

STANDING COMMITTEE ON JUSTICE AND COMMUNITY  
SAFETY

**Report on Annual and Financial Reports  
2010-11**

MAY 2012



## **Committee membership**

|                        |              |
|------------------------|--------------|
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| Mr John Hargreaves MLA | Deputy Chair |
| Ms Meredith Hunter MLA | Member       |

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## **Resolution of appointment**

On 9 December 2008 the Legislative Assembly appointed a Standing Committee on Justice and Community Safety to perform the duties of a scrutiny of bills and subordinate legislation committee and examine matters related to community and individual rights, consumer rights, courts, police and emergency services, corrections including a prison, governance and industrial relations, administrative law, civil liberties and human rights, censorship, company law, law and order, criminal law, consumer affairs and regulatory services.<sup>1</sup>

## **Terms of reference**

Each year the annual reports of government agencies are presented to the Assembly pursuant to the Annual Reports (Government Agencies) Act 2004. On 22 September 2011 the Chief Minister moved a resolution that the Legislative Assembly refer annual and financial reports for the calendar year 2011 and the financial year 2010-2011 to the Assembly's Standing Committees. The motion was subsequently passed. The referral of annual reports of particular agencies to particular Standing Committees follows a schedule tabled in the Assembly to accompany the resolution.<sup>2</sup>

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<sup>1</sup> Legislative Assembly for the ACT, *Minutes of Proceedings* No 2, 9 December 2008, pp.12-18.

<sup>2</sup> Legislative Assembly for the ACT, *Minutes of Proceedings* No. 120, 22 September 2011, pp. 1532 -1536.

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## RECOMMENDATION

### RECOMMENDATION 1

6.29 The Committee recommends that ACT Policing report the number of use of force incidents involving police use of firearms, tasers, OC spray and batons in future Annual Reports.



# 1 INTRODUCTION

- 1.1 The Justice and Community Safety Directorate has under its administration the Law Courts; the Office of the Director of Public Prosecutions; the Government Solicitor; the Office of Regulatory Services (ORS); ACT Policing; the Alexander Maconochie Centre; Emergency Services, including Ambulance and Fire services; and Road Transport. In addition, the Directorate has a special role in developing legal policy for Government.
- 1.2 The Directorate also has administrative responsibility for a number of statutory offices, including the Human Rights Commission; the Public Advocate; the Public Trustee; the Legal Aid Commission; the Victims of Crime Commissioner; WorkSafe ACT and the Work Safety Commissioner; the Electoral Commission; and the ACT Ombudsman.

## Conduct of the inquiry

- 1.3 The Committee held four public hearings for the inquiry, on:
- 2 November 2011, where the Justice and Community Safety Directorate appeared before the Committee;<sup>3</sup>
  - 7 November, 2011, where the Justice and Community Safety Directorate, including ACT Corrective Services, the Emergency Services Agency, ACT Fire and Rescue, ACT Ambulance Service, ACT Policing, and the Office of the Commonwealth Ombudsman appeared;<sup>4</sup>
  - 11 November, 2011, where the Justice and Community Safety Directorate, and Statutory Officers, including the Official Visitor, the Public Trustee for the ACT, the Sentence Administration Board, the Victims of Crime Commissioner and Victim Support ACT, WorkSafe ACT, the Human Rights and Discrimination Commissioner, the Children and Young People

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<sup>3</sup> *Transcript of Evidence*, 2 November 2011.

<sup>4</sup> *Transcript of Evidence*, 7 November 2011.

Commissioner, and the Health Services Commissioner/Disability and Community Services Commissioner appeared;<sup>5</sup> and

- 23 November 2011, where the Justice and Community Safety Directorate, and Statutory Officers, including the Director of Public Prosecutions, the Electoral Commissioner, the Public Advocate of the ACT, and the Legal Aid Commission, appeared.<sup>6</sup>

1.4 The Committee deliberated on the inquiry in four of its private meetings.

## Structure of the report

1.5 This report consists of:

- Chapter 1, which is this introduction;
- Chapter 2, which considers the Justice and Community Safety Directorate;
- Chapter 3, which considers elements of the Directorate, being WorkSafe, the Office of Regulatory Services (ORS), the Emergency Services Agency (ESA) and Transport Regulation;
- Chapter 4, which considers the Courts;
- Chapter 5, which considers ACT Corrective Services, including the administration of the Alexander Maconochie Centre;
- Chapter 6, which considers ACT Policing; and
- Chapter 7, which considers statutory authorities, including:
  - the Human Rights Commission;
  - the Victims of Crime Commissioner;
  - the Public Advocate;
  - Legal Aid; and
  - other statutory office-holders.

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<sup>5</sup> *Transcript of Evidence*, 11 November 2011.

<sup>6</sup> *Transcript of Evidence*, 23 November 2011.

## 2 THE DIRECTORATE

### Introduction

- 2.1 The Justice and Community Safety Directorate comprises the following organisational units:
- Legislation and Policy Branch;
  - ACT Government Solicitor;
  - ACT Parliamentary Counsel's Office;
  - ACT Law Courts and Tribunal;
  - Transport Regulation;
  - ACT Corrective Services;
  - Security and Emergency Management Branch;
  - Office of Regulatory Services; and the
  - Emergency Services Agency.<sup>7</sup>
- 2.2 There are a number of purchased services administered by the Directorate, which are:
- ACT Policing;
  - Legal Aid ACT;
  - Office of the Australian Information Commissioner; and the
  - Ombudsman of the ACT.<sup>8</sup>
- 2.3 There are also a number of independent statutory office holders and bodies which lie within the Directorate's portfolio:
- the ACT Electoral Commission (including the Electoral Commissioner);
  - the ACT Legal Aid Office;
  - the Director of Public Prosecutions;

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<sup>7</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Vol. 1, p.3.

<sup>8</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Vol. 1, p.3.

- the Human Rights Commission (made up of the Human Rights and Discrimination Commissioner, Children and Young People Commissioner, Disability and Health Services Commissioner);
  - the Office of the Public Advocate;
  - the Public Trustee for the ACT;
  - the Sentence Administration Board;
  - the Victims of Crime Commissioner;
  - the Work Safety Commissioner; and
  - the Official Visitor.<sup>9</sup>
- 2.4 Changes to Administrative Arrangements, taking effect on 17 May 2011 resulted in the Directorate acquiring transport regulation and road safety from Department of Territory and Municipal Services.<sup>10</sup>
- 2.5 In addition, the Independent Competition and Regulatory Commission is now under the administration of the Treasury Directorate.<sup>11</sup>

## Matters considered

- 2.6 In hearings the Committee considered a number of matters relating to the Directorate, including:
- energy use, the use of renewable energy, and greenhouse gas emissions;<sup>12</sup>
  - the cost and provision of legal services to Government;<sup>13</sup> and
  - legal advices on human rights provided by the Government Solicitor.<sup>14</sup>

## Energy use

- 2.7 In relation to energy use by the Directorate, the Attorney-General was asked why there had been an increase in electricity and natural gas usage between

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<sup>9</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Vol. 1, p.4.

<sup>10</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Vol. 1, p.2.

<sup>11</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Vol. 1, p.2.

<sup>12</sup> *Transcript of Evidence*, 2 November 2011, pp.13-14, 23-24.

<sup>13</sup> *Transcript of Evidence*, 2 November 2011, pp.17-18, 21-22.

<sup>14</sup> *Transcript of Evidence*, 2 November 2011, pp.19-20.

the 2009-10 and 2010-11 years.<sup>15</sup> The Director-General later told the Committee that:

the measures where energy consumption has increased relate to the AMC [Alexander Maconochie Centre] building, which of course is the 24-hour continuous operation building, and that was not included in the figures last year.<sup>16</sup>

- 2.8 Further questions were asked about reported reductions in greenhouse gas emissions. The Director-General told the Committee that for the first time the Directorate was able to report on emissions from areas in buildings under its administration, rather than buildings as a whole, and that this accounted for the reductions.

### **Legal services to government**

- 2.9 In relation to legal services to government, the Committee asked the Solicitor-General to clarify the amounts spent on legal advice to government. The Solicitor-General told the Committee that the \$8.9million reflected as the cost of legal services to government represented in-house legal provision, and that this was in addition to the \$1.77 million paid to external counsel as represented in Table 77 of the *Annual Report 2010-11*.<sup>17</sup>
- 2.10 The Solicitor-General was also asked the extent to which legal services were provided by his office or by in-house legal capacity within government agencies. He responded by saying that there was limited legal capacity in government agencies and that the overwhelming proportion of legal work was done by his office, which dealt with all of more complex matters requiring a legal opinion.<sup>18</sup>

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<sup>15</sup> *Transcript of Evidence*, 2 November 2011, p.13.

<sup>16</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.23.

<sup>17</sup> Mr Garrisson, *Transcript of Evidence*, 2 November 2011, p.17. The tables discussed are on p.119 of Volume 1 and pp.196-97 of Volume 2 of the *Annual Report 2010-11*.

<sup>18</sup> Mr Garrisson, *Transcript of Evidence*, 2 November 2011, pp.17-19.

## Human rights advices

- 2.11 The Solicitor-General was asked as to the number of human rights advices were written by his office. He told the Committee that although it was difficult to give a firm figure, due to the differing degrees of significance of human rights in different cases, that if he were to 'hazard a guess' he would say that 'there would be probably 30 to 40 specific advices on the *Human Rights Act*'. In the previous two years his office had 'put submissions in 28 or 30 matters in which the *Human Rights Act* was involved'.<sup>19</sup>

## Questions on notice

- 2.12 A number of questions on notice were asked and answered regarding:
- the efficiency dividend for the Directorate;
  - savings in the Directorate budget;
  - ageing of payables as at 30 June 2011;
  - the cost efficiency of ACT Courts and Tribunals;<sup>20</sup>
  - advisory boards and committees;
  - expenditure on learning and development for Directorate staff; and
  - Directorate targets for workplace health and safety;<sup>21</sup> and
  - accommodation for community legal centres.<sup>22</sup>

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<sup>19</sup> Mr Garrisson, *Transcript of Evidence*, 2 November 2011, pp.19-20.

<sup>20</sup> Question on Notice JCS-12, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>

<sup>21</sup> Question on Notice JCS-37 and see attachment for advisory boards and committees, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>22</sup> Question on Notice JCS-17, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

### 3 AGENCIES OF THE DIRECTORATE: ORS, WORKSAFE, ESA AND TRANSPORT REGULATION

#### The Office of Regulatory Services and WorkSafe ACT

##### Annual report

- 3.1 The Justice and Community Safety Directorate's *Annual Report 2010-11* details the structure and work of the Office of Regulatory Services (ORS), including:
- the creation of WorkSafe ACT within the ORS, combining the former units WorkCover and the Office of the Work Safety Commissioner;<sup>23</sup>
  - aspects of the work of WorkSafe ACT;<sup>24</sup>
  - Fair Trading compliance;<sup>25</sup>
  - parking operations and review;<sup>26</sup>
  - registration and client services;<sup>27</sup>
  - community relations;<sup>28</sup> and
  - the transfer of Transport Regulation from the former Department (now Directorate) of Territory and Municipal Services to the ORS.<sup>29</sup>

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<sup>23</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.41.

<sup>24</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, pp.42-46.

<sup>25</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, pp.46-49.

<sup>26</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.49.

<sup>27</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, pp.49-52.

<sup>28</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, pp.54.

<sup>29</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.39.

## Matters considered - ORS

- 3.2 In hearings the Committee considered the following matters touching on the work of the ORS:
- liquor inspections under a new regulatory regime;<sup>30</sup> and
  - broader matters on inspections of premises which sell liquor.<sup>31</sup>
- 3.3 These are considered below.

## Inspections

- 3.4 In relation to inspections of premises supplying liquor, the Committee asked the Executive Director of the ORS about the effects of increased police activity on alcohol crime for his staff. He told the Committee that this had allowed ORS staff to maximise the time spent on inspections and to put a 'compliance inspection regime' in place across the various categories of licensed premises. In addition, there had been a 'lessening of complaints' to the ORS, and an enhanced working relationship between the ORS and ACT Policing.<sup>32</sup>

## Broader matters

- 3.5 In relation to broader matters on liquor-related inspections, the Executive Director told the Committee that the change in compliance arrangements represented a partial shift of responsibilities to ACT Policing. This he said had occurred at the same time as ORS had clarified its priorities for checking on compliance with liquor regulations, resulting in a better use of human resources.<sup>33</sup>

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<sup>30</sup> *Transcript of Evidence*, 2 November 2011, pp.35-36.

<sup>31</sup> *Transcript of Evidence*, 2 November 2011, pp.36-38.

<sup>32</sup> *Transcript of Evidence*, 2 November 2011, pp.35-36.

<sup>33</sup> *Transcript of Evidence*, 2 November 2011, p.36.

## Matters considered - WorkSafe

- 3.6 The following matters were considered which related to the work of WorkSafe:
- a large chemical fire at a site in Mitchell;<sup>34</sup>
  - workplace bullying;<sup>35</sup> and
  - asbestos hazards.<sup>36</sup>
- 3.7 These are considered below.

### Chemical fire in Mitchell

- 3.8 In relation to the large-scale chemical fire which started in Mitchell on 15 September 2011, the Work Safety Commissioner was asked whether workers attending the fire were operating under correct safety standards. The Commissioner stated that his investigation was not yet concluded, and that as a result he was unable to answer the question. Asked if the standards for handling PCBs in the ACT were consistent with national standards, the Commissioner stated that he believed they were.<sup>37</sup>

### Workplace bullying

- 3.9 In relation to workplace bullying, the Commissioner was asked whether mediation was available to complainants where there were allegations of bullying. The Commissioner told the Committee that there was a Code of Practice applicable in this area. Under this, mediation could be provided by the employer but was not mandatory.<sup>38</sup>
- 3.10 The Commissioner was also asked about the distribution and prevalence of bullying through workplaces in the ACT. He told the Committee that

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<sup>34</sup> *Transcript of Evidence*, 7 November 2011, pp.85-88, p.125. See ABC News, 'Blasts from massive chemical fire rock Canberra', <http://www.abc.net.au/news/2011-09-16/canberra-chemical-fire/2901598>

<sup>35</sup> *Transcript of Evidence*, 2 November 2011, pp.29-33. This matter is also discussed in *Transcript of Evidence*, 7 November, pp.130-131.

<sup>36</sup> *Transcript of Evidence*, 2 November 2011, pp.33-35. This matter is also discussed in *Transcript of Evidence*, 11 November, pp.124-125.

<sup>37</sup> Mr McCabe, *Transcript of Evidence*, 11 November 2011, p.125.

<sup>38</sup> Mr McCabe, *Transcript of Evidence*, 2 November 2011, pp.29-30.

statistical evidence showed that it was distributed across all types and sizes of workplace, with a higher number (around 2/3<sup>rd</sup>s) reported in private industry. He stated that this was likely to be due to better structures to address bullying in the public sector.<sup>39</sup>

- 3.11 The Commissioner also told the Committee that in his view penalties for bullying were insufficient, but that bullying cases often relied on hearsay evidence and that made it difficult to bring them to a resolution. Up until that point, the Commissioner said, there had not been a successful prosecution for workplace bullying. These difficulties occurred with workplace bullying across all Australia jurisdictions.<sup>40</sup>

### **Asbestos hazards in buildings**

- 3.12 In relation to asbestos hazards in older buildings, the Commissioner was asked whether the ACT had moved toward establishing a register of these hazards. The Commissioner told the Committee that he did not believe that a register was being contemplated. WorkSafe ACT normally received a consistent level of reports of asbestos in buildings, from employers, workers and the public. Asked whether the adoption of uniform national legislation on occupational health and safety stood to lower standards in the ACT, the Commissioner said that he believed they would not. The Attorney contributed to this discussion, saying that the ACTs asbestos regime was the 'most comprehensive and thorough in the country'.<sup>41</sup>

### **Questions on notice**

- 3.13 In hearings, questions on notice were asked and answered regarding:
- client and community feedback to the ORS on legislative reforms and implementation of those reforms;<sup>42</sup>

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<sup>39</sup> Mr McCabe, *Transcript of Evidence*, 2 November 2011, pp.31-32.

<sup>40</sup> Mr McCabe, *Transcript of Evidence*, 2 November 2011, pp.32-33.

<sup>41</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, pp.33-34.

<sup>42</sup> Question on Notice JCS-18, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

- practical implications of the creation of WorkSafe ACT and other aspects of its work, including public education campaigns, fire safety, fair trading and complaint resolution rates;<sup>43</sup>
- Strategic Indicator Number 4, 'Effective Regulation and Enforcement' on page 235 of the *Annual Report*;<sup>44</sup>
- the entry on 'young workers' on page 43 of volume 1 of the Justice and Community Safety *Annual Report 2010-11*;<sup>45</sup>
- WorkSafe inspections at the site of the Mitchell fire;<sup>46</sup> and
- WorkSafe inspections in the forestry sector.<sup>47</sup>

## Emergency Services Agency

### Annual report

3.14 The Justice and Community Safety Directorate's *Annual Report 2010-11* documents the work of the Emergency Services Agency, including information about:

- the Agency and its activities in 2010-11;<sup>48</sup>
- volunteers and facilities;<sup>49</sup>
- the ACT Ambulance Service;<sup>50</sup>
- the ACT Fire Brigade;<sup>51</sup>
- the ACT Rural Fire Service;<sup>52</sup> and

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<sup>43</sup> Question on Notice JCS-18, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>44</sup> Question on Notice JCS-15, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>45</sup> Question on Notice JCS-7, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>46</sup> Question on Notice JCS-28, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>47</sup> Question on Notice JCS-29, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>48</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Volume 1, pp.79-80.

<sup>49</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Volume 1, pp. 80-82.

<sup>50</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Volume 1, pp.82-84.

<sup>51</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Volume 1, pp.84-86.

- the ACT State Emergency Service.<sup>53</sup>

### **Matters considered**

3.15 In hearings of 7 November 2011, the Committee discussed the following topics with regarding the work of the Emergency Services Agency:

- the cost of restoration of the ESA's Fairbairn site after a flooding incident;<sup>54</sup>
- the status of the ESA's Hume facility;<sup>55</sup>
- the station upgrade and relocation strategy;<sup>56</sup> and
- the chemical fire at Mitchell.<sup>57</sup>

3.16 These are considered below.

### **Flooding at Fairbairn**

3.17 In relation to the ESA's Fairbairn site subsequent to flooding in December 2010, the Attorney was asked whether repairs were complete and the cost to the ACT. The Attorney answered, saying that repairs were complete, and the ESA communications unit had resumed operations at Fairbairn. He told the Committee that expenditure for restoration of the site after flooding came to a total of \$721,948, but that whether this would be paid by insurers or by the ACT was currently under discussion.<sup>58</sup>

### **ESA facility at Hume**

3.18 In relation to the ESA's facility at Hume, the Attorney told the Committee that the site contained the Rural Fire Service (RFS) helicopter base and the ESA's training facility. The first of these had been handed over in March 2011. The training facility was yet to be completed due to complexities in construction,

<sup>52</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Volume 1, p.87.

<sup>53</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Volume 1, p.88.

<sup>54</sup> *Transcript of Evidence*, 7 November 2011, pp.78-79.

<sup>55</sup> *Transcript of Evidence*, 7 November 2011, p.78.

<sup>56</sup> *Transcript of Evidence*, 7 November 2011, pp.80-81.

<sup>57</sup> *Transcript of Evidence*, 7 November 2011, p.85.

<sup>58</sup> Mr Corbell MLA, *Transcript of Evidence*, 7 November 2011, p.78.

and due to delays caused by bad weather. The total appropriation for the Hume facility was \$5.7 million.<sup>59</sup>

## Station Upgrade and Relocation Strategy

- 3.19 In relation to the ESA's Station Upgrade and Relocation Strategy, the Attorney told the Committee that \$4.7 million had been provided in the most recent budget for the first stage of the Strategy, the purpose of which was to relocate ESA fire and ambulance stations 'to better place them in the context of the growth of the city'. This first stage included new facilities in the Calwell-Conder area, in Aranda, and Charnwood. A community consultation process was to be conducted in relation to the new facilities.<sup>60</sup>

## Chemical fire at Mitchell

- 3.20 In relation to the chemical fire at Mitchell on 15 September 2011, the Committee asked the Attorney whether this incident had pushed the ACT's capacity to respond to its limit, and whether this pointed to a need to expand this capacity. The Attorney told the Committee that there were 'normal assistance arrangements' in place, under which the ACT can call on resources from the NSW emergency response capacity. He also indicated scenarios that can come into effect under the *Emergencies Act 2004*, which provided for more coordinated control of emergency events where they exceeded a certain threshold.<sup>61</sup>

## Questions on notice

- 3.21 Questions on notice were asked and answered regarding the following aspects of the work of the ESA:
- the cost of flooding at ESA's Fairbairn site;<sup>62</sup>
  - the use of Personal Protection Equipment in connection with the Mitchell chemical fire;<sup>63</sup> and

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<sup>59</sup> Mr Corbell MLA, *Transcript of Evidence*, 7 November 2011, pp.78, 79.

<sup>60</sup> Mr Corbell MLA, *Transcript of Evidence*, 7 November 2011, pp.80-81.

<sup>61</sup> Mr Corbell MLA, *Transcript of Evidence*, 7 November 2011, p.85.

<sup>62</sup> Question on Notice JCS-24, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

- ambulance performance indicators.<sup>64</sup>

## Transport regulation

### Annual report

3.22 With regard to transport regulation the Justice and Community Safety Directorate's *Annual Report 2010-11* makes reference to the following matters:

- changes in legislation on alcohol and drug testing for drivers;<sup>65</sup> and
- other road safety-related changes, including:
  - stricter controls on mobile phone use while driving;
  - an expansion in the number of sites for speed cameras; and
  - development of a legislative framework for point-to-point speed cameras;<sup>66</sup> and
- a series of changes for taxis, including:
  - the introduction of centralised booking for wheelchair taxis;
  - preparation for a trial of independent taxi operators; and
  - the 'implementation of national taxi driver training competences'.<sup>67</sup>

### Matters considered

3.23 The following transport regulation matters were discussed in hearings, among other things:

- the agency's change in position in government, new functions, and new location;<sup>68</sup>
- wheelchair taxis;<sup>69</sup>

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<sup>63</sup> Question on Notice JCS-25, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>64</sup> Question on Notice JCS-25, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>65</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Volume 1, pp.54-55.

<sup>66</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Volume 1, p.55.

<sup>67</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Volume 1, pp.55-56.

<sup>68</sup> *Transcript of Evidence*, 2 November 2011, pp.38-39.

- point-to-point cameras;<sup>70</sup> and
- road charges on hybrid vehicles.<sup>71</sup>

3.24 These are considered below.

### **Agency's change of position**

3.25 In relation to the agency's change of position in government, the Committee was told by the Executive Director of Transport Regulation that 'transport regulation and regulation of driver licensing, vehicle registration, road safety, road rules and public transport regulations' had been transferred to JACS while 'the operational elements of those are now with the Office of Regulatory Services'. In addition, there was a 'small transport policy and road safety component' that was moving to the legal policy branch in JACS.<sup>72</sup>

### **Wheelchair taxis**

3.26 In relation to wheelchair taxis, the Executive Director told the Committee that there were 18 wheelchair taxi licenses in operation at that time out of a total of 26. It was under consideration as to whether the remainder would be put to a ballot in the future. The Executive Director told the Committee that nevertheless wheelchair taxis were meeting service standards set by transport regulations. She also said that it was intended that when wheelchair accessible taxi (WAT) plates were to be reissued, that the operator would be required to show a 'demonstrated commitment' to providing the service.<sup>73</sup>

### **Point to point speed cameras**

3.27 In relation to point to point speed cameras, the Committee asked as to the number and location of the proposed cameras. The Attorney told the Committee that a site on Hindmarsh Drive was planned, with the potential for another at a site to be determined. Choice of location was based on the safety

<sup>69</sup> *Transcript of Evidence*, 2 November 2011, pp.39-41 and see p.55 of the JACS *Annual Report* Vol.1.

<sup>70</sup> *Transcript of Evidence*, 2 November 2011, pp.42-45.

<sup>71</sup> *Transcript of Evidence*, 2 November 2011, pp.47-48.

<sup>72</sup> Ms Greenland, *Transcript of Evidence*, 2 November 2011, p.38.

<sup>73</sup> Ms Greenland, *Transcript of Evidence*, 2 November 2011, pp.39-40.

record of the 'stretch of road in question' and volumes of traffic. Also discussed was the implementation of 'average speed' as a legal construct in the context of point to point cameras.<sup>74</sup>

## Road charges for hybrid vehicles

- 3.28 In relation to road charges for hybrid vehicles, the Committee was told that currently registration fees were charged on the basis of the weight of the vehicle, and that if hybrid vehicles had a greater weight they would attract a higher fee, irrespective of their environmental effect. The Executive Director of the ORS told the Committee that he would be giving advice to government on this matter.<sup>75</sup>

## Questions on notice

- 3.29 The questions on notice were asked and answered regarding the following Transport Regulation matters:
- reporting requirements for taxis and hire car operators;<sup>76</sup>
  - safety and speed camera vans;<sup>77</sup>
  - responses to misuse of disabled parking vouchers;<sup>78</sup> and
  - ways to ensure compliance with licence requirements for wheelchair taxi operators.<sup>79</sup>

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<sup>74</sup> Mr Corbell MLA, Ms Greenland, *Transcript of Evidence*, 2 November 2011, pp.42-43, 44-45.

<sup>75</sup> Mr Phillips, *Transcript of Evidence*, 2 November 2011, pp.47-48.

<sup>76</sup> Question on Notice JCS-10, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>77</sup> Question on Notice JCS-9, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>78</sup> Question on Notice JCS-11, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>79</sup> Question on Notice JCS-38, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

## 4 THE COURTS

### Introduction

- 4.1 The Justice and Community Safety Directorate Annual Report 2010-11 states that:

The Court and Tribunal structure consists of the ACT Supreme Court, ACT Magistrate Court, the ACAT [ACT Civil and Administrative Tribunal] and the FMC [Forensic Medical Centre]. Each Court and the ACAT are administered under separate legislation. The FMC provides a workplace for coronial pathologists appointed under the *Coroners Act 1997*.<sup>80</sup>

### Matters considered

- 4.2 The Committee considered a number of matters regarding the Courts, especially regarding efficiency. These included:

- the Courts backlog;<sup>81</sup>
- bail reform;<sup>82</sup>
- Court scheduling;<sup>83</sup>
- a single registry for the Magistrates and Supreme Courts;<sup>84</sup> and
- the Fine Enforcement Unit.<sup>85</sup>

- 4.3 These are considered below.

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<sup>80</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.70.

<sup>81</sup> *Transcript of Evidence*, 2 November 2011, pp.9-10.

<sup>82</sup> *Transcript of Evidence*, 2 November 2011, pp.9-10.

<sup>83</sup> *Transcript of Evidence*, 2 November 2011, p.6.

<sup>84</sup> *Transcript of Evidence*, 2 November 2011, p.24.

<sup>85</sup> *Transcript of Evidence*, 2 November 2011, p.24.

## The Courts backlog

### Introduction

- 4.4 There have been long-standing concerns over delays in hearing and completing court cases in the ACT Courts. The 2005 Auditor-General's performance audit report into the Courts Administration noted that there had been many 'reviews of the ACT Courts, dating back to the early days of self-government', and that these were marked by a 'repetition of themes'.<sup>86</sup>
- 4.5 Comparative data cited in the report showed that the ACT Courts 'did not generally compare well against other jurisdictions' for some performance measures. In particular, an Australian Bureau of Statistics report on Criminal Courts for 2003-04 showed that the ACT Magistrates Court had 'the highest proportion of ... cases taking longer to finalise than other states and territories'. At the time Supreme Court timeliness was 'close to average' for Australian states and territories.<sup>87</sup>
- 4.6 The Auditor-General performed a *Follow-up Audit* on the Courts in 2010. This second report found that there had been mixed progress on the recommendations of the initial report, with nine 'fully implemented', ten 'mostly or partly implemented', one was 'overtaken by later developments', and 'limited or no action on the remaining four recommendations'.<sup>88</sup>
- 4.7 The 2010 report made positive comments on improved communication between JACS and the judiciary; improved practices in case scheduling and conferencing; reforms in Registry; and better management of resources.<sup>89</sup> However, it noted delays in for other recommendations with implications for performance. These were recommendations to consider alternative governance models; review funding; redevelop the case management system; and analyse

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<sup>86</sup> ACT Auditor-General's Office, *Performance Audit Report - Courts Administration*, September 2005, p.4.

<sup>87</sup> ACT Auditor-General's Office, *Performance Audit Report - Courts Administration*, September 2005, p.4.

<sup>88</sup> ACT Auditor-General's Office, *Performance Audit Report - Follow-up Audit - Courts Administration*, November 2010, p.4.

<sup>89</sup> ACT Auditor-General's Office, *Performance Audit Report - Follow-up Audit - Courts Administration*, November 2010, p.4.

statistics to support decision making by the judiciary and the Courts Administration.<sup>90</sup>

- 4.8 Other matters with an impact on the efficiency of the Courts are considered below, including progress on a centralized registry and the Fine Enforcement Program. Both are measures intended to streamline workflow through the Courts.

## Annual Report

- 4.9 The Justice and Community Safety Directorate's *Annual Report 2010-11* indicates a number of measures undertaken to address the backlog in the Courts, and these were discussed in the Committee's hearings.<sup>91</sup>
- 4.10 They include the advent of the:
- *Courts Legislation Amendment Act 2011*, which will result in 'some matters which are more appropriately heard in the Magistrates Court rather than the Supreme Court, being allocated to the Magistrates Court';<sup>92</sup>
  - the *Bail Amendment Act 2011*, which 'creates a balance between ensuring that the issue of bail is pursued properly in the Magistrates Court and allowing appropriate recourse to the Supreme Court';<sup>93</sup> and
  - the *Criminal Proceedings Legislation Amendment Act 2011*, which 'proposes the removal of the option of election for trial by judge-alone for all offences involving the death of a person and all sexual offences, including child pornography offences'.<sup>94</sup>
- 4.11 In relation to this last Act, the *Annual Report* notes that:
- While the aim of the Act is to ensure an appropriate role for the community in determining the most serious offences, it will also reduce

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<sup>90</sup> ACT Auditor-General's Office, *Performance Audit Report - Follow-up Audit - Courts Administration*, November 2010, p.4.

<sup>91</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, pp.9-10.

<sup>92</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.73.

<sup>93</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.73.

<sup>94</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.73.

the delays in determining such matters as jury decisions are not reserved.<sup>95</sup>

- 4.12 The report also notes the creation of a third jury trial court room and jury deliberation room 'too allow more trials to proceed' and 'additional temporary judicial resources' in the form of appointments of acting judges 'for periods totalling the equivalent of one judge for nine months'.<sup>96</sup>

## Hearings

- 4.13 In hearings the Directorate was asked questions about the courts backlog, in particular asking why there were statements in the Directorate's *Annual Report 2010-11* which showed that the backlog had declined 2009-10 while at the same time there had been an increase in cases 'older than two years'.<sup>97</sup>
- 4.14 The Directorate responded by saying there had been 'considerable action' in reducing the number of cases of between one and two years duration, and that cases older than two years tended to be 'harder matters' that were more difficult to resolve. This accounted for the increase in this area.<sup>98</sup>

## Questions on notice

- 4.15 A number of questions on notice were lodged regarding the Courts backlog.
- 4.16 One asked whether the Government had considered higher salaries for magistrates, to which the Government responded by saying that salaries for the judiciary were a matter for the ACT Remuneration Tribunal. The second part of the question on notice asked if the appointment of a fifth Supreme Court judge would have made other efficiency measures less necessary. The Government responded by saying that further judicial officers were appointed on a temporary basis according to need.<sup>99</sup>

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<sup>95</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.73.

<sup>96</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.73.

<sup>97</sup> *Transcript of Evidence* 2 November 2011, p.9.

<sup>98</sup> Ms Leigh, *Transcript of Evidence* 2 November 2011, p.9.

<sup>99</sup> Question on Notice JCS-13, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

- 4.17 A second question on notice asked why, for civil cases, the average finalisation period and numbers of cases taking more than 24 months had increased in spite of the appointment of acting Supreme Court judges over the period 2009-10 to 2010-11. The Government responded by saying that the total number civil cases pending in the Supreme Court had decreased; that civil cases taking more than 24 months had 'increased marginally'; and that the number of civil cases taking more than 12 months 'decreased significantly'. The average finalisation period had increased 'marginally' due to the total number of cases pending having decreased. The response also noted that acting judges had 'dealt with new matters', while older matters had remained with the permanent judges and had 'received increased attention'.<sup>100</sup>
- 4.18 A third question asked about comparisons with other small jurisdictions regarding criminal case backlog indicators and cost efficiency. With regard to criminal case backlog indicators, the Government responded with information showing that the ACT had for 2009-10 had more finalisations than lodgements, both for civil and criminal cases. This was in contrast to the other small jurisdictions, the Northern Territory and Tasmania, except for civil lodgements and finalisations in Tasmania.<sup>101</sup> The Government's response regarding cost efficiency referenced the Report on Government Services for comparative information on costs across jurisdictions.<sup>102</sup>

## Bail reform

### Introduction

- 4.19 A number of matters were considered in the Committee's hearings which touched upon the efficiency of the Courts, and may have an impact on the

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<sup>100</sup> Question on Notice JCS-15, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>101</sup> Question on Notice JCS-12, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>102</sup> Question on Notice JCS-12, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf> and see *Report on Government Services 2011*, 'Chapter 7: Court administration', Attachment tables, Tables 7 A.9 and 7 A.10 at [http://www.pc.gov.au/data/assets/pdf\\_file/0012/105312/030-chapter7-attachment.pdf](http://www.pc.gov.au/data/assets/pdf_file/0012/105312/030-chapter7-attachment.pdf)

Courts backlog. Bail reform was one of these, and the *Bail Amendment Act 2011*, noted above, was significant in relation to this issue.

- 4.20 The Explanatory Statement to the Bail Amendment Bill 2010 stated that the Bill was intended to address ‘a substantial increase in the number of bail applications being made in the Supreme Court as opposed to the Magistrates Court’. It did this by removing the requirement that second hearings for bail only be heard in the Magistrates Court where they could demonstrate ‘a change of circumstances’. This had encouraged bail applicants to consider the Supreme Court as the customary avenue for second bail hearings. This was important, the Statement suggested, because first bail hearings were often conducted at short notice and were likely to fail, in the first instance.<sup>103</sup>

## Annual report

- 4.21 The Bail Amendment Bill 2010 is cited in a number of places in the *Annual Report*. A substantive reference to the Bill is included in an account of responses to recommendations by the Select Committee on Estimates 2011-12:

Reforms contained in the Bail Amendment Bill 2010, passed in February 2011, which will ensure the issue of bail is explored fully in the Magistrates Court while ensuring that appropriate access to the Supreme Court is retained (this should reduce the number of hearings in the Supreme Court).<sup>104</sup>

- 4.22 This was a response to the Estimates Committee’s Recommendation No.131, which asked the Government, among other things, to report on ‘case backlog targets for 2011-12’ and ‘the Government’s strategy to achieve cost efficiencies to meet these targets.’<sup>105</sup>

## Hearings

- 4.23 In the Committee’s hearings, the Attorney-General stated that changes made

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<sup>103</sup> Explanatory Statement - Bail Amendment Bill 2010, p.1,  
[http://www.legislation.act.gov.au/es/db\\_40132/20101118-46021/pdf/db\\_40132.pdf](http://www.legislation.act.gov.au/es/db_40132/20101118-46021/pdf/db_40132.pdf)

<sup>104</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.125.

<sup>105</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.125.

by the Act had resulted in '70 fewer lodgements for bail in the Supreme Court compared to the previous period', and a concomitant rise in numbers for bail hearings in the Magistrates Court.<sup>106</sup>

- 4.24 Speaking about the contribution this made to easing the Courts backlog, the Attorney stated that:

Bail in and of itself is not a significant workload matter for the court; nevertheless, any reduction in the number of bail matters they do have to hear is of benefit in terms of judges' time.<sup>107</sup>

## Courts scheduling

### Introduction

- 4.25 Courts scheduling was another of the matters considered which had implications for the Courts backlog.

### Annual report

- 4.26 Courts scheduling was not reported on in the JACS *Annual Report 2010-11*.

### Hearings

- 4.27 The Committee Directorate was asked what work was being conducted in relation to court scheduling. The Attorney-General and the Directorate told the Committee that a review of court procedures, including listing and case management procedures, had been undertaken by Justice Penfold and Ms Leigh of the Directorate. The Committee was told that the review had undertaken consultation within the ACT legal community, and that its report outlined "a wide range of opportunities for improvements in the way the court manages its business, lists matters and hears matters".<sup>108</sup>
- 4.28 The Committee was told that significant factors in slowing-down the work of

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<sup>106</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.10.

<sup>107</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.10.

<sup>108</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.6.

the Courts were a cases that were listed but did not go to trial, and which failed on the first day of trial:

if one looks at the cases coming before the court, a significant proportion, a little over 50 per cent, of those matters that are committed for trial, if you just look at criminal trials, do not actually go to hearing. And of the ones that do not go to hearing, 60 per cent of those actually fall over on the day of the trial. You can imagine there are a lot of cases listed, taking up the court's listing time, that in fact will never eventuate.<sup>109</sup>

4.29 Responses to these challenges were centred on:

how the parties can focus earlier on the matters in dispute so that they can come to a decision much earlier on that will not require a hearing and then not fill the court's time listing matters that are not actually going to go to hearing.<sup>110</sup>

## Single registry

### Introduction

4.30 The creation of a single, centralized registry for the Magistrates and Supreme Courts was another of the matters considered to have implications for the Courts backlog, and efficiency more generally.

### Annual report

4.31 The Annual report stated, in relation to the single registry, that:

During the reporting year, the Courts Governance Committee ... endorsed the implementation of a single registry for the ACT Law Courts.<sup>111</sup>

4.32 This was designed to:

improve the administration of registry functions by improving the

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<sup>109</sup> Miss Leigh, *Transcript of Evidence*, 2 November 2011, p.7.

<sup>110</sup> Miss Leigh, *Transcript of Evidence*, 2 November 2011, p.7.

<sup>111</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.72.

support to the judiciary and providing court users with a single point of access to the court.<sup>112</sup>

4.33 Implementation would commence 'early in the 2011-12 year'.<sup>113</sup>

4.34 This was also was a response to the 2011 Estimates Committee's Recommendation No.131, regarding 'case backlog targets' and strategies 'to achieve cost efficiencies to meet these targets'.<sup>114</sup>

## Hearings

4.35 During hearings the Directorate was asked about the state of progress on the single registry. The Committee was told that all civil and counter staff were co-located, with the exception of the Listing Clerk, who was still in the Supreme Court building, and the Unit Manager, who was obliged to spend time in that building in relation to bail applications in the Supreme Court.<sup>115</sup>

## Questions on notice

4.36 A question on notice asked what structural changes would result from the establishment of the single registry. The Government responded saying that:

Registry Staff relocated from the Supreme Court building to the Magistrates Court building in July and August 2011. Internal staffing structures are currently being reviewed in relation to the integration of functions with the view of realigning team responsibilities and reporting.<sup>116</sup>

4.37 A second question asked what cost savings were anticipated for the new arrangements. The Government responded by saying that it was 'expected to result in range of service improvements for clients and the Courts':

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<sup>112</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.72.

<sup>113</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.72.

<sup>114</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.126.

<sup>115</sup> Ms Purvis, *Transcript of Evidence*, 2 November 2011, pp.24-25.

<sup>116</sup> Question on Notice JCS-13, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

For clients, the current cross training of counter staff will allow for a one stop shop for all enquiries, lodgements and payments. For the Courts, the integration of registries will support succession planning of registry staff, improvements in multi-skilling, improved ability to cover workloads when staff are on leave, leading to improvements in the continuity of business across both Court jurisdictions.<sup>117</sup>

## Fine Enforcement Unit

### Introduction

- 4.38 The Fines Enforcement Unit was established to address a backlog of outstanding court-imposed fines.<sup>118</sup>

### Annual Report

- 4.39 The JACS *Annual Report* states that the Fine Enforcement Unit 'has been operating since 1 July 2010'. Since then:

The unit has conducted a review of all existing outstanding fines to ensure that the documentation complies with the new legislation. The backlog of files that was in existence on 1 July 2010 has been brought up-to-date.<sup>119</sup>

- 4.40 The report noted that there had been some complications because:

The implementation of driver licence sanctioning required necessary systems changes within the Information Technology areas of both the Road Traffic Authority and the Fine Enforcement Unit.<sup>120</sup>

- 4.41 Also reported were changes of legislation to support the work of the Fine Enforcement Unit, in particular the *Crimes (Sentence Administration) Amendment*

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<sup>117</sup> Question on Notice JCS-13, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>118</sup> Question on Notice JCS-13 and Question on Notice JC-14, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>. See also *Transcript of Evidence*, 2 November 2011, p.28.

<sup>119</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.74.

<sup>120</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.74.

*Act 2010*, which was described as introducing ‘a new enforcement scheme for court imposed fines from 1 July 2010’. The scheme was described as providing:

more payment options and strengthens the Territory’s ability to recover outstanding fines. Some enforcement options available under the scheme are instalment plans, driver licence and vehicle registration suspension, earnings redirections orders and voluntary community work orders.<sup>121</sup>

- 4.42 The report also noted that there were difficulties with regard to credit reporting agency requirements. Regarding this, the Attorney told the Committee that:

the change that is proposed in the JACS bill No 3 [the *Justice and Community Safety Legislation Amendment Act 2010 (No 3)*] deals with concerns about the need to ensure the arrangements are consistent with commonwealth privacy laws.<sup>122</sup>

- 4.43 The Attorney told the Committee that ‘in particular’ this concerned the question of whether there should be:

the capacity for people who did not meet their obligations in relation to payment to potentially have their details reported to credit reporting agencies. That has since been ascertained as not permissible under commonwealth privacy arrangements or laws. Therefore, we are clarifying that it is not a matter that can be reported to credit reporting agencies.<sup>123</sup>

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<sup>121</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.108.

<sup>122</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.28. The JACS *Annual Report 2010-11*, at p.240, notes that the Act, among other things, ‘also transfers consumer credit regulation to the Commonwealth, as part of the nationally agreed consumer credit system reforms’ ‘Relevant aspects of Commonwealth and other legislation are discussed in Australian Law Reform Commission, *For Your Information: Australian Privacy Law and Practice* (ALRC Report 108), Chapter 54, ‘Approach to Reform’, ALRC Report 108, 2008, <http://www.alrc.gov.au/publications/54.%20Approach%20to%20Reform/repeal-and-new-regulation-under-act>

<sup>123</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, p.28.

## Hearings

4.44 The Committee considered the Fine Enforcement Unit in its hearings of 2 November 2011. The Directorate told the Committee that there were three members of the Unit: a team-leader and two staff. They had been ‘working to clear the backlog of old files’, and 6,732 reminder notices had been sent out in 2010-11’.<sup>124</sup>

4.45 As above, the Directorate told the Committee that there had been ‘continuing’ work to integrate the court and Road Traffic Authority (RTA) computer systems. The Directorate told the Committee that:

That has been a big job. Because of the sanctioning of licences being part of the suite of available parts to the project, that has been a difficult process. There is still some work going on around that to make sure that the correct people are being sanctioned at the correct time.<sup>125</sup>

## Questions on notice

4.46 Two questions on notice were asked regarding the Fine Enforcement Unit.

4.47 The first comprised four questions:

- (a) What did it cost to establish the fine enforcement unit and what is the annual recurrent cost?
- (b) What is the structure of the unit?
- (c) What was the number and total amount of fines outstanding as at 1 July 2010 and what was the number and total amount outstanding at 30 June 2011? and
- What is the breakdown of the extent to which the legislated levels of recovery sanctions were employed during 2010-11? <sup>126</sup>

4.48 The Government’s response stated that:

Funding for the Fine Enforcement Unit at the Courts was provided as

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<sup>124</sup> Ms Purvis, *Transcript of Evidence*, 2 November 2011, p. 28.

<sup>125</sup> Ms Purvis, *Transcript of Evidence*, 2 November 2011, p. 27.

<sup>126</sup> See Question on Notice JCS-13, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

part of the 2009-10 Budget. In 2009-10, \$300,000 was made available for legislative reform, an ASO 4 position at the Courts and funding for the administration of a volunteer program. In 2010-11 \$364,000 was made available on a recurrent basis to cover staffing costs ( 1 x AS04 and 2 x AS03 positions), a leased vehicle and funding for the administration of a program that would provide suitable volunteer activities related to community service orders.<sup>127</sup>

4.49 The structure of the unit was described:

The staffing within the Fine Enforcement Unit is 1 x AS04 and 2 x AS03 positions. These positions are managed by the Unit Manager of the Criminal Section.<sup>128</sup>

4.50 The response stated that in 2009-10 there were 26,142 outstanding fines to a total of \$ 4.2m, and in 2010-11 there were 24,298 outstanding fines to a total of \$ 4.2m. This was information extracted from the Courts case management system, comprising 'various debt components' combined into aggregated totals.<sup>129</sup>

4.51 The response stated that the breakdown of 'the extent to which legislated levels of recovery sanctions were employed' over the 2010-11 year were:

- Number of people with a direct debit agreement in place: 451
- Number of pay by installments excluding direct debit agreements (including compensation): 292
- Number of pay by installments under compensation payments: 39.<sup>130</sup>

4.52 The second question was made up of two parts:

1) What inroads have been made in reducing the backlog of outstanding fines?

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<sup>127</sup> Question on Notice JCS-13, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>128</sup> Question on Notice JCS-13, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>129</sup> Question on Notice JCS-13, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>130</sup> Question on Notice JCS-13, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

2) Are there any performance measures on when you would expect to see the backlog coming back and the rate at which you would expect to see it coming back? <sup>131</sup>

4.53 The Government's response to the questions stated that:

When the revised fine enforcement scheme commenced in July 2010, a significant backlog of fines had accrued. Since that time, staff in the Fine Enforcement Unit have concentrated on clearing that backlog by issuing fresh reminder notices with 6732 reminder notices sent in 2010-11.<sup>132</sup>

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<sup>131</sup> See Question on Notice JCS-14, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>132</sup> Question on Notice JCS-14, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

## 5 ACT CORRECTIVE SERVICES

### Introduction

5.1 The Justice and Community Safety Directorate's *Annual Report 2010-11* details various aspects of the business of Corrective Services, including:

- Custodial operations at the AMC;<sup>133</sup>
- Periodic Detention;<sup>134</sup>
- the Court Transport Unit;<sup>135</sup>
- Offender Services and Corrections Programs, including:
  - Case Management and Classification;
  - Prisoner Education services;
  - Library and Chaplaincy services;
  - Community Engagement;
  - Corrections Programs; and
  - the Solaris Therapeutic Community, which is a 'prison based intensive Alcohol and Other Drug program'.<sup>136</sup>

5.2 The *Annual Report* also details Community Based Corrections, including:

- the Probation and Parole Unit;
- the Managed Accommodation Program;
- the Community Service Work Unit; and
- various other functions, including:
  - Sentence Administration;
  - transfer of Community Based Sentences;
  - transfer of Parole Orders;

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<sup>133</sup>Justice and Community Safety Directorate, *Annual Report 2010-11*, pp.57-58.

<sup>134</sup>Justice and Community Safety Directorate, *Annual Report 2010-11*, pp.59-60.

<sup>135</sup>Justice and Community Safety Directorate, *Annual Report 2010-11*, pp.60-61.

<sup>136</sup>Justice and Community Safety Directorate, *Annual Report 2010-11*, pp.61-64.

- transfer of Prison Sentences; and
- administration of the Victims Register.<sup>137</sup>

## Matters considered

- 5.3 In hearings the Committee considered a number of matters concerning Corrective Services, including:
- the management and effectiveness of the Crisis Support Unit (CSU) at the AMC; and
  - the status of women prisoners at the AMC and the effectiveness of the through-care system.<sup>138</sup>

## Crisis Support Unit

### Annual report

- 5.4 The Directorate's *Annual Report 2010-11* does not reference the CSU.

### Hearings

- 5.5 In hearings the Committee asked whether the CSU was operating as originally intended. This line of questioning had arisen out of comments made in the Knowledge Consulting report on the administration of the AMC, in particular that prisoners were spending significantly longer stays in the Unit than were envisaged when it was established.<sup>139</sup>

- 5.6 The Executive Director, ACT Corrections, told the Committee that:

The crisis support unit is quite complex and it is not one case fits all. It is certainly for people who may be at various stages of suicide ideation, but it is not just for that. We spoke earlier today about the use of ice. Sometimes we might have someone who has come in to remand; they

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<sup>137</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, pp.64-70.

<sup>138</sup> *Transcript of Evidence*, 7 November 2011, pp.64-72.

<sup>139</sup> *Transcript of Evidence*, 7 November 2011, p.64.

might be coming down from an amphetamine, and may be in there for a couple of weeks and on a regime to reduce them down and then they are back out into the main. So the reasons why people enter into the crisis support unit are quite varied.<sup>140</sup>

5.7 In further discussion the Executive Director agreed that some prisoners 'manipulated the system' in order to stay in the CSU, for a variety of reasons, and that this contributed to the high demand and more lengthy stays in the Unit.<sup>141</sup>

5.8 The Executive told the Committee that in response to review recommendations, the staffing framework had been changed, which had included the creation of 'an intensive case manager' for the CSU.<sup>142</sup>

5.9 The Minister for Corrections was asked whether:

With respect to the situation with the types of detainees coming in, the suicide ideation and people who have ongoing mental health issues, does this in part point to the fact that there is a need for a forensic mental health unit, minister?<sup>143</sup>

5.10 The Minister responded that he 'did not believe so' because:

You are talking about very different circumstances there. A forensic mental health facility would really be dealing with those individuals who, because of their mental illness, are not fit to plead, not fit to be found to have had the necessary elements to prove particular intent. So they really are in a higher order category than perhaps the types of issues that would be dealt with in the CSU. They are a different category of prisoner.<sup>144</sup>

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<sup>140</sup> Mrs Mitcherson, *Transcript of Evidence*, 7 November 2011, p.64.

<sup>141</sup> Mrs Mitcherson, *Transcript of Evidence*, 7 November 2011, p.66.

<sup>142</sup> Mrs Mitcherson, *Transcript of Evidence*, 7 November 2011, p.64-65.

<sup>143</sup> *Transcript of Evidence*, 7 November 2011, p.65.

<sup>144</sup> Mr Corbell MLA, *Transcript of Evidence*, 7 November 2011, p.65.

## Women prisoners at the AMC

### Annual report

- 5.11 The Directorate's *Annual Report 2010-11* indicates that, in relation to women prisoners in the corrections system:
- there is a Women's Cognitive Self Change Program operates at the AMC; for offenders supervised in the community; and at the Periodic Detention Centre (PDC);<sup>145</sup>
  - services for women are amongst those provided by visiting community agencies provided at the AMC under the agency's Throughcare philosophy;<sup>146</sup> and that
  - women are one of the sectors represented by "ministerially appointed community representatives" in the ACT Property Crime Reduction Strategy.<sup>147</sup>

### Hearings

- 5.12 The Directorate was asked about arrangements for women prisoners, particularly in view of their small numbers at the AMC. The Executive Director told the Committee that at the time there were 5 women prisoners. Small numbers did indeed constitute a challenge in providing programs for women, but there were new programs emerging that included one providing peer support and another Women in Prison project which was 'partly about breaking down the sub-groups' that emerged even within such small numbers. In addition, there was an education program that had been set-up for women prisoners, rather than the women attending that provided for male prisoners, as they had in the past.<sup>148</sup>

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<sup>145</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Vol 1, p.63.

<sup>146</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Vol 1, p.62.

<sup>147</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Vol 1, p.12.

<sup>148</sup> Mrs Mitcherson, *Transcript of Evidence*, 7 November 2011, pp.69-70.

## Other matters

5.13 There were also discussions regarding:

- remediation at the AMC following the Hamburger review;<sup>149</sup>
- a review of capacity at the AMC;<sup>150</sup>
- Human Rights audits at the AMC;<sup>151</sup> and
- the cost per prisoner at the AMC compared with New South Wales;<sup>152</sup>
- liquidated damages and other contractual matters arising from the construction of the AMC.<sup>153</sup>

5.14 A question on notice was asked and answered regarding the cost per prisoner in the ACT compared with New South Wales. The Government's response stated that 2007-08 had been the last full year when the ACT had housed prisoners in NSW prisons, and the cost at that stage had been \$264 per day per detainee, compared with a current cost of \$416 per prisoner per day in the ACT. The response also stated that the proportion of prisoners in education in the ACT in 2009-10 was 92 per cent, 'compared to the Australian average of 34.8 per cent'.<sup>154</sup>

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<sup>149</sup> *Transcript of Evidence*, 7 November 2011, p.72.

<sup>150</sup> *Transcript of Evidence*, 7 November 2011, pp.67-68.

<sup>151</sup> *Transcript of Evidence*, 7 November 2011, pp.75-76.

<sup>152</sup> *Transcript of Evidence*, 7 November 2011, pp.63-64.

<sup>153</sup> *Transcript of Evidence*, 7 November 2011, p.73.

<sup>154</sup> Question on Notice JCS – 21, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.



## 6 ACT POLICING

### Introduction

- 6.1 ACT Policing is a service purchased by the ACT Government from Australian Federal Police.
- 6.2 As is customary, ACT Policing published its own *Annual Report* for 2010-11. The *Annual Report* includes information on:
- levels of crime;
  - perceptions of crime;
  - police responsiveness;
  - public confidence in police;
  - traffic law enforcement and road safety;
  - supporting the judicial process, and
  - crime prevention.<sup>155</sup>

### Matters considered

- 6.3 Matters discussed during hearings with ACT Policing include:
- Criminal Infringement Notices for liquor infringements;<sup>156</sup>
  - Operation Unite, a national coordinated alcohol operation;<sup>157</sup>
  - the Property Crime Reduction Strategy;<sup>158</sup>
  - Volume Crime;<sup>159</sup>
  - assaults on police;<sup>160</sup> and

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<sup>155</sup> ACT Policing, *Annual Report 2010-11*, pp.24-26.

<sup>156</sup> *Transcript of Evidence*, 2 November 2011, pp.3-4.

<sup>157</sup> *Transcript of Evidence*, 2 November 2011, p.4.

<sup>158</sup> *Transcript of Evidence*, 2 November 2011, pp.10-13.

<sup>159</sup> *Transcript of Evidence*, 2 November 2011, pp.13.

<sup>160</sup> *Transcript of Evidence*, 7 November 2011, pp.10-13.

- use of force by Police, including use of Tasers.<sup>161</sup>

6.4 These are considered below.

## Criminal Infringement Notices for liquor infringements

### Annual report

- 6.5 ACT Policing's *Annual Report 2010-11* makes reference to Criminal Infringement Notices (CINs) for liquor infringements in the section 'Introduction of Alcohol Crime Targeting Team', and provides a breakdown of the different offences for which CINs were issued in 2010-11.<sup>162</sup>
- 6.6 The Directorate's *Annual Report 2010-11*, under 'Legislative Achievements' refers to the *Magistrates Court (Liquor Infringement Notices) Regulation 2010*, saying that the Regulation 'was made under Part 3.8 of the *Magistrates Court Act 1930* to enable infringement notices to be issued for offences under the *Liquor Act 2010*.'<sup>163</sup>

### Hearings

- 6.7 The Attorney was asked about the issuing of Criminal Infringement Notices under new provisions of the *Liquor Act*. He told the Committee that on the spot fines were 'being used by police for failure to abide by, for example, a direction to leave premises'. He went on to observe that:

Police report they are useful but, more importantly, licensees are reporting that they are useful in gaining compliance from patrons who might otherwise be rowdy or disrespectful or who refuse to obey directions of bar staff or licensed premises staff to leave premises or to tone down their behaviour and so on.<sup>164</sup>

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<sup>161</sup> *Transcript of Evidence*, 7 November 2011, pp.50; p.55-57.

<sup>162</sup> ACT Policing, *Annual Report 2010-11*, pp.40, 48.

<sup>163</sup> Justice and Community Safety Directorate, *Annual Report 2010-11*, Vol 1 p.243.

<sup>164</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.3.

## Operation Unite

### Annual report

- 6.8 ACT Policing's *Annual Report 2010-11* describes three 'targeted operations' — conducted in September and December 2010, May 2011 — as part of ACT Policing's participation in Operation Unite, a joint initiative by Australian and New Zealand police services 'to present a united stand against alcohol misuse, violence and anti-social behaviour'.<sup>165</sup>

### Hearings

- 6.9 Responding to questions regarding Operation Unite, the Attorney-General stated that the:

benefit of that strategy through that national approach is that it is coordinated across all policing jurisdictions and the benefit of it is the publicity and the attention it gets right across the community, both interstate and locally, about the attitude and the approach policing will be adopting towards alcohol-related crime and violence.<sup>166</sup>

- 6.10 This, he said, was 'a most powerful message':

It is a community message from police, and obviously a national campaign gets national media. So we are not just relying on local media; we are relying on national media outlets, including those that broadcast here into the territory and publish here in the territory, to get that message out, to remind as many people as possible about their responsibilities and the need to adopt responsible behaviour when it comes to enjoying a night out.<sup>167</sup>

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<sup>165</sup> ACT Policing, *Annual Report 2010-11*, pp.40-41.

<sup>166</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.4.

<sup>167</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.4.

## Property Crime Reduction Strategy

### Annual report

- 6.11 With regard to the Property Crime Reduction Strategy, the ACT Policing *Annual Report 2010-11* states that:

In collaboration with the Department of Justice and Community Safety (DJaCS), ACT Policing began working on the ACT Government's Property Crime Reduction Strategy. The purpose of this strategy is to formulate a whole-of-government approach to reduce the volume of property crime in the ACT. Key objectives include stopping the cycle of offending through justice investment, engaging with the disengaged by early intervention and creating a safer, more secure community. The ACT Property Crime Reduction Strategy will cover the period 2011 to 2014 and specifically target the prevention and reduction of offending rates for offences such as burglary and motor vehicle theft.<sup>168</sup>

### Hearings

- 6.12 In relation to the Property Crime Reduction Strategy, the Attorney was asked to clarify the concept of 'justice reinvestment'. The Attorney responded, saying that this was:

about recognising that there are dividends that come from reducing crime and that they can potentially be reinvested into activities that prevent crime moving forward. For example, if we are to spend more money in crime prevention activities—diversion of people away from the criminal justice system, encouraging better engagement of people in a range of other activities so that they do not resort to criminal activity or feel driven into criminal activity—that is a saving for the budget and should instead be reflected in increases in that level of investment in another part of the budget.<sup>169</sup>

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<sup>168</sup> ACT Policing, *Annual Report 2010-11*, p.70.

<sup>169</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.10.

## Volume Crime

### Annual report

- 6.13 With regard to volume crime, the ACT Policing *Annual Report 2010-11* states that:

In July 2010 a volume crime reduction strategy was developed to address an increase in burglaries and stolen motor vehicles across the ACT. ACT Policing established an intelligence-led model to identify emerging volume crime trends, and target individuals/groups through the execution of search warrants, a pro-arrest approach and aggressive bail compliance activity. During the reporting period the ACT recorded significant decreases in most reported crimes compared with the previous financial year. Burglaries declined by 32.7 per cent, motor vehicle thefts by 37.3 per cent, with property damage down 21.8 per cent.<sup>170</sup>

### Hearings

- 6.14 The Attorney was asked about crime prevention and crime reduction strategies, and the factors that had contributed to a reduction in vehicle thefts,<sup>171</sup> which had, he told the Committee, amounted to a '32 per cent reduction in a single 12-month period'.<sup>172</sup>

- 6.15 The Attorney described a number of things that had been initiated which had contributed to reductions in vehicle theft and property crime more generally:

The police have put together a dedicated volume crime targeting team so they have been focusing on volume crimes, such as motor vehicle theft, burglary, break and enter, property damage and so on, so a dedicated intelligence unit, a dedicated volume crime targeting team unit, as a sustained, ongoing presence in ACT Policing, and that has allowed them

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<sup>170</sup> ACT Policing, *Annual Report 2010-11*, p.36.

<sup>171</sup> *Transcript of Evidence*, 2 November 2011, p.10.

<sup>172</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.13.

to use their intelligence holdings much more effectively, to target and to arrest and charge those who have been engaged in this behaviour.<sup>173</sup>

6.16 This focus was a significant means to address this form of crime because:

Certainly, as we all understand in the ACT, it is a relatively small number of people involved in these crimes and, regrettably, sometimes they are repeat offenders and therefore the intelligence holdings of the police are very valuable in targeting and preventing further recurrences of these crimes.<sup>174</sup>

## Assaults on police

### Annual report

6.17 With regard to assaults on police crime, the ACT Policing *Annual Report 2010-11* states that:

During the reporting period, ACT Policing recorded 48 assaults against police and experienced 17 instances of spitting. While there does not appear to be an upward trend in the instances of the number of assaults against police, the level of violence inherent in those assaults appears to be increasing.<sup>175</sup>

6.18 The report continues:

Spitting is of increasing concern to police as an OH&S issue, due to the potential for illness to our members through saliva or blood-borne viruses. Officers exposed to medium-risk events are required to have initial blood tests as well as blood tests three months post-incident. These tests are to detect diseases such as various forms of hepatitis and HIV. Aside from the physical distress this causes, the emotional impact on officers awaiting diagnosis is concerning.<sup>176</sup>

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<sup>173</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.13.

<sup>174</sup> Mr Corbell MLA, *Transcript of Evidence*, 2 November 2011, p.13.

<sup>175</sup> ACT Policing, *Annual Report 2010-11*, p.43.

<sup>176</sup> ACT Policing, *Annual Report 2010-11*, p.43.

## Hearings

- 6.19 In hearings, the Chief Police Officer of the ACT (the CPO) was asked about the rate of assaults on police. He told the Committee that:

In terms of the statistics on police assaults, they are relatively steady and have been over the last four to five years. On average we record 57 assaults on police per annum. There is some indication, through our occupational health and safety statistics, that the severity of those assaults is marginally increasing.<sup>177</sup>

- 6.20 With regard to these assaults, the CPO stated that:

We believe that the key to mitigating assaults on police lies in the operational arena.<sup>178</sup>

- 6.21 He also noted that ACT Policing was:

doing a bit of additional work within our own analyses in terms of identifying how assaults may be taking place, trends in those assaults and how we can more accurately capture some of the severity levels in the assaults, which we do not currently capture.<sup>179</sup>

- 6.22 This was being done in an attempt 'to reduce some of the risk on the front line to police'.<sup>180</sup>

## Use of force by police

### Annual report

- 6.23 With regard to the use of force by police, the ACT Policing *Annual Report 2010-11* states that:

During the course of their duties, many officers encounter hostility, verbal and physical abuse, more often during situations where excess

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<sup>177</sup> Mr Quaadvlieg, *Transcript of Evidence*, 7 November 2011, p.50.

<sup>178</sup> Mr Quaadvlieg, *Transcript of Evidence*, 7 November 2011, p.50.

<sup>179</sup> Mr Quaadvlieg, *Transcript of Evidence*, 7 November 2011, p.50.

<sup>180</sup> Mr Quaadvlieg, *Transcript of Evidence*, 7 November 2011, p.50.

alcohol consumption and/or narcotic substances has had detrimental behavioural effect on a person.<sup>181</sup>

6.24 The report continues:

It is during such incidents that our officers have to make [an] immediate assessment of the situation and take decisive action to gain control, while avoiding physical harm to themselves and the person involved.<sup>182</sup>

## Hearings

6.25 Regarding use of force by police, the CPO told the Committee that the introduction of ‘conducted energy weapons’, also known as ‘tasers’, could be a way to apply force that would help to reduce assaults on police.<sup>183</sup>

6.26 The CPO was asked whether use of force would be reported in future ACT Policing annual reports at a higher level of detail. He told the Committee that this was under consideration.<sup>184</sup>

6.27 The CPO was also asked to provide greater detail on whether there had been an upward trend on use of force by police. He took this as a question on notice. The Attorney-General later responded to this question, providing further information for the years 2009-10 and 2010-11.<sup>185</sup>

## Committee comment

6.28 The Committee see use of force by police as a matter of great importance, and considers that this should be reported on each year in ACT Policing’s Annual Report. In view of this the Committee makes the following recommendation.

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<sup>181</sup> ACT Policing, *Annual Report 2010-11*, p.43.

<sup>182</sup> ACT Policing, *Annual Report 2010-11*, p.43.

<sup>183</sup> Mr Quaedy, *Transcript of Evidence*, 7 November 2011, p.50.

<sup>184</sup> Mr Corbell MLA, *Transcript of Evidence*, 7 November 2011, p.54.

<sup>185</sup> Question on Notice JCS-19, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

## RECOMMENDATION 1

- 6.29 **The Committee recommends that ACT Policing report the number of use of force incidents involving police use of firearms, tasers, OC spray and batons in future Annual Reports.**

## Other matters

- 6.30 Other questions on notice were asked and answered regarding ACT Policing. These concerned:

- perception of safety indicators in 2010-11;<sup>186</sup>
- the number of fines that have been taken out against individual drinkers under new liquor laws;<sup>187</sup>
- trends on the use of methamphetamine;<sup>188</sup> and
- assaults on police, including:
  - how many cases went to court;
  - types of charges laid; and
  - information on assaults against other public figures such as fire-fighters.<sup>189</sup>

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<sup>186</sup> Question on Notice JCS-15, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>187</sup> Question on Notice JCS-1, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>188</sup> Question on Notice JCS-20, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>189</sup> Question on Notice JCS-36, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.



## 7 STATUTORY AUTHORITIES

### Introduction

7.1 The Committee considered the work of statutory authorities within the portfolio area of the Justice and Community Safety Directorate including, in particular:

- the Human Rights Commission (made up of the Human Rights and Discrimination Commissioner, Children and Young People Commissioner, Disability and Health Services Commissioner);<sup>190</sup>
- the Victims of Crime Commissioner;<sup>191</sup>
- the Office of the Public Advocate;<sup>192</sup> and
- the ACT Legal Aid Office.<sup>193</sup>

7.2 The Committee also spoke to:

- the ACT Electoral Commission (including the Electoral Commissioner);<sup>194</sup>
- the Director of Public Prosecutions;<sup>195</sup>
- the Public Trustee for the ACT;<sup>196</sup>
- the Sentence Administration Board;<sup>197</sup>
- the Work Safety Commissioner;<sup>198</sup> and
- the Official Visitor.<sup>199</sup>

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<sup>190</sup> *Transcript of Evidence*, 11 November 2011, pp.128-138.

<sup>191</sup> *Transcript of Evidence*, 11 November 2011, pp.116-121.

<sup>192</sup> *Transcript of Evidence*, 23 November 2011, pp.160-170.

<sup>193</sup> *Transcript of Evidence*, 23 November 2011, pp.170-175.

<sup>194</sup> *Transcript of Evidence*, 23 November 2011, pp.151-160.

<sup>195</sup> *Transcript of Evidence*, 23 November 2011, pp.139-151.

<sup>196</sup> *Transcript of Evidence*, 11 November 2011, pp.108-112.

<sup>197</sup> *Transcript of Evidence*, 11 November 2011, pp.112-116.

<sup>198</sup> *Transcript of Evidence*, 2 November 2011, pp.29-38; *Transcript of Evidence*, 11 November 2011, pp.121-127.

<sup>199</sup> *Transcript of Evidence*, 11 November 2011, pp.101-108.

## Human Rights Commission

### Annual report

- 7.3 The ACT Human Rights Commission published its own *Annual Report 2010-11*.<sup>200</sup>

### Matters considered

- 7.4 When the Human Rights Commission (HRC) appeared in public hearings the Committee asked questions about:
- the proposed out-sourcing of human rights audits at the Alexander Maconochie Centre (AMC);<sup>201</sup>
  - human rights complaints and inquiry processes;<sup>202</sup>
  - bullying;<sup>203</sup> and
  - the conduct of its review into the ACT youth justice system, including the Bimberi facility.<sup>204</sup>
- 7.5 These are considered below.

### Human rights audits at the AMC

- 7.6 In hearings the Committee noted that a recent report of the Select Committee on Estimates had discussed and made a recommendation regarding regular reviews by the Commission of human rights at the AMC, and that the Attorney-General had, in a recent appearance before the Committee, raised the possibility that the ACT Government would contract-out this function to the Inspector-General of Prisons in Western Australia.<sup>205</sup>

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<sup>200</sup> ACT Human Rights Commission, *Annual Report 2010-11*, <http://www.hrc.act.gov.au/content.php/content.view/id/267>

<sup>201</sup> *Transcript of Evidence*, 11 November, 2011, pp.127-129.

<sup>202</sup> *Transcript of Evidence*, 11 November, 2011, pp.128-129.

<sup>203</sup> *Transcript of Evidence*, 11 November, 2011, pp.130-131.

<sup>204</sup> *Transcript of Evidence*, 11 November, 2011, pp.131-138.

<sup>205</sup> *Transcript of Evidence*, 2 November, 2011, p.127 ff, and see Select Committee on Estimates 2011-12, *Appropriation Bill 2011-2012*, p.146, and Recommendation 125, p.152.

- 7.7 The Human Rights Commissioner told the Committee that the Commission had identified the Western Australian inspectorate as a best practice model in its 2007 audit of the Belconnen remand facility. She also stated that this 'did not mean that we should do a comprehensive human rights audit of the AMC'.<sup>206</sup>
- 7.8 However the Commissioner also noted that the Commission received insufficient recurrent funding to conduct such audits. While the Commission received 'supplementation' each year, it was 'not certain we will get it every year'. This made it difficult to plan for regular human rights audits at the AMC.<sup>207</sup>

### Human rights complaints and inquiry processes

- 7.9 In response to questions from the Committee, the Commissioner outlined the process for complaints to the Commission and subsequent inquiries into those complaints. She also described the Commission's powers to intervene in relation to human rights complaints.<sup>208</sup>

### Bullying

- 7.10 The Committee asked about the role of the Commission with respect to bullying. The Commissioner responded, saying that bullying was not 'squarely within our jurisdiction' unless it was 'under the ground of a protected attribute' under the *Discrimination Act*, such as 'race, sex, disability [or] sexuality'.<sup>209</sup> When asked if the Commission should have jurisdiction, more generally, over bullying such as that proposed by the Western Australian Equal Opportunity Commission, the Commissioner responded by saying that it the Human Rights Commission's view that bullying should be dealt with from a work safety perspective.<sup>210</sup>

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<sup>206</sup> Dr Watchirs, *Transcript of Evidence*, 2 November 2011, p.128.

<sup>207</sup> Dr Watchirs, *Transcript of Evidence*, 2 November 2011, p.128.

<sup>208</sup> Dr Watchirs, *Transcript of Evidence*, 11 November 2011, pp.128-129.

<sup>209</sup> Dr Watchirs, *Transcript of Evidence*, 11 November 2011, p.130

<sup>210</sup> Dr Watchirs, *Transcript of Evidence*, 11 November 2011, pp.130-131.

### Conduct of the review into the ACT youth justice system

- 7.11 In discussing the review of the ACT youth justice system, the Committee asked the Commission questions about the timeline for conducting the inquiry, in particular regarding delays to its commencement late in 2010. The Commission told the Committee that these delays had resulted from a combination of procedural delays, administrative delays, and the advent of Christmas. This had delayed recruiting to positions which needed to be filled so that the inquiry could begin in earnest.<sup>211</sup>
- 7.12 The Commission made comment over the adequacy of the 10-year time frame given in the Government response, in relation to some report recommendations.<sup>212</sup>

### Question on notice

- 7.13 A question on notice regarding the work of the HRC was asked and answered, concerning financial and human resources to support the HRC's inquiry into the youth justice system in the ACT.<sup>213</sup>

## Victims of Crime Commissioner

### Annual report

- 7.14 The Victims of Crime Commissioner published his own *Annual Report* for 2010-11.<sup>214</sup>

### Hearings

- 7.15 When the Victims of Crime Commissioner appeared in public hearings, the Committee asked questions about a tender process for service provision to victims of crime.<sup>215</sup>

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<sup>211</sup> Mr Roy, *Transcript of Evidence*, 11 November 2011, pp.131-132.

<sup>212</sup> *Transcript of Evidence*, 11 November 2011, p.134.

<sup>213</sup> Question on Notice JCS-30, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>214</sup> Add URL when available. \*\*

- 7.16 The Commissioner told the Committee it had initially been decided that the volunteer service would be contracted out, and that this practice had been continued. Now, however, the tender process was underway, and it was confirmed that this, which would deliver the volunteer program and the community awareness program 'or a program to deliver information to the community', would conclude by the end of 2011.<sup>216</sup>
- 7.17 In subsequent discussion, the Committee and the Commissioner discussed high case loads for staff in his office, and the lower rates the Commission was able to pay its staff. This last, it was said, had an effect of the Commission's ability to attract and retain staff to fulfil its functions.<sup>217</sup>

## Office of the Public Advocate

### Annual report

- 7.18 The Office of the Public Advocate published its own *Annual Report* for 2010-11.<sup>218</sup>

### Hearings

- 7.19 When the Public Advocate appeared in public hearings,<sup>219</sup> the Committee raised a number of matters, including:
- the increasing demand for the services of the Public Advocate due to an increase in persons referred for guardianship and increases in the age of the ACT population;<sup>220</sup>
  - increasing numbers nominating the Public Advocate as holding enduring power of attorney over their affairs;<sup>221</sup>

<sup>215</sup> *Transcript of Evidence*, 2 November, 2011, pp.15-17 and *Transcript of Evidence*, 11 November 2011, pp.116-118.

<sup>216</sup> Mr Hinchey, *Transcript of Evidence*, 11 November 2011, p.117.

<sup>217</sup> Mr Hinchey, *Transcript of Evidence*, 11 November 2011, p.119.

<sup>218</sup> Office of the Public Advocate, *Annual Report 2010-11*, <http://www.publicadvocate.act.gov.au/page/view/958>.

<sup>219</sup> *Transcript of Evidence*, 23 November, 2011, pp.160-170.

<sup>220</sup> *Transcript of Evidence*, 23 November, 2011, pp.161-162.

- the absence of a formal registration process for enduring power of attorney in the ACT, in contrast to some other jurisdictions;<sup>222</sup>
- the state of accommodation for young people formerly in the care of the state;<sup>223</sup>
- the concept of a 'Childrens' Guardian', as has been implemented in other jurisdictions but not in the ACT;<sup>224</sup> and
- questions about the review process for young people in care, on the anniversary of entering care.<sup>225</sup>

### Question on notice

- 7.20 A question on notice was asked and answered in relation to the Public Advocate, asking how many children in foster care had not been seen by officers.<sup>226</sup>

## Legal Aid Commission

### Annual report

- 7.21 The Legal Aid Commission published its own *Annual Report* for 2010-11.<sup>227</sup>

### Hearings

- 7.22 When the Legal Aid Commission appeared in public hearings, the Committee asked questions about resourcing for the Office in terms of staffing and funds, in particular regarding:
- the liquidity of the Commission;<sup>228</sup>

<sup>221</sup> *Transcript of Evidence*, 23 November, 2011, p.163.

<sup>222</sup> *Transcript of Evidence*, 23 November, 2011, pp.163-164.

<sup>223</sup> *Transcript of Evidence*, 23 November, 2011, p.169.

<sup>224</sup> *Transcript of Evidence*, 23 November, 2011, p.169.

<sup>225</sup> *Transcript of Evidence*, 23 November, 2011, p.170.

<sup>226</sup> Question on Notice JCS-34, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>227</sup> Legal Aid Commission, Annual Report 2010-11, part 1, [http://www.legalaidact.org.au/pdf/annualreport\\_2010-2011\\_1.pdf](http://www.legalaidact.org.au/pdf/annualreport_2010-2011_1.pdf), and part 2, [http://www.legalaidact.org.au/pdf/annualreport\\_2010-2011\\_2.pdf](http://www.legalaidact.org.au/pdf/annualreport_2010-2011_2.pdf).

- the structure and staffing profile of the Commission;<sup>229</sup> and
- reductions in calls to the Commission help-line.<sup>230</sup>

7.23 These are discussed below.

### **Liquidity**

7.24 When asked what the Commission was doing to mitigate risks to liquidity, the Chief Executive Officer replied that budget deficits were being kept under restraint, and that 'expenditure settings' had been put in place so that deficits in near future years would be lower. The Chief Executive Officer also told the Committee that expenditure was closely related to rises in the cost of legally assisted cases resulting, potentially, in the Commission finding itself 'continuing to reduce grants for assistance, which was 'something we are keen to avoid'. As a result, the Commission was continuing to talk to government, 'both the territory and the commonwealth', so that 'hopefully in the future we can look forward to increasing grants of assistance again'.<sup>231</sup>

### **Structure and staffing**

7.25 The structure and staffing of the Commission was described to the Committee. This comprised, out of a total of 16 people (14.27 FTE) there were 9 lawyers and the balance were paralegal and executive staff.<sup>232</sup>

### **Reductions to help-line calls**

7.26 The Commissioner was asked to comment on reduced numbers of calls to the legal aid telephone helpline. He attributed this to an increase in the used of internet access to the Commission's resources, and to a more general 'increase in the number of telephone services available in recent years', including those of Family Relationship Centres which, the Commissioner told the Committee,

<sup>228</sup> *Transcript of Evidence*, 23 November 2011, p.171.

<sup>229</sup> *Transcript of Evidence*, 23 November 2011, pp.172-174.

<sup>230</sup> *Transcript of Evidence*, 23 November 2011, p.175.

<sup>231</sup> Mr Crocket, *Transcript of Evidence*, 23 November 2011, p.171

<sup>232</sup> Mr Crocket, *Transcript of Evidence*, 23 November 2011, pp.173-174.

were ‘picking up a lot of calls relating to family law issues which would have come to us ... in the past’.<sup>233</sup>

## Question on notice

- 7.27 A question on notice was asked and answered regarding the Legal Aid Commission, regarding the nature and number of staff—legal officers, support staff for legal officers and administrative officers.<sup>234</sup>

## Other matters

- 7.28 Questions on notice on other matters for statutory authorities were asked and answered, including:
- a question to the Electoral Commissioner regarding the budgetary impact of an electoral redistribution in 2010-11;<sup>235</sup>
  - a question to the Public Trustee for the ACT, regarding the liquidity of the Public Trustee;<sup>236</sup> and
  - a question to the Ombudsman’s Office, asking about the correct identification of a government agency.<sup>237</sup>

Vicki Dunne MLA

Chair

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<sup>233</sup> *Transcript of Evidence*, 23 November 2011, p.175.

<sup>234</sup> Question on Notice JCS-35, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>

<sup>235</sup> Question on Notice JCS-33, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>236</sup> Question on Notice JCS-27, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

<sup>237</sup> Question on Notice JCS-26, <http://www.legassembly.act.gov.au/downloads/issues-papers/QToNs%20with%20table%20-%20Annual%20Report2010-11.pdf>.

## **APPENDIX A: Public hearings**

Public hearings for the inquiry were held on:

- Wednesday 2 November 2011;
- Monday 7 November 2011;
- Friday 11 November 2011; and
- Wednesday 23 November 2011.



## APPENDIX B: Witnesses

The following witnesses appeared before the Committee for the inquiry.

### Public hearing 2 November 2011

- Corbell, Mr Simon, Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services

#### Justice and Community Safety Directorate:

- Leigh, Ms Kathy, Director-General
- Goggs, Mr Stephen, Deputy Director-General, Community Safety
- Playford, Ms Alison, Deputy Director-General, Justice
- Crowhurst, Ms Moira, Chief Finance Officer
- Hammond, Mr Greg, Executive Director, Capital Works and Infrastructure
- Field, Ms Julie, Executive Director, Legislation and Policy Branch
- Beattie, Ms Liz, Acting Executive Director, People and Workplace Strategy
- Jackson, Ms Rachael, Acting Executive Director, Governance
- Garrisson, Mr Peter, Solicitor-General for the ACT
- Purvis, Ms Alison, Acting Courts Administrator, ACT Law Courts and Tribunal Administration
- Phillips, Mr Brett, Executive Director, Office of Regulatory Services
- Krajina, Ms Danielle, Senior Director, Registration and Client Services, Office of Regulatory Services
- McCabe, Mr Mark, Senior Director, WorkSafe ACT, Office of Regulatory Services
- Greenland, Ms Karen, Executive Director, Transport and Road Safety Policy

**Public hearing 7 November 2011**

- Corbell, Mr Simon, Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services

**Justice and Community Safety Directorate**

- Leigh, Ms Kathy, Director-General
- Crowhurst, Ms Moira, Chief Finance Officer
- Mitcherson, Mrs Bernadette, Executive Director, ACT Corrective Services
- Crosweller, Mr Mark, Commissioner, ACT Emergency Services Agency
- Doherty, Mr Mark, Director, ESA Station Upgrade and Relocation Project
- Swain, Mr Paul, Chief Officer, ACT Fire and Rescue
- Foot, Mr David, Chief Officer, ACT Ambulance Service

**ACT Policing**

- Quaadvlieg, Mr Roman, Chief Police Officer

**Office of the Commonwealth Ombudsman**

- Larkins, Ms Alison, Acting Commonwealth Ombudsman
- Merryfull, Ms Diane, Senior Assistant Ombudsman
- Fleming, Mrs Helen, Senior Assistant Ombudsman
- Hardy, Mr Michael, Acting Senior Investigation Officer

**Public hearing 11 November 2011**

- Potas, Mr Ivan Leslie, Official Visitor
- Taylor, Mr Andrew John, Public Trustee, Public Trustee for the ACT
- Delaney, Mr Grahame, Chairman, Sentence Administration Board
- Hinchey, Mr John Bernard, Victims of Crime Commissioner, Victim Support ACT
- McCabe, Mr Mark Andrew, Senior Director, WorkSafe ACT

- Roy, Mr Alasdair, Children and Young People Commissioner, ACT Human Rights Commission
- Watchirs, Dr Helen, Human Rights and Discrimination Commissioner, ACT Human Rights Commission
- Durkin, Ms Mary, Health Services Commissioner/Disability and Community Services Commissioner, ACT Human Rights Commission

**Public hearing 23 November 2011**

- Corbell, Mr Simon, Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development

**Justice and Community Safety Directorate**

- Playford, Ms Alison, Deputy Director-General, Justice
- White, Mr Jon, Director of Public Prosecutions
- Green, Mr Phillip, Electoral Commissioner, ACT Electoral Commission
- Phillips, Ms Anita, Public Advocate of the ACT
- Crockett, Mr Andrew, Chief Executive Officer, Legal Aid Commission



## APPENDIX C: Questions on Notice

| Identifier | Date of hearing | Question on Notice                                                                                                                                                                                                                        | Answered              | Dated                                             | Accepted by Committee |
|------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------|-----------------------|
| JCS-1      | 02/11/2011      | Mrs Dunne: Re. alcohol-related violence: -QoN - number of fines against individuals?                                                                                                                                                      | Yes                   | 11/11/2011                                        | Mtg 109, 30/11/2011   |
| JCS-2      | 02/11/2011      | Mrs Dunne: Temporary shut-down provisions - how many times used?                                                                                                                                                                          | Yes                   | 28/11/2011                                        | Mtg 109, 30/11/2011   |
| JCS-3      | 02/11/2011      | Re. Courts backlog: -QoN - breakdown of factors in older, intractable cases;                                                                                                                                                              | Yes?                  | 22/11/2011                                        | Mtg 109, 30/11/2011   |
| JCS-4      | 02/11/2011      | <i>Re. Government Solicitor - Human Rights-related advices: -QoN for more information;</i>                                                                                                                                                | NA – not taken as QoN |                                                   | NA                    |
| JCS-5      | 02/11/2011      | Mrs Dunne: Re. the Courts - energy efficiency upgrades at Magistrates Court -Chair: was there any assessment done before measures taken? Was there a business case put forward? -Attorney - business-case was put forward - taken as QoN; | Yes                   | 15/11/2011                                        | Mtg 109, 30/11/2011   |
| JCS-6      | 02/11/2011      | <i>Mrs Dunne: Re. the Courts backlog: 'when could Courts back-log be expected to begin decreasing?' QoN taken by Attorney;</i>                                                                                                            |                       | Answered by response for JCS-14 below, 13/12/2011 | Mtg 112, 18/01/2012   |
| JCS-7      | 02/11/2011      | Ms Hunter: Re. WorkSafe - bullying -QoN taken for more detail on figures re. 'young workers' entry in Table 10, p.43 of Annual Report, Vol 1                                                                                              | Yes                   | 15/11/2011                                        | Mtg 109, 30/11/2011   |
| JCS-8      | 02/11/2011      | Mrs Dunne: Re. Transport regulation –                                                                                                                                                                                                     | Yes                   | 23/11/2011                                        | Mtg 109, 30/11/2011   |

| Identifier | Date of hearing | Question on Notice                                                                                                       | Answered | Dated      | Accepted by Committee |
|------------|-----------------|--------------------------------------------------------------------------------------------------------------------------|----------|------------|-----------------------|
| JCS-9      | 02/11/2011      | Mr Coe: safety and speed-camera vans: 'Are you aware of sites that have been taken off-line?' -Ms Greenland - QoN taken; | Yes      |            | Mtg 109, 30/11/2011   |
| JCS-10     | 02/11/2011      | Mr Coe: Reporting requirements and data for hire cars and taxis;                                                         | Yes      | 25/11/2011 | Mtg 109, 30/11/2011   |
| JCS-11     | 02/11/2011      | Mrs Dunne: work done to combat the misuse of disabled parking vouchers;                                                  | Yes      | 23/11/2011 | Mtg 112, 18/01/2012   |
| JCS-12     | 02/11/2011      | Mrs Dunne: Efficiency dividend / Other savings / Balance sheet / Statement of performance                                | Yes      | 15/12/2011 | Mtg 112, 18/01/2012   |
| JCS-13     | 02/11/2011      | Mrs Dunne: Single registry (p.72) / Reducing backlog in the courts (p.73) / Fine enforcement program (p.74).             | Yes      | 15/12/2011 | Mtg 112, 18/01/2012   |
| JCS-14     | 02/11/2011      | Progress on reducing backlog of outstanding fines \ performance measures on backlog                                      | Yes      | 13/12/2011 | Mtg 112, 18/01/2012   |
| JCS-15     | 02/11/2011      | Mrs Dunne: Strategic Indicator 1 (p.228); Strategic Indicator 2 (p.229); Strategic Indicator 4 (p.235)                   | Yes      | 13/12/2011 | Mtg 112, 18/01/2012   |
| JCS-16     | 02/11/2011      | Mrs Dunne: Sexual Assault Reform Program - implementation                                                                | Yes      | 06/12/2011 | Mtg 112, 18/01/2012   |
| JCS-17     | 02/11/2011      | Mrs Dunne: community legal centres / single court study                                                                  | Yes      | 1/12/2011  | Mtg 112, 18/01/2012   |
| JCS-18     | 02/11/2011      | Mrs Dunne: ORS / WorkSafe ACT/ Fire safety / Fair trading compliance                                                     | Yes      | 1/12/2011  | Mtg 112, 18/01/2012   |
| JCS-19     | 07/11/2011      | Ms Hunter: use-of-force statistics over the last few years; taken as a QoN by the Attorney;                              | Yes      | 22/11/2011 | Mtg 109, 30/11/2011   |
| JCS-20     | 07/11/2011      | Mrs Dunne: statistical information on ice usage in ACT and ice-related crime, taken as a QoN by CPO;                     | Yes      | 22/11/2011 | Mtg 109, 30/11/2011   |

| Identifier | Date of hearing | Question on Notice                                                                                                                                                                                                              | Answered              | Dated      | Accepted by Committee |
|------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------|-----------------------|
| JCS-21     | 07/11/2011      | Mrs Dunne - average cost per day for prisoners - \$416 per day - how does this compare with other jurisdictions; comparison with NSW taken as a QoN by Ms Mitcherson;                                                           | Yes                   | 22/11/2011 | Mtg 109, 30/11/2011   |
| JCS-22     | 07/11/2011      | Ms Dunne: How much was held back, how much was payed and how much to be payed, which was separate from the liquidated damages? - taken as a QoN by the Attorney;                                                                | Yes                   | 07/12/2011 | Mtg 112, 18/01/2012   |
| JCS-23     | 07/11/2011      | <i>Mr Smyth: station upgrades for Fire and Ambulance services, QoN for Mr Doverty;</i>                                                                                                                                          | NA – not taken as QoN |            | NA                    |
| JCS-24     | 07/11/2011      | Mrs Dunne: re. ESA Headquarters -What was the cost of the repairs and who bears those costs? QoN on breakdown of costs.                                                                                                         | Yes                   | 22/11/2011 | Mtg 109, 30/11/2011   |
| JCS-25     | 07/11/2011      | Mr Smyth; ambulance response times - table in Annual Report. Breakdown of four priorities and what percentage of calls were met within the limit, and what on the 50th and 90th percentile, taken as a QoN by Mr Foot;          |                       | 22/11/11   | Mtg 112, 18/01/2012   |
| JCS-26     | 07/11/2011      | Mr Hargreaves - question of jurisdiction / responsibilities in suspension of licence in case-study; taken as a QoN by the Ombudsman's Office.                                                                                   | Yes                   | 22/11/2011 | Mtg 109, 30/11/2011   |
| JCS-27     | 11/11/2011      | Mrs Dunne: question re. liquidity, liquidity ratios; projected to go down over the out years (p.13 of report); Mr Taylor: Auditor-General has advised not to include table. QoN taken - to elaborate on liquidity ratios table. | Yes                   | 22/11/2011 | Mtg 109, 30/11/2011   |

| Identifier | Date of hearing | Question on Notice                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Answered | Dated      | Accepted by Committee |
|------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|-----------------------|
| JCS-28     | 11/11/2011      | Ms Hunter asked a question about the Mitchell industrial fire. Mr McCabe answered that it is too early in the inquiry to be able to share details. Ms Hunter: how many times was site inspected? Five visits to former sites. QoN taken re. this.                                                                                                                                                                                                                                                                                                           | Yes      | 01/12/2011 | Mtg 112, 18/01/2012   |
| JCS-29     | 11/11/2011      | Mrs Dunne, question to Mr McCabe: re. table 11, p.45 - how is it that there were no visits to forestry sites? QoN taken - when did you last visit forestry operations, agricultural operations?                                                                                                                                                                                                                                                                                                                                                             | Yes      | 01/12/2011 | Mtg 112, 18/01/2012   |
| JCS-30     | 11/11/2011      | Mrs Dunne, re. Bimberi inquiry – were there discussions with JACS or Community Services about resourcing? What date did you have people on the ground?                                                                                                                                                                                                                                                                                                                                                                                                      | Yes      | 23/11/2011 | Mtg 109, 30/11/2011   |
| JCS-31     | 23/11/2011      | Mr Hargreaves asked a question, regarding the number of people involved in addressing the backlog. P.12 and 13 tables in annual report - re. fluctuations in figures. Also chart p.15 goes back further: ‘Can you tell me numbers of staff, by type of staff, so that it can be matched-up against workload and types of workload for earlier years, to compare with current years, over five years? Prosecutors, paralegals, and so forth. To see a progression - how resources match-up to workload.’ Mr White responded, and took the question as a QoN. | Yes      | 06/12/2011 | Mtg 112, 18/01/2012   |

| Identifier | Date of hearing | Question on Notice                                                                                                                                                                                                                                 | Answered                             | Dated      | Accepted by Committee |
|------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------|-----------------------|
| JCS-32     | 23/11/2011      | <i>Mrs Dunne question on 'outlook' section in annual report. What is the expected budget for the operation of the election? Mr Green responded, saying that there is a budget, but he did not have it with him. He took the question as a QoN.</i> | NA— answered in hearing, pp.154-155. |            | NA                    |
| JCS-33     | 23/11/2011      | Ms Hunter asked about money provided for re-distribution, and whether all this money was spent. Mr Green took this as a QoN. The Attorney also responded.                                                                                          | Yes                                  | 06/12/2011 | Mtg 112, 18/01/2012   |
| JCS-34     | 23/11/2011      | Mrs Dunne commented on 32 per cent of children in foster care not seen by officers - not reported as a separate quantity. Ms Phillips took a QoN on the number of children not seen by care and protection officers.                               | Yes                                  | 19/12/2011 | Mtg 112, 18/01/2012   |
| JCS-35     | 23/11/2011      | Mrs Dunne - re. table on p.73 - what these descriptors mean and a rundown on how many are legal officers and how many are administrative. Taken as a QoN by Mr Crockett.                                                                           | Yes                                  | 13/12/2011 | Mtg 112, 18/01/2012   |
| JCS-36     | 23/11/2011      | Mr Rattenbury - Assaults on police – how many taken to court &c.                                                                                                                                                                                   | Yes                                  | 6/12/2011  | Mtg 112, 18/01/2012   |
| JCS-37     | 02/11/2011      | Mrs Dunne: Legislative and policy-based reporting; Advisory boards and committees; Learning and development; workplace health and safety                                                                                                           | Yes                                  | 3/1/2012   | Mtg 112, 18/01/2012   |
| JCS-38     | 07/12/2011      | Ms Le Couteur: compliance with requirements for wheelchair taxi operation                                                                                                                                                                          | Yes                                  | 19/12/2011 | Mtg 112, 18/01/2012   |