



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mrs Giulia Jones MLA (Chair), Ms Bec Cody MLA (Deputy Chair), Mr Michael Petterson
MLA

Annual Reports 2017-18 Answers – Questions on Notice

QoN No	Questioner	Subject
1	Le Couteur MLA	Upgrade to Majura SES site
2	Le Couteur MLA	Assistance to victims of crime
3	Le Couteur MLA	Additional Resources for Legal Aid ACT
4	Jones MLA	Reduce recidivism goals
5	Jones MLA	Bronto maintenance
6	Jones MLA	Bronto
7		
8	Jones MLA	Procurement of second Bronto
9	Jones MLA	Responses to light rail incidents.
10		
11	Jones MLA	Southcare helicopter services
12		
13	Jones MLA	Terminology 'Police' and 'Sworn Officers'
14	Jones MLA	Retrial of Mr David Eastman
15	Jones MLA	Contraband
16	Jones MLA	Inappropriate relationships between AMC staff and inmates
17	Cody MLA	Staff working at ACT HRC
18	Cody MLA	Staff in legal Aid ACT
19	Cody MLA	Working arrangements and staff profile – ACT Policing
21	Cody MLA	DPP – hours and staffing profile
22	Cody MLA	ACT G & Racing Comm – hours and staffing profile
23	Cody MLA	Power to weight ratio – ACT cars.



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Ms Caroline Le Couteur:

In relation to:

Upgrade to Majura SES site:

1. What process is there on an upgrade of Majura SES unit buildings / site?
2. Have funds been put aside for an update of Majura SES unit?

Minister for Police and Emergency Services: The answer to the Member’s question is as follows:–

The ACT Emergency Services Agency (ESA) has received initial funding from National Disaster Resilience Program to the value of \$200,000 to progress early works, which includes fencing of the new site, expansion of capability of the site and design work. Due diligence work to the value of \$70,000 is being funded out of the ESA Station Upgrade and Relocation Program budget.

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

Signature:

Date:

By the Minister for Police and Emergency Services, Mick Gentleman MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by: Ms Caroline Le Couteur MLA

In relation to: Details of awards of assistance to victims of crime

(Ref: JACSD Statutory Office Holders, Victims of Crime Commission, Justice and Community Safety Annual Report 2017-18 pp 361-362 and Justice and Community Safety Annual Report 2016-17, p 344))

1 In 2017-18, there were 14 awards of assistance for Sexual Assault and 3 for Domestic Violence. In 2016-2017, there were 31 awards of assistance for Sexual Assault and 7 for Domestic Violence. Can you please explain the decrease in the number of awards for these two crimes by more than half in the 2017-18 reporting period compared to 2016-17?

- a) How many applications for the award of assistance were made in each of the above reporting periods?
- b) Are any of those applications outstanding?

2. Has demand increased since the introduction of the new scheme under the Victims of Crime (Financial Assistance) Act 2016 now that all applications are assessed by the Commissioner rather than the courts?

- a) If there has been an increase in applications, how is that being managed?

Ms Heidi Yates: The answer to the Member's question has been prepared in consultation with the ACT Government Solicitor that is responsible for dealing with claims under the *Victims of Crime (Financial Assistance) Act 1983* ('former Act') and is as follows:–

1. An applicant who received a criminal injury prior to the commencement of the *Victims of Crime (Financial Assistance) Act 2016* ('2016 Act') on 1 July 2016 could make an application to the Magistrates Court under the repealed Act. After 1 July 2017, all new applications were received by the Victims of Crime Commissioner and assessed under the provisions of the 2016 Act, which included transitional provisions for acts of violence which occurred prior to 1 July 2016. This meant that fewer applications were received by the Magistrates Court after 1 July 2016 and no applications received after 1 July 2017. The making of an award does not necessarily occur in the same year as the application is filed.

Accordingly, in the last year that applications could be made under the old Act (2016/17) 73 were lodged compared with 111 in 2015/6; 108 in 2014/5; and 124 in 2013/4. As the awards in 2017/18 related only to applications lodged on or before 30 June 2017 there was a reduction in numbers. Although the decrease between 2016/7 and 2017/8 is described as being 'more than half' there were in fact 37 fewer awards overall made in the later year. In 2017/8 the percentage of total awards relating to either sexual assault or

domestic violence was 34% (17 out of 50); in 2016/7 it was 43% (30/87); in 2015/6, 39% (34/92) and in 2014/5 38% (53/138).

There were no applications made in 2017/18 because the law does not permit it. There are a number of applications (see further below) remaining to be determined that were lodged in the 2016/17 year but applications by victims of sexual assault are generally resolved more quickly once relevant medical or psychological evidence has been submitted. Thus in general terms more sexual assault claims tend to be resolved closer to the time that the application is filed than other claims. This may also have contributed to the decline in number in the 2017/18 year.

a) No applications were lodged in 2017/8. 73 applications were lodged in 2016/7. Five files have been archived and it is not possible without recalling the files to ascertain the nature of matters and their resolution. Of the remaining applications, 27 related to sexual assaults and 8 to domestic violence.

b) Of the applications relating to sexual assault, 18 have been resolved through payment of an award, one applicant did not wish to proceed, 4 were assessed as being ineligible for financial assistance and 4 are yet to be finalised. In 2 matters yet to be finalised, the Territory is awaiting responses from applicants to the Territory's recommended award.

Of applications relating to domestic violence, 1 has been resolved through an award, 2 applicants have been assessed as ineligible for financial assistance, and 4 are yet to be finalised.

Overall, of the 73 applications for financial assistance 32 are outstanding, although in many of these matters, particularly those arising out of an assault (other than a sexual assault) interim awards have been made and the Territory is attempting to negotiate with the applicant to enable a final award to be made.

2.

a) There has been a significant increase in applications since the introduction of the 2016 Financial Assistance Scheme. The scheme's broader eligibility criteria—including greater access for family violence victims—and administrative case management of applications has made the scheme much more accessible than the old court-based scheme. As intended by Government, demand for financial assistance has increased.

In its first year of operation (2016-17), the new scheme and the old court-based scheme operated side-by-side. The old scheme received 73 applications for crimes that occurred before 1 July 2016 and the new scheme received 108 applications in relation to crimes that occurred after this date (**181** applications total).

In the second year of operation (2016-17), the transitional provisions required that all applications be made under the new scheme. In the second year, the new scheme received **392** applications. This is a **116%** increase in the overall number of applications received across both schemes during the previous year.

Now in its third year of operation (2017-18), 165 applications have been received in the first four months, trending to a likely annual total of **492** applications in the present financial year. This would represent a **25%** increase in applications compared to the previous year and a **172%** increase in the number of applications received in comparison to total number received across the new and old scheme during the first year of operation.

The following table summarises the number of applications received under the new scheme per financial year and the average per month. For 2018-19, the figures account for applications received until end October.

Table: Applications received

Applications received per financial year	2016-17	2017-18	2018-19
Total number of applications received	108	392	165
Average applications received per month	9	33	41

Better access for vulnerable victims

As hoped for, increased accessibility of the scheme has led to increased uptake by vulnerable victims, as demonstrated in the table below.

Table: Vulnerable groups	2016-17	2017-18
Applications received by vulnerable groups	Percentage of Total applications received	Percentage of total applications received
Aboriginal and Torres Strait Islander community	3%	10%
Culturally and linguistically diverse people	5%	11%
People who identify as having a disability	3%	8%

The new scheme also assists victims of family violence to improve their safety and/or recover from family violence. The scheme includes a number of non-violent ‘domestic violence offences’ which give rise to eligibility for financial assistance including property offences, such as destroying or damaging property, arson and trespass, driving offences, offences involving offensive weapons and contravention of family violence protection orders.

Table: Family violence applications	2017-18	2018-19
Details		
Number of applications received relating to family violence	160	71
Percentage of total scheme applications that relate to family violence	41%	43%

Managing the increase in applications

Current staffing resources are inadequate to administer the scheme. Long delays in processing—currently at 8-10 months for a standard application (and in some cases this stretches to 12 months or more)—compound trauma and frustration for victims and further delay recovery from the impacts of crime.

The new FAS scheme includes urgent ‘immediate needs’ payments to eligible victims to help with immediate expenses including home security measures, relocation costs and emergency medical and dental treatment. Applications involving immediate needs are prioritised in accordance with s42 of the Act. However, a steady flow of these claims necessarily impacts processing times for other applications.

The Commissioner is struggling to discharge her obligation under section 42 of the Act to decide applications as soon as reasonably practicable. Current scheme delays also place the Government at significant reputational risk given the Government’s specific work to implement a new scheme that would deliver timely financial assistance for victims.

The Commissioner is seeking funding in the mid-cycle budget review process for **2.5 additional FTE** in the FAS staffing team. This would allow us to resource a full-time scheme Manager (currently a 0.5 SOG C position) and 2 additional ASO6 Assessors. It is hoped that this additional resourcing would improve the team’s ability to respond to victim applications in a timely way. The Commissioner will monitor demand for the scheme and continue to seek adequate resourcing as required.

Current FAS staff resources (no change since scheme commencement in July 2016)

- 0.5 FTE SOG C (Manager)
- 2 FTE ASO 6 (Assessors)
- 0.5 FTE ASO 4 (Administrative support)

Proposed FAS staff resources

- 1 FTE SOG C (Manager)
- 4 FTE ASO 6 (Assessors)
- 0.5 FTE ASO 4 (Administrative support)

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



Signature:

Date: 5/12/18

By Heidi Yates, Victims of Crime Commissioner



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Ms Caroline Le Couteur MLA:

In relation to:

Additional resources for Legal Aid ACT

(Ref: Legal Aid Commission, JACSD Statutory Office Holders, JACS Annual Report p 19)

In relation to Legal Aid

1. The outlook and priorities section of the Annual Report refers to 'providing additional resources for the ACT Legal Aid Commission'. Can you elaborate on what this might look like, what extra capacity is planned or issues to be tackled?

2. I understand that the new Legal Aid OPALS is up and running

a) Do you have data about how many contacts the service has received to date?

b) I realise it is early days, but so far, how does this compare with the previous service, APRIL?

c) Are you recording statistics about the types of issues being raised; for example, financial abuse, physical abuse etc.?

Dr John Boersig - The answer to the Member's question is as follows:-

1. The additional resources mentioned on page 19 of the JACS Annual Report refer to the additional resources allocated to Legal Aid ACT due to the appointment of the eighth Magistrate. These resources are directed towards the additional workload created by the appointment.

2. Regarding legal aid OPALS:

a) Between 1 July 2018 and 28 November 2018, the OPALS line received 148 calls

b) In 2017-18, the APRIL line received 81 calls (Community Services Directorate, Annual Report 2017-18, page 48

c) As of 28th November 2018, calls received on the OPALS line related to the following matters

Matter	# of calls received on OPALS
Elder Abuse Indicator	79
Other - Civil matter not listed	18
Power of Attorney	8
Information	7
Wills / Estates	6
Tenant	3
Debt - Creditor	2
Family Violence Indicator	2
Guardianship	2
Mental health	2
Other criminal offence	2
Assault	1
Body corporate / Unit titles	1
Building & tradesperson disputes	1
Commercial	1
Consumer Utilities	1
Debt - Debtor	1
Defamation	1
Guardianship / management of property	1
Misleading/Deceptive	1
Motor vehicle accident	1
Personal Protection Order	1
Professional negligence	1
Property - De Facto	1
Property - Marriage	1
Return Of Child	1
Wills	1
Workers Compensation	1
	148

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

Signature:



Date:

5/12/18

By Dr John Boersig, Chief Executive Officer, Legal Aid ACT



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mrs Giulia Jones MLA:

In relation to:

Recidivism

1. How has the increase in recidivism, from 38.6% to 44.2% impacted the goal to reduce recidivism by 25% by 2025?
 - a. From which year will the 25% reduction in recidivism by 2025 be measured from?

Minister for Corrections and Justice Health: The answer to the Member's question is as follows:—

The Government committed to reduce recidivism by 25 per cent by 2025 in the 9th Parliamentary Agreement. The ACT Reducing Recidivism Plan is currently being developed and aims to change the life trajectories of vulnerable people in the ACT with complex needs. The measures and associated time frames that will make up the RR25 commitment are still to be determined and will be included in the plan.

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

Signature:

A handwritten signature in black ink, appearing to read "Shane Rattenbury", written over a circular stamp.

Date:

11/12/18

By the Minister for Corrections and Justice Health, Shane Rattenbury MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mrs Giulia Jones MLA:

In relation to:

Bronto Maintenance

1. Since 1 July 2017, on how many days and for what period of time, was the Bronto receiving maintenance or repairs?

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

1. For the period 1 July 2017 to 26 November 2018, the ACT Fire & Rescue (ACTF&R) Bronto has received repairs or maintenance on 53 separate days comprising a total of 394.5 hours. This means that for the period 1 July 2017 to 26 November 2018, the Bronto was unavailable for 3.20 per cent of the time.

During all preventative maintenance, and where possible during unscheduled maintenance, each task is completed in sequences to allow the Bronto to be quickly reassembled and respond to confirmed triple zero calls.

If major servicing is required, ACTF&R will make arrangements to procure a replacement vehicle for the period the Bronto is unavailable.

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

Signature:

Date: 5/12/18

By the Minister for Police and Emergency Services, Mick Gentleman MLA



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports ANSWER TO QUESTION ON NOTICE

Asked by Mrs Giulia Jones MLA:

In relation to:

Incidents involving Bronto

1. Of the 10,597 incidents and 21,385 responses involving ACTF&R in 2017-18, how many involved the use of the Bronto and in what month did they occur?

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

1. Responses by the Bronto are either specifically requested by the Officer in Charge or automatically assigned by the Computer Aided Dispatch System in accordance with the business rules for resource deployment. There are occasions when the Bronto is assigned to an incident, but it is established prior to arriving on scene that it is not required. There are also occasions when the Bronto arrives on scene, and it is established that it is not required. In most of these instances the Bronto is on scene for less than five minutes.

In 2017-18, the aerial ladder appliance (the Bronto) was assigned to 1,207 incidents, was mobilised on 1,173 occasions, and made it on scene at 514 incidents. Of the 514 incidents, the Bronto was on scene for less than five minutes on 297 occasions, and on scene for more than five minutes on 217 occasions. This information is broken down by month in the table below.

2017-2018	Responses by Bronto	Mobilised	On scene	On scene less than 5 minutes	On scene more than 5 minutes
July 2017	68	65	21	15	6
August 2017	61	61	25	19	6
September 2017	68	65	31	22	9
October 2017	101	97	34	18	16
November 2017	134	132	78	39	39
December 2017	148	145	72	43	29
January 2018	148	144	61	36	25
February 2018	142	140	60	30	30
March 2018	103	97	51	30	21
April 2018	117	115	42	24	18
May 2018	31	31	12	9	3
June 2018	86	81	27	12	15
Total	1,207	1,173	514	297	217

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

Signature:

Date:

By the Minister for Police and Emergency Services, Mick Gentleman MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mrs Giulia Jones MLA:

In relation to:

Procurement of Second Bronto

1. In relation to the procurement of a second Bronto:
 - a. What are the specifications for the appliance?
 - b. Which components and from whom have been order?
 - c. On what date will the Second Bronto be operational?

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

1. ACT Fire & Rescue has developed a statement of requirements for a new aerial pumper that was announced in the 2018/19 budget.
 - a. The statement of requirements details the specifications that are referred to in the tender documentation. These cannot be made available for public release until the successful tender has been awarded.
 - b. The tender requires that a manufacturer is able to build the aerial pumper to the required specifications. It does not detail how the various components of the vehicle must be procured by the manufacturer.
 - c. This is subject to the completion of the tender process.

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

Signature:

A handwritten signature in black ink, appearing to read 'Mick Gentleman'.

Date:

5/12/16

By the Minister for Police and Emergency Services, Mick Gentleman MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mrs Giulia Jones MLA:

In relation to:

Responses to light rail incidents

1. What specific equipment has the ACT Government acquired to deal with the aftermath of a Light Rail derailment or major collision?
 - a. What was the procurement process involved in acquiring this equipment?
 - b. Who owns this equipment?
 - c. What were the costs of acquiring this equipment, and who is responsible for these costs?
 - d. What are the projected costs of maintaining this equipment, and who is responsible for those costs?
 - e. Is the equipment capable of lifting a Light Rail Vehicle off a trapped car or pedestrian?

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

1. ACT Fire & Rescue has acquired high capacity hydraulic jacks and lifting air bags to supplement its existing rescue capability to effectively deal with the derailment of or major collision involving a Light Rail vehicle.
 - a. This equipment was procured from the current supplier of ACT Fire & Rescue's hydraulic rescue equipment through an existing contract.
 - b. The Emergency Services Agency owns this equipment.
 - c. The cost of the equipment was \$42,942.51 excluding GST. Transport Canberra and City Services reimbursed this amount to the Emergency Services Agency on the basis that this equipment is specifically required to respond to incidents involving the Light Rail.
 - d. The projected cost of maintaining this equipment involves replacing hydraulic hoses every 10 years and this is estimated to be approximately \$1500.00 based on current prices. Annual maintenance will be undertaken by ESA workshops and servicing of this equipment will be absorbed into normal business as usual maintenance requirements of the ESA equipment fleet. ESA is responsible for maintaining the costs of this equipment.
 - e. Yes, the equipment is capable of lifting a Light Rail Vehicle off a trapped car or pedestrian.

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

Signature:



Date: 11/12/18

By the Minister for Police and Emergency Services, Mick Gentleman MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mrs Giulia Jones MLA:

In relation to:

SouthCare Helicopter Service

1. Of the 476 missions conducted by SouthCare Helicopter, how many were located in the ACT?
 - a. Of the 114 road retrievals undertaken by the rostered flight team, how many were located in the ACT?

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

During 2017-2018, the aero-medical retrieval service flew 476 missions, which included inter-hospital retrieval, search and rescue, and pre-hospital primary taskings. Of these, eight missions were located in the ACT.

In addition, 114 road retrievals were undertaken by the rostered flight team. Of these, 53 were located in the ACT. Road retrieval is undertaken when the distance is too short for the helicopter (i.e. Queanbeyan) or the helicopter is unable to fly (i.e. inclement weather).

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

Signature:

Date:

By the Minister for Police and Emergency Services, Mick Gentleman MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mrs Giulia Jones MLA:

In relation to:

Terminology

1. Has there been a change in terminology to “Police”, rather than “Sworn Officers”, and if so, what the rationale for this?
 - a. What is the definition of “Police”;? and
 - b. Has this changed from the previous definition of “Sworn Officers”

Minister for Police and Emergency Services: The answer to the Member’s question is as follows:–

1. No, there has not been a change in terminology. The terminology of “police” and “sworn officer”, in this context, are interchangeable and carry the same meaning (see Table 7.3, p. 83 of the 2017-18 ACT Policing Annual Report where the term “sworn police officer” is used). These terms are not specifically defined, but rather serve to delineate between sworn police officers and professional staff, the latter of which are not sworn police officers and are not conferred police powers.
 - a. The term “police” in this context, delineates between sworn police officers and professional staff, and can be taken as having the same definition as “*member of the Australian Federal Police*” as defined at s.4 of the *Australian Federal Police Act 1979 (Cth)*. This is also congruent with the definition of “police officer” under the *Legislation Act 2001 (ACT)*.
 - b. I refer the member to my answer to question 1(a). For further clarity, where the term “sworn police officer/sworn officer” is used, the reference to ‘sworn’ is a general reference to the undertaking and oath or affirmation made by declared members of the Australian Federal Police pursuant to s.36 of the *Australian Federal Police Act 1979 (Cth)*.

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

Signature:



Date: 3/12/18

By the Minister for Police and Emergency Services, Mick Gentleman MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mrs Giulia Jones MLA:

In relation to:

Retrial of Mr David Eastman

1. To date, how much money has been spent of the retrial of Mr David Eastman?
 - a. How much more money is budgeted to be spent on this?

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

I am advised by Justice and Community Safety (JaCS) that the ACT Government has provided funding for the ACT Courts and Tribunal, Legal Aid, the Director of Public Prosecutions and ACT Policing for the retrial of Mr David Eastman.

In 2017-18 the cost associated with the retrial of Mr David Eastman, including pre-trial and other related proceedings, was approximately \$4.1m.

The 2018-19 Budget provided \$6.2m for the costs of the retrial, which included rollover funding from 2017-18. From July 2018 to the end of August 2018, the actual expenditure was approximately \$1.1m.

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

Signature:

A handwritten signature in black ink, appearing to read "MG", written over a horizontal line.

Date:

5/12/18

By the Minister for Police and Emergency Services, Mick Gentleman MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mrs Giulia Jones MLA:

In relation to:

Contraband

1. There were 2,572 area searches, resulting in 5,418 individual location searches. Of these searches, how many were 'random'?
 - a. How many were prompted by intelligence?
2. On how many occasions were visitors found to have either successfully or unsuccessfully attempted to smuggle contraband in 2017-18?
 - a. What, if any, were the repercussions in these cases?
3. On how many occasions were corrections staff or volunteer workers found to have either successfully or unsuccessfully attempted to smuggle contraband in 2017-18?
 - a. What, if any, were the repercussions in these cases?

Minister for Corrections and Justice Health: The answer to the Member's question is as follows:—

1. A total of 4065 random and routine searches were conducted by staff. Routine searches are not targeted, however random searches may be, based on intelligence or observations by corrections staff. Random searches are not reported separately from routine searches.
 - a. A total of 1353 searches were prompted by intelligence data.
2. There were 10 unsuccessful attempts by visitors to bring contraband into the Alexander Maconochie Centre (AMC). We cannot provide accurate data for successful attempts as they would have avoided detection and our ability to report those numbers.
 - a. Visitors found to have attempted to bring contraband into the AMC received bans from entering the Centre for periods between 3 to 12 months, in order to maintain the good order, safety and security of the AMC. The length of the bans enforced are determined on a case-by-case basis. If the contraband detected is illegal (such as drugs or weapons), corrections officers notify the police for further investigation. Police are not notified of property item contraband such as shoes, clothing and watches.

3. ACT Corrective Services have no record of staff or volunteer workers intentionally attempting to introduce contraband into the AMC. There have been situations where contraband items have been unintentionally introduced to the Centre.

During the 2017/2018 financial year, there were five (5) incidents of staff being intercepted with contraband items. None of the staff were custodial, but were identified as either civilian or health staff.

- In September 2017, there were two (2) smart watches and one (1) mobile phone with charger intercepted.
- In May 2018, unapproved seedlings were intercepted, and
- In June 2018, one (1) mobile phone was intercepted.

Each of these incidents were deemed accidental with no further action required.

ACT Corrective Services cannot provide accurate data for successful attempts as they would have avoided detection and our ability to report those numbers.

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

Signature:



Date:

11/12/18

By the Minister for Corrections and Justice Health, Shane Rattenbury MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mrs Giulia Jones MLA:

In relation to:

Inappropriate relationships between staff and inmates

1. Since the opening of the Alexander Maconochie Centre, how many a) allegations and b) investigations were made of inappropriate relationships between corrections staff and inmates, broken down by year?

Minister for Corrections and Justice Health: The answer to the Member's question is as follows:–

1. Since 2009, there has been three reported allegations and no investigations of inappropriate relationships between corrections staff and detained persons at the Alexander Maconochie Centre (AMC).
 - In 2009, there was one allegation of an inappropriate relationship between a corrections officer and an offender who was serving a term of imprisonment by way of periodic detention. An investigation initiated by the Justice and Community Service Directorate's Human Resource Operations was subsequently terminated after the corrections officer resigned from the ACT Public Service.
 - In 2016, there was one allegation of a community corrections officer seeking sexual services from a parolee who, at the time, was employed at a Canberra brothel. After a preliminary assessment of the allegation, this matter did not proceed to a misconduct investigation as the complainant did not provide additional information requested by the investigator.
 - In 2018, there was one allegation of a former staff member having established a relationship with a detainee at the AMC. As the alleged relationship did not involve an existing employee of the ACT Public Service, an investigation was not warranted under the *Public Service Management Act 1994*.

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

Signature:

Date:

11/12/18

By the Minister for Corrections and Justice Health, Shane Rattenbury MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by: Ms Bec Cody MLA:

In relation to:

Staff working at the ACT Human Rights Commission

What percentage of hours worked for the Commission are casual, contractor or other non-permanent staff

How many of those people have been engaged in publicly funded jobs for longer than six months?

Of board, executive positions, and general staff appointments by the Commission in the last 2 years what proportion were:

- Women
- Attended the ANU or another Group of Eight university?
- Were educated at a private secondary school?
- Have a trade qualification?
- Come from a culturally or linguistically diverse (CALD) household?

Dr Helen Watchirs: The answer to the Member's question is as follows:--

For the 2017-18 financial year, the Commission employed ten staff on casual or temporary contracts. This equated to 22,028 hours, out of a total of 88,937 hours worked across the Commission. This does not include Commissioners who are appointed for a fixed term as statutory office holders.

Of these ten, nine had been employed for more than six months. Since then, one has been engaged on a permanent basis.

The Commission is not able to readily access all the data sort for our permanent appointments made in the last two years. While several positions may require tertiary qualifications, the Commission does not require these to be from a Group of Eight university and certainly there are permanent staff employed at the Commission with universities other than the Group of Eight. Generally the Commission does not seek details of the secondary school a staff member attended.

For those staff appointed permanently in last two years, 17 of 19 staff identified as female (89%).

As reported on page 87 of our Annual Report, during the reporting period 3 (5.9%) identified as being Culturally and Linguistically Diverse.

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

Signature: 

Date: 04/12/2018

By Dr Helen Watchirs, President of the ACT Human Rights Commission and
Human Rights Commissioner



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mc Bec Cody MLA:

In relation to:

Staff in Legal Aid ACT

1. What percentage of hours worked for the Commission are casual, contractor or other non-permanent staff?
2. How many of those people have been engaged in publicly funded jobs for longer than six months?
3. Of Board, executive positions, and general staff appointments by the Commission in the last 2 years what proportion were:
 - Women
 - Attended the ANU or another Group of Eight university?
 - Were educated at a private secondary school?
 - Have a trade qualification?
 - Come from a culturally or linguistically diverse (CALD) household?

Dr John Boersig: The answer to the Member's question is as follows:–

1. In 2017-18, 69% of hours worked for the Commission were worked by casual, contractor, or non-permanent staff, excluding statutory office holders.
2. Excluding the 2 Statutory Office holders who are on long-term contracts, of the 64 staff who were engaged on a casual, contractor, or non-permanent basis, 41 had been employed at the Commission for more than 6 months.
3. Regarding the proportion of women appointments to the Commission, based on 2016-17 and 2017-18 Annual Reports:
 - 38% of Board appointments were women
 - 50% of executive appointments were women
 - 70% of general staff appointments were women in 2016-17
 - 68% of general staff appointments were women in 2017-18

Data is not available for the following criteria:

- Attended the ANU or another Group of Eight university
- Educated at a private secondary school
- Hold a trade qualification

The percentage of staff who have identified as coming from a culturally or linguistically diverse (CALD) household is:

	2016-17		2017-18	
	Executive	General Staff	Executive	General Staff
Culturally or Linguistically Diverse (CALD) people	50%	10%	50%	11%

Note, the table above includes Aboriginal and Torres Strait Islander people

There is no information available on the CALD background status of Board members.

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

Signature:



Date: 5/12/18

By Dr John Boersig, Chief Executive Officer, Legal Aid ACT



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Ms Bec Cody MLA:

In relation to:

What percentage of hours worked for ACT Policing are casual, contractor or other non-permanent staff? How many of those people have been engaged in publically funded jobs for longer than six months? Of board, executive positions, and general staff appointments by ACT Policing in the last 2 years what proportion were:

- Women?
- Attended the ANU or another Group of Eight University?
- Were educated at a private secondary school?
- Have a trade qualification?
- Come from a culturally or linguistically diverse (CALD) household?

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

1. What percentage of hours worked for ACT Policing are casual, contractor or other non-permanent staff?

ACT Policing advise that calculating the percentage of hours worked by casual, contractor and other non-permanent staff would be an overly onerous task. Additionally, I am advised that by the nature of their employment, contractors may not be required to report hours worked to ACT Policing, and consequentially, any attempt to calculate percentage of worked hours would not produce a genuinely indicative result.

I can advise that, as at 30 June 2018, ACT Policing employed 9 casual and 28 temporary full-time employees. These 37 employees constitute 4.1 % of the total ACT Policing headcount of 893.

2. How many of those people have been engaged in publically funded jobs for longer than six months?

I am advised that of those 37 employees, 12 have been employed by the AFP for greater than six months. Those 12 employees consist of 8 casual and 4 temporary full-time employees.

3. Of board, executive positions, and general staff appointments by ACT Policing in the last 2 years what proportion were:

a) Women?

Headcount by Gender			
		2016/17	2017/18
Female	Police*	188	197
	Police- Executive	3	3
	Professional*	128	142
	Professional- Executive	2	2
	Percentage of workforce (based on headcount)	36.3%	38.5%
Male	Police*	485	470
	Police - Executive	8	7
	Professional*	67	70
	Professional - Executive	3	2
	Percentage of workforce (based on headcount)	63.7%	61.5%

*Exclusive of executive members

b) Attended the ANU of another Group of Eight university?

The provision of educational information by AFP employees is optional. Consequently ACT Policing does not hold data to indicate what proportion of appointees attended the ANU or another Group of Eight university.

c) Were educated at a private secondary school?

ACT Policing does not hold data to indicate whether a member was educated at a private secondary school.

d) Have a trade qualification?

The provision of educational information by an AFP employee is optional. Consequently, ACT Policing does not hold data to indicate what proportion of appointees have a trade qualification.

e) Come from a culturally or linguistically diverse (CALD) household?

I refer the member to table 7.10, page 87, of the *ACT Policing Annual Report 2017-18*.

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

Signature:



Date: 5/12/18

By the Minister for Police and Emergency Services, Mick Gentleman MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Ms Bec Cody MLA:

In relation to: Hours worked at the DPP

1. What percentage of hours worked for the Director of Public Prosecutions are casual, contractor or other non-permanent staff?
2. How many of those people have been engaged in publicly funded jobs for longer than six months?
3. Of board, executive positions, and general staff appointments by Director in the last 2 years what proportion were:
 - a) Women?
 - b) Attended the ANU or another Group of Eight university?
 - c) Were educated at a private secondary school?
 - d) Have a trade qualification?
 - e) Come from a culturally or linguistically diverse (CALD) household?

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

1. The Office does employ casual and contract staff, but is not able to break down hours worked in the manner requested.
2. 3 casual employees and 16 contract employees, noting that some contractors are in positions where there is no ongoing funding past the current year.
3.
 - a) 12 women were appointed in that period.
 - b) The Office does not have data on this.
 - c) The Office does not have data on this.
 - d) The Office does not have data on this.
 - e) The Office does not have data on this.

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

Signature:



Date:

4/12/18

By Mr Jon White, Director of Public Prosecutions



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
ELIZABETH LEE MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Bec Cody MLA:

In relation to: ACT Gambling and Racing Commission staffing

Bec Cody: To ask the Minister for Business and Regulatory Services

- (i) What percentage of hours worked in the ACT Gambling and Racing Commission are casual, contractor or other non-permanent staff?
- (ii) How many of those people have been engaged in publically funded jobs for longer than six months?
- (iii) Of board, executive positions, and general staff appointments by the Commission in the last 2 years what proportion were:
 - Women?
 - Attended the ANU or another Group of Eight university?
 - Were educated at a private secondary school?
 - Have a trade qualification?
 - Come from a culturally or linguistically diverse (CALO) household?

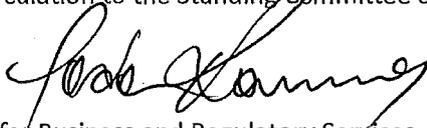
Gordon Ramsay MLA: The answer to the Member's question is as follows:–

- (i) The Gambling and Racing Commission has entered into an agreement with Access Canberra on the provision of services for the administration of gaming laws including the control, supervision and regulation of gaming and racing in the ACT. As a result of this agreement, Gambling and Racing Commission staff were transferred to Access Canberra from 1 July 2016.
- (ii) Refer to answer (i).
- (iii) The below information only relates to Gambling and Racing Commission board appointments:

Women	50 per cent
Attended the ANU or another Group of Eight university	Information unavailable
Were educated at a private secondary school	Information unavailable
Have a trade qualification	Information unavailable
Come from a culturally or linguistically diverse household	One known

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

Signature:



Date: 5/12/18

By the Minister for Business and Regulatory Services, Gordon Ramsay MLA



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
GIULIA JONES MLA (CHAIR), BEC CODY MLA (DEPUTY CHAIR), MICHAEL PETERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE
14 November 2018

Asked by: Ms Bec Cody MLA

In relation to: Power to weight ratios for cars

Bec Cody MLA: We have power to weight ratio for motorbikes – do we have them for cars as well?

Minister for Justice, Consumer Affairs and Road Safety: The answer to the Member's question is as follows:–

The road transport legislation provides for a restriction on learner and novice (holder of a provisional licence for less than 12 months) motorcycle riders to not ride a motorcycle with a power to weight ratio of more than 150kW/t (kilowatts per tonne).

The ACT does not currently have power to weight ratios for motor vehicles. High Powered Vehicle (HPV) restrictions for novice car drivers are not being considered as part of the Graduated Licence System (GLS) review as an initial investigation found no material impact of HPV restrictions providing a road safety benefit.

The national framework research report notes that, assuming 100% compliance, a restriction of high powered vehicles would see less than 2% reduction in injuries. There is also a risk that restricting these vehicles, which may include the family car, could place young and inexperienced drivers into less safe or cheaper vehicles. The ACT Government works with the Australasian New Car Assessment Program (ANCAP) to encourage young drivers to purchase the safest vehicle they can afford, which in some cases may include vehicles with a high power to weight ratio.

However, all road fatalities are considered by the Coroner, who has the ability to report on any serious risks to public safety and make recommendations about matters of public interest where appropriate.

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

Signature:

Date: 6/12/18

By the Minister for Justice, Consumer Affairs and Road Safety, Shane Rattenbury MLA