise agreements disciplinary proceedings are referred to as misconduct and discipline processes. For the entire ESA there are currently three (3) processes underway.

There are two (2) matters currently being considered by external bodies. One of these is with WorkSafe ACT, and the other is with the Human Rights Commission.

These cannot be broken down by service for privacy reasons.

Approved for circulation to the Member

Simon Corbell MLA
Minister for Police and Emergency Services

Date:.....

