



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON ESTIMATES 2024-2025

**(Reference: [Inquiry into Appropriation Bill 2024-2025 and Appropriation
\(Office of the Legislative Assembly\) Bill 2024-2025](#))**

Members:

**MS N LAWDER (Chair)
MS S ORR (Deputy Chair)
MISS L NUTTALL**

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 30 JULY 2024

**Secretary to the committee:
Dr D Monk (Ph 620 50129)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

APPEARANCES

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Privilege statement

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Amended 20 May 2013

The committee met at 9 am.

Appearances:

Cheyne, Ms Tara, Minister for Human Rights, Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform

Chief Minister, Treasury and Economic Development Directorate

Blount, Ms Wilhelmina, Executive Group Manager, Policy and Cabinet Division

Chesworth, Ms Fiona, Executive Branch Manager, Better Regulation Taskforce

Bassett, Dr Louise, Executive Branch Manager, Fair Trading and Compliance, Access Canberra; Controlled Sports Registrar

Chan, Ms Yu-Lan, Executive Branch Manager, Corporate Support and Capability, Access Canberra; Chief Executive Officer, ACT Gambling and Racing Commission

Vaile, Dr Jodie, Executive Branch Manager, Strategy, Data and Governance, Access Canberra

McKinnon, Ms Margaret, Acting Deputy Director-General, Access Canberra, Registrar-General; and Acting Commissioner for Fair Trading

Lhuede, Mr Nick, Acting Chief Operating Officer, Access Canberra, Commissioner for Fair Trading; and Registrar of Co-operatives

Springett, Ms Emily, Executive Branch Manager, Service Delivery and Engagement, Access Canberra

THE CHAIR: Good morning and welcome to the public hearings of the Select Committee on Estimates 2025-2025 for its inquiry into the Appropriation Bill 2024-2025 and the Appropriation (Office of the Legislative Assembly) Bill 2024-2025. The committee will today hear from the Minister for Government Services and Regulatory Reform, the Attorney-General, Legal Aid ACT and the Treasurer.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. The committee wishes to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. We'd also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.

The proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and web-streamed live. When taking a question on notice, it would be useful if witnesses use these words: "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We welcome firstly Ms Tara Cheyne MLA, Minister for Government Services and Regulatory Reform, and officials.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Could you please confirm that you understand

the implications of the privilege statement and that you agree to comply with it.

Mr Lhuede: I have read and understood the privilege statement.

Ms McKinnon: I have read and understood the privilege statement.

Ms Blount: I have read and I acknowledge the privilege statement.

THE CHAIR: Thank you. I would like to ask a question about page 81 of budget statement B, output class 2, Access Canberra Operating Statement. Could you briefly tell me why was there a seven per cent increase in employee expenses.

Ms McKinnon: If we look at the budget statement and the total cost, there is an increase of \$6.7 million in the budgeted total costs for 2024-25 compared to the previous year. That is mainly due to increased costs associated with new initiatives, including: expenditure on employees to meet higher demand and deliver critical enabling functions across Access Canberra; employer and supplier expenditure to continue measures to improve building quality and safety associated with the initiative in the budget; employee and supplier expenditure to continue to meet the demand and services associated with expanding driver safety assessments—that is to do with occupational therapy assessments for medical monitoring; and employee and consultancy expenditure to deliver emissions-based registration. They would be the largest drivers of that.

THE CHAIR: Thank you. Can you tell me the exact number of FTE in Access Canberra as a whole?

Ms McKinnon: In 2023-24, the head count was 753.

THE CHAIR: It seems there was a 20 per cent increase in depreciation and amortisation expenses. Could you explain to me a little bit about that 20 per cent increase.

Ms McKinnon: I am not sure what that 20 per cent increase would be. I will have to get that by the end of the hearing.

THE CHAIR: Will you take that on notice?

Ms McKinnon: Yes. I will take that on notice, and we will respond.

THE CHAIR: Thank you. What factors lead to a 171 per cent increase in other income?

Ms McKinnon: The other income would have been associated with growth in infringements, in terms of the mobile detection device cameras and the increase in the infringements from the 40 kph zones. Also, there are a couple of variables including land titles, transfers et cetera and fees associated with occupational licences.

THE CHAIR: Thank you.

MISS NUTTALL: What is the strategy to make use of artificial intelligence to improve

the ease of doing business within governments—how to ensure there are safeguards in place to make sure it is used for its intended purposes?

Ms McKinnon: I might ask Dr Vaile, who is our AI expert in Access Canberra, to join us.

Dr Vaile: I have read and understood the privilege statement. I am the chair of the artificial intelligence working group across the ACT government. We are currently putting in place all of the governance arrangements that are necessary to be able to fully utilise artificial intelligence in a measured and well-protected way. The government framework that we are working on mirrors the Commonwealth framework that has been put in place and also dovetails with the New South Wales framework that has recently been put in place as well. We want to ensure that there is governance around the use of artificial intelligence and that we ensure that it is only being used in ways that are of benefit to the Canberra community and are not a detriment. At this point in time, that policy is still being formulated and finalised, but it has been drafted and is in the process of going through.

In Access Canberra, we are ensuring that we have our own internal policy, and we are ensuring that artificial intelligence will only be used in situations where we are looking at saying yes for Canberra citizens. We will use it in ways where we can create efficiencies but where there would never be any kind of detriment. So it is not going to be used in situations where it would say no.

MISS NUTTALL: Who would we look to work with to really ensure that those safeguards are in place, that we are not saying no and that we are not risking limiting human rights? Sorry, I appreciate this may not be the right setting for human rights in particular.

Dr Vaile: The Access Canberra policy has been reviewed by JACS, the Human Rights Commission and the Ombudsman. We are in the process: it is in its final draft format at this moment and is due to come back through to be formalised in the next few weeks.

In terms of who else to speak to, part of the policy that is being worked on at the moment is the establishment of an artificial intelligence governance group that will have oversight of new artificial intelligence projects going forwards, and we will also have the guidelines and the uses that will be acceptable uses for artificial intelligence. All of that will be contained in that package.

MISS NUTTALL: Beautiful. Thank you.

Ms Cheyne: Miss Nuttall, on the human rights element, I will draw on what Dr Vaile said before about using it where we are saying yes and not where we are saying no. To expand on that, it would be using it where it is enabling, it is streamlining existing processes, it is making something faster. That is appropriate use. Where it would be a denial of service or where there needs to be some sort of discretion applied—saying no—that is where we would have that extra layer of human interaction.

Dr Vaile: It comes back to a human-decision maker. If there is any complexity in the decision that needs to be made, if there is any grey, it will come back to a human

decision-maker.

MISS NUTTALL: That is really encouraging. Thank you. Will the artificial intelligence governance group you mentioned include in its terms of reference the emissions implications of AI? I understand that generative AI in particular can have pretty intense emissions repercussions. Will energy efficiency be on the terms of reference.

Dr Vaile: The terms of reference for that governance group have not yet been formalised. They are in the process of coming together. I certainly think that it will be a consideration. The governance arrangements that we are looking at involve representatives from every directorate across ACT government, with additional representation from the Human Rights Commission, and, I believe, the Ombudsman. So there are a range of people who are going to come together to be in those governance arrangements.

While I cannot say, absolutely, that emissions were there in those guidelines, it is certainly something that will be looked at. There will also be an evaluation and review cycle as we go into this, to make sure that we have got those settings correct.

MISS NUTTALL: Awesome. Thank you very much. That answers all my questions.

MS CASTLEY: I have some questions about the Better Regulation Taskforce. Under stream 1 policy and legislation, one of the actions of the Better Regulation Taskforce was to make access to government procurement easier for local ACT businesses. As a part of this reform, the Government Procurement Amendment Bill 2023 was passed in February this year, with changes going live from 1 July. The procurement guidelines—the *Supplying to the ACT Government* guide and the website—have not been updated to reflect this yet. What is the holdup?

Ms Blount: We are in the process of getting that updated. Those changes came into effect as of 1 July. Because of the nature of the document, we are working to update that now. We are aware that that particular one has not been updated, but we are just in the process of updating it.

MS CASTLEY: So it has taken five months. What is the impact on business? How—

Ms Blount: The settings are effective as of 1 July. We did not want to change that guide—we could not really change it—until 30 June, because the settings before that were different.

MS CASTLEY: Yes.

Ms Blount: So we are just in the process of updating that now. With the procurement website, the settings are updated there. The team at procurement are just updating the guide now.

MS CASTLEY: It is 30 days late. What is the impact to business for procurement? Do they have to call the team to understand the new guidelines that came in in July?

Ms Blount: They are able to find that information. I will ask Ms Chesworth to provide some advice about where that is.

Ms Chesworth: I have read and acknowledge the privilege statement. We have been working with Procurement ACT to make sure that the main information on the supplier landing page is all up to date. With the supplier guide that we developed a year or so ago, there are some links that need to be updated and more information that Procurement ACT have developed in relation to templates and other work that they have done. So the guide has been taken down momentarily, while those changes are being made.

MS CASTLEY: Okay. It is just a bit concerning if this is impacting business. We knew that this was coming in back at the beginning of the year, and it is just not ready.

Ms Chesworth: Procurement ACT, I understand, have run sessions for suppliers last week and the week before. They have been very well attended and subscribed. So there are other actions happening in the procurement space to let suppliers know about the changes in relation to the Procurement Act reforms.

MS CASTLEY: On page 5 of budget statements B, under the 2024-25 priorities, it notes one of the priorities in the budget as:

- supporting small businesses and social enterprises through targeted programs and improving access to information for people in business ...

This directly aligns with the “provide clear information for business action” under stream 2 of the Better Regulation Taskforce Agenda. That is in the report. What activities are funded in this budget that support these statements?

Ms Cheyne: On a headline level, the taskforce is funded through a recurrent budget. In terms of what you would see as new initiatives within this budget, the taskforce is already funded to undertake the body of work that it has been doing. You would have seen that the Access Canberra website has had quite an overhaul, in addition to the business hub website.

One of the areas of success we can speak to is some of the work that the task force has done mapping an end-to-end journey for a business looking to establish a food business. Understanding the areas of interest or complexity for businesses through that mapping that was undertaken by the taskforce now means that we have a dedicated page for someone looking to establish a food business. It is incredibly popular. It has received a lot of hits. I think that that shows that flow-through in terms of how we are supporting businesses. That is not a budget initiative, but it does point to some of the work that the taskforce has been funded to do and how we are smoothing the process for businesses looking to start, run and grow.

MS CASTLEY: Given that the commitment was always to provide clear information for business—under stream 2 back in 2022—what you are saying is that even though providing support for small businesses by improving access has now been highlighted in the budget, it is not a failure; this is just an ongoing thing that will keep ticking over, over the years, as you identify more—

Ms Cheyne: I guess these budget statements for the directorates are about the priorities for their operations—whether there are new initiatives funded or whether they are funded as part of their ongoing work. So the lists that you are drawing on are the operating priorities for 2024-25, and they continue to be relevant.

MR COCKS: I want to talk about the Access Canberra IT upgrades. The budget includes two new IT related measures for Access Canberra—that I can see. One is upgrading Access Canberra IT systems, and the other one is streamlining IT processes. The capital cost of these—

Ms Cheyne: Mr Cocks, would you mind just letting us know where you are drawing from? Much of Access Canberra’s work is IT related, so I just want to narrow it down.

MR COCKS: This is the two budget measures, upgrading Access Canberra’s IT systems and streamlining IT processes for Access Canberra, outlined in the budget outlook.

MS ORR: Do you have a page?

MR COCKS: I do not have a page reference. I would expect, being the two main budget measures—

Ms Cheyne: Yes, I am finding it. The \$3.517 million in 2024-25?

MR COCKS: Yes. So you have \$3.5 million and \$3.8 million, respectively, for capital costs. That is around \$7.2 million in total. And the total is around \$18 million in expenses and capital costs over the budget period. To start with, is there any relationship between those two projects, and are those funding amounts one-off funding or are they ongoing?

Ms Cheyne: I will start and then someone will correct me if I am wrong. The \$3.517 million funding component is—

MR COCKS: That is upgrading.

Ms Cheyne: Yes, that is capital funding. It covers several components. One of the most significant components is rego modernisation phase 2. Much of the infringement system and how revenue fees are collected is through rego ACT, and that system needs some upgrades. So there has been \$1.71 million for staffing positions to advance that work, and we can talk about what that looks like. On top of that, we are doing a civil registry business system update. That regards, effectively, the registration system for civil registry issues—things like birth, death and marriage register certificates.

MR COCKS: And the streamlining of IT processes?

Ms Cheyne: Is that the \$3.791 million, Mr Cocks?

MR COCKS: For capital, yes.

Ms Cheyne: The expense provisions are for quite a number of FTE. There is an SES for the strategy data and governance branch. There are staff for the Infringement Review Office. There are 11 FTE for the Working with Vulnerable People scheme. You might be aware that more than a quarter of ACT residents have a WWVP card. There is 5.3 FTE for Access Canberra's digital—

MR COCKS: If I can come back to the question I asked, it was about whether there is any relationship between those two projects and whether the funding is a one-off or terminating or lapsing funding or whether it is going to be ongoing funding around those two.

Ms McKinnon: The RegoACT system was designed 20 years ago and handles about two million interactions with the public. The rego modernisation has been a staged approach to improve the flexibility of what that system can do. For example, monthly rego payments were not available, so we have had to do continual upgrades to make changes to RegoACT easier. The funding is not ongoing, in the sense that we have committed to a project of work, we will evaluate that project of work and that will inform our next bid for funding, with prioritisation.

In terms of the PROMATIS system—that is, births, deaths and marriages—again, that is a staged approach. There are about 12,000 registrations and 21,000 certificates issued annually. We secured funding to get 11 new digital modules to enhance the births, deaths and marriages services. That will allow citizens to have more choice in what they select on critical birth, death and marriage certificates. In terms of the—

MR COCKS: Sorry; maybe I am not being clear. I am not after exactly what it comprises or the rationale behind these two measures. What I am asking, I thought fairly clearly, is: is there a relationship between the two projects?

Ms McKinnon: They are two different systems. RegoACT and births, deaths and marriages are two different systems that are discrete.

Ms Cheyne: In terms of the initiatives, Mr Cocks, they are different.

MR COCKS: But the streamlining—they are separate measures; there is no relationship?

Ms McKinnon: That is right.

MR COCKS: It sounds like it is terminating funding; it is there for the budgeted period. It does not continue after that period. Thank you.

Ms McKinnon: It is for particular enhancements.

MR COCKS: Why is the entire capital expense focused on a single year?

Ms McKinnon: I think because we take a modular approach. It is not, in a sense, a system replacement over several years; it is about the prioritisation of enhancements to the system that we have decided are feasible to do within that time frame. There is a runway and only so many people can have their hands under the foot at any one time

with those systems, so we have staged the approach to it.

MR COCKS: Thank you. That is useful, because what I see is that in recent years there has been a succession of similarly branded measures. In 2021-22 there was “digitising government services” that had a total cost of around \$30 million. In 2022-23 we had “better digital services” continuing to make government services more accessible online. At 21.4, the funding for better digital services for Access Canberra staff was \$9 million. In 2023-24 we had “boosting business and the economy” transforming and digitising services at Access Canberra, at \$5 million.

We are looking at quite a significant amount. Over just those three years we are looking at around \$65 million, and that is before you take into account the measures outlined in this year’s budget. Is there a strategic approach to where IT investment is going? If so, why are we not budgeting over the full period of the estimates? Why are we focusing everything just in the current year?

Ms Cheyne: Dr Vaile can speak to that, Mr Cocks. I guess there are two parts to it. There are the pressures that we have seen from different changes in the community—for example, the WWVP increases. In some of our other engagements we have seen some spikes. All of these are modelled and mapped. That allows us to say, “We can see that there is a peak coming and we need to be able to support the current work.”

Dr Vaile has been leading a significant body of transformation work in many of our systems that interact with RegoACT, as well with the civil registry database, with traffic camera operation and with mobile device detection cameras. The descriptions that you have mentioned cover a whole lot of different things at different times. They have, I guess I would say, a catch-all descriptor to them, but they reflect both current pressures that we need the increase in staff to manage so that we are still providing the best service to the community as well as the strategic overall work that Dr Vaile has been undertaking, in collaboration with DDTS.

Dr Vaile: I think it is part of a much bigger program of work that is looking at, at least, four different streams within Access Canberra. All of these pieces of work are linked. We are looking at the sustainability of the organisation, going forward. We are looking at business improvement across the entire organisation. We are looking at digitisation and automation, which ties into the earlier question. We are also looking at regulatory reform, where we work very closely with the BRT as well.

All of these pieces are part of a much bigger plan that is about ensuring the sustainability, relevance and ongoing regulatory settings for Access Canberra, going forward. While those particular pieces, going back to your original question, are not linked, they are part of a broader plan and they are pieces of that plan. We need to ensure that the rego system is as ready as it can be for future work and ensure that we can modularise and make sure that the different pieces can talk with other systems as we go. There are many streams of work that are going on to ensure that all of these pieces are coming together.

MR COCKS: Thank you. Are you able to provide that plan or is it something that is accessible?

Ms McKinnon: We have an internal governance document that sets out what we prioritise. I am happy to share that.

MR COCKS: Thank you.

Ms McKinnon: Year after year, there is a common theme, as Dr Vaile was saying. The streamlining IT processes for Access Canberra have a whole range of smaller measures. One of the things we focused on this year is what is called PCI compliance. The card merchants—for example, Westpac—place obligations on us which are increasing in terms of security of the data. That is behind the scenes. We have worked on investing in the security of both people's personal information and the card data.

The other thing that is funded through this is the submission by citizens via smart forms, 70 per cent of which request a service from other parts of government. I would say that, on average, we get three or four requests for a new smart form every week. We prioritise that and we are investing in that.

MR COCKS: To explain my concern, it is in the context of other IT projects the ACT government has seen that start off with a relatively small initial commitment and balloon out to extremely large amounts of money. The purpose of a budget is to know what we are going to spend over the forward estimates. It seems to me that if there was a plan, we should have been able to anticipate that, rather than \$10 million, for example, we would be looking at \$60 million. I am interested to know: has the plan that you have mentioned actually informed over recent years the full forward estimates, and why are we doing it piece by piece, year after year?

Ms Cheyne: Mr Cocks, I can explain that in some ways. Again, it is worth stressing that some of the initiatives that we are talking about are about dealing with where we had seen peaks and where we have modelled that peaks are coming and we need to be appropriately prepared for them. In terms of the significant strategic work that Dr Vaile has been undertaking, some of it has required an investigation into the market, understanding the capability that is out there. Sometimes we do not know what we do not know until we have secured some funding, done the investigative piece and then that has elicited what we need to do next. That is why it might look a bit piecemeal in the budget, but there is a strategy. We can share that strategy with you, about the areas that we are investing in and what we expect to see from that.

MR COCKS: Okay.

MS ORR: Minister, I am not sure if you want to elaborate, because you have touched on it a little bit, but that seems to be the core of how this work is planned and what is the governance behind it. Can I get an overview of how you would approach the planning and the ongoing administration of these sorts of reforms, given that Access Canberra does have a big IT component and it is something that you are always working to improve?

Ms Cheyne: From a high-level perspective, what we have seen was accelerated due to COVID but also with some really terrific work from within Access Canberra. There has been a transition to many more services being online. We have also experienced demand for our services from the community, for our existing services that Access

Canberra manages, but also from across government, where there are new initiatives that might be impacting on Access Canberra.

One of the major areas of reform that we will detail in response to Mr Cocks's questions is the common licensing capability. It does not sound like much, with those three words, but the licences that Access Canberra manages and issues every year are a significant component of its work priorities. Creating a system that has a similar capability across all of it helps us to do the work that we need to do. There are also priorities that are emerging in other areas—for example, engineers' registration and property developers' registration. All of that relates.

MS ORR: Is it fair to say that, even though you forecast what you know into the forward estimates, there will be things that come up that you might not have been able to anticipate and that you need to address?

Ms Cheyne: Yes. This is something that Minister Steel and I have recognised, together with the Chief Minister: there are initiatives that emerge across government. We ask that DDTS and Access Canberra are engaged early in the design of something, whether it is a simple smart form or whether it is something more significant that is going to impact on Access Canberra, so that the appropriate budget can be sought. If not, it is about understanding what the needs are and how it will work with Access Canberra's existing program of improvements, which is very full at the moment.

MR BRADDOCK: I have a question for the Gambling and Racing Commission, and investigation services. There have been media reports and complaints about the length that some of the investigations have taken. Why has it taken so long—for example, four years on one particular case?

Ms Chan: I have read and acknowledge the privilege statement. With investigations, a complaint will come in and we then need to assess it and see which part of the legislation might have been breached through that. From that we then need to work out which information or further evidence we might need to collect, and we need to collect that. Sometimes that takes a lot of time. Sometimes, when you collect new evidence and information and you analyse it, there is a twist or turn in the information you receive and it might lead you down a different pathway. There are times when it does take longer.

In some particularly complex matters, what makes them complex is if there is a lot of information that needs to be collected. If the complaint or the alleged breaches in the legislation are covering a long distance in time, there is obviously more material that needs to be collected, and therefore more analysis that needs to be done. So there are a range of factors that contribute to the time taken for an investigation.

MR BRADDOCK: But is four years really satisfactory for the conduct of an investigation?

Ms Chan: Four years is obviously not an ideal situation for us. We understand what the complainants are going through in that time. I do understand and empathise with them. Having said that, our role is to ensure that the legislation is looked at, the breach is identified and we are presenting a fair case for all parties involved. I certainly will

say that this is one of the longest investigations. It is definitely an outlier in terms of the time frames.

MR BRADDOCK: Does the GRC have the appropriate investigation and technical skills and sufficient personnel to undertake these investigations in a timely manner?

Ms Chan: Yes. We have skilled investigators.

MR BRADDOCK: Are there a sufficient number to complete investigations in a timely manner?

Ms Chan: As I said, it depends on what the issue is that is being investigated—what analysis and then what evidence. There are some parts where, for example, if there is a lot of evidence to be collected, more staffing might help, but there are times when it does not help. There are times when we are collecting information from third parties—for example, banks or other parties. In some cases that contributes to the time frame, so it is not necessarily a matter of staffing. We do have the ability to scale up and scale down in terms of where we direct our resourcing.

MR BRADDOCK: The Attorney-General has spoken about some legislative changes that will potentially help to speed up investigations. I am interested in what operational improvements have been put in place to ensure that we do not have investigations taking so long in the future.

Ms Chan: After each investigation or each matter is completed, we do a lessons learnt from the team; we see if there is anything we could have done differently. We do update our processes, where that is warranted. We are currently looking at whether there are any improvements that could be made to our projected time lines, our investigation plans and our investigation approaches. We do that with every matter. We always look at what we could improve. There are a number of things that we are looking at at the moment.

MR BRADDOCK: What has been done over the past 12 months, let's say, to improve investigations being conducted in a timely manner?

Ms Chan: I will call my colleague Dr Bassett.

Dr Bassett: I have read and acknowledge the privilege statement. Would you mind repeating the question?

MR BRADDOCK: What actions have the GRC, or your area, taken in the last 12 months to improve the operational performance of investigations to ensure that they are completed in a timely fashion and do not span out to four years, for example?

Dr Bassett: Thank you for your question. I have been in Access Canberra since January of this year, for just over seven months. In that time we have had a really good look at the investigations team, its structure and its processes. I have spent quite a bit of time since I have arrived in Access Canberra trying to understand how we can expedite matters and make sure that we have a robust recruitment process for ensuring that we have skilled, trained investigators who all have the necessary qualifications and

expertise to conduct those sorts of investigations that are required for the gaming and racing legislation.

MR BRADDOCK: To clarify: does that mean there were not the skilled, trained investigators necessary before you started in January?

Dr Bassett: No, not at all. I am very grateful for my colleagues, who are behind me, who took carriage of this work prior to my arrival. They have built a very excellent team. All I am suggesting is that there is always room for the improvement of processes. Since I arrived in Access Canberra with a new perspective, having not been there for the duration of those matters, I have been able to identify some of the things that we could do to improve the systems and processes.

Trained investigators, in particular, are difficult to recruit. They are difficult to recruit in every context of regulation. It is not the case that you can just pick them up off the shelf, and it is not the case that you can just recruit skilled public servants. What you need to do is train them and make sure that they have the expertise. It is a matter of careful selection, and it is a matter of continuously making sure you have sufficient people coming through your ranks that you can train in investigations. It is a very specific skill set.

MR BRADDOCK: What assurances can you provide that in future we will not experience such lengthy investigations, to the detriment of the complainants?

Dr Bassett: It is also Access Canberra's intent to make sure that everything that it investigates is conducted in accordance with its legislation. That is its paramount consideration and its primary obligation. In order to do that, you need to make sure that you have investigated every single component of every complaint in accordance with the legislation. As Yu-Lan has already mentioned, that does take time and it can vary.

MR BRADDOCK: Absolutely, but you understand that, from a complainant's perspective, time is also a valuable commodity.

Dr Bassett: Absolutely.

MR BRADDOCK: And that needs to be a part of any skills capability or capacity question in order to address that.

Dr Bassett: Yes; indeed.

Ms Cheyne: If I may say, Mr Braddock, we all know what you are referring to. The time that something can take and the compounding effect that it can have on a person who is looking for an outcome certainly weighs on me heavily. It is something that we have identified with the legislation. Dr Bassett is absolutely right that the team is operating within the confines of the legislation. The legislation could have a little more flexibility in terms of what can be communicated to a complainant about the status of an investigation. It is difficult to say that the span of four years will never happen again. There may be a very complicated situation that requires a really deep dive and a significant investigation.

I think that what would assist in those circumstances is not having such strict provisions as currently exist in the legislation which limit the ability of the commission to be able to keep the family or interested parties up to date. That is something that Mr Rattenbury has identified. Certainly, I and others have identified it. It is a matter for a future government, but I think we all agree that some improvements can be made. Certainly, Dr Bassett's fresh eyes have helped with that from an operational perspective as well.

MR BRADDOCK: Thank you.

THE CHAIR: I have a question about the tip smell. In recent months, we have seen a spike in complaints, whether they have been made to Access Canberra or to the EPA. On some days, the social media sites for specific suburbs are buzzing with comments about the smell. Chisholm, Gowrie, Macarthur and Fadden are probably the most common examples, but there are also others. Can you tell me how many complaints about tip odour from the area, wherever it is exactly from, have been received so far in this calendar year?

Ms Cheyne: Ms Lawder, in this calendar year, there were 30. I will double-check the dates, but that was certainly to the end of June.

THE CHAIR: How many were received in June specifically?

Ms Cheyne: There were 27.

THE CHAIR: A couple of letters were delivered. In March, a letter was sent to residents about preparatory site works that would take place between 13 March and 4 May, weather conditions permitting. It highlighted that it has the potential to cause odour at times in neighbouring suburbs. I have said many times in this place that, if people know, they are a lot more understanding about it. Of course, in June, when you received 27 complaints, that was after the time of this letter. There was no further letter sent until I raised it again. There was one sent later in June, I think after the majority of the complaints had already been made. What was the delay that meant it was not done by 4 May, as the original letter said?

Ms Cheyne: Technically, this is for City Services, but I have the info, so let me speak to it. I completely agree with you, Ms Lawder. The communications did not meet my expectations and I have made that clear. You are right that the phytocapping process was communicated to the community in exactly the way that you said, but it was paused in May because there was inclement weather and there was a need for equipment upgrades. The work being paused meant that it recommenced on 17 June.

I cannot speak for the officials, as they are not here, but I would suggest that, because it was all still technically part of the original program and letters had been sent earlier in the year, there was potentially a sense that people would realise that it was still part of the same program. That is not my view, and I have spoken with the teams and stressed that, if there were a delay like this, the community would rightly expect, as you have pointed out, Ms Lawder, that an update is provided, especially before works recommence, noting that there has been a delay—"It is still part of the same program, but this is what you can expect to experience."

You would note that, given there were a further 20 operational days from that date, we expected work to be undertaken. I think we communicated very thoroughly about what that would include, and there is now a dedicated webpage on the City Services website about the phytocapping process, as well as some videos about what it looks like, so that people can understand what is going on. But you are exactly right, Ms Lawder, and I agree with you entirely that this should have been communicated before the work recommenced, and, if it had been, I suspect we would have had fewer complaints.

THE CHAIR: Originally, the work was meant to take place between 13 March and 14 May. How many operational days of work took place during that period?

Ms Cheyne: I would have to take that on notice, Ms Lawder. I note it is for City Services.

THE CHAIR: Thank you. The first letter did say there were 20 working days, I think between March and May, and now it says there are another 20 operational days. It implies that not much was done in the first tranche of—

Ms Cheyne: Potentially, Ms Lawder. I would have to check. I cannot comment. I note that there are some limitations as to when the work can be undertaken—only on Monday to Friday and when there is no wind or low wind, and no rain. Canberra can be windy and rainy, and I suspect that may have affected things. Certainly, if the equipment needed some further work early, that may have been what contributed to that. I will take that detail on notice and get back to you.

THE CHAIR: How many households were letterboxed with the first letter and the second letter?

Ms Cheyne: I will have to take that on notice as well. I believe it was several thousand. What I have is that the letterbox drop was to residents in Chisholm, Fadden, Gilmore, Macarthur and Gowrie, and that took place in September 2023, March 2024, late June 2024 and early July 2024. The latest letter included a website link to the project page. There was also a targeted social media post which geotargeted residents of those suburbs. The comments were monitored and responded to, I believe.

THE CHAIR: Finally from me, can you instil this in some sort of procedure, that information to residents must take place rather than waiting for the complaints and then doing it? I thought that is what we had agreed some time ago in the Assembly.

Ms Cheyne: Certainly, Ms Lawder, that is my expectation. As I said, I think there was a sense that this was the same project and that it had been communicated about. A resident does not necessarily know that, so we should be as proactive as possible, especially when there is a delay; it may seem that the work has been completed and people do not realise why work was restarting. Those are the times when I absolutely expect that we would proactively communicate again. That is what I would hope to see going forward.

THE CHAIR: Thank you.

MS ORR: How does Access Canberra support people with a disability that may be

hidden?

Ms Cheyne: I will ask Ms Springett to join us. There has been a significant amount of work underway in our service centres in particular. In the last few months, all of the Access Canberra service centred staff have become accredited through the Hidden Disabilities Sunflower initiative. That means that, if someone is wearing a sunflower band, like I am, a pin or something similar and they see someone in the Access Canberra Service Centre wearing similar, they will know that those people have been trained in what a hidden disability is. People may need more time or have things explained differently or, for example, have settings adjusted. To complement that, there has also been the implementation of a quiet hour on Wednesday mornings at all service centres to assist people.

These are all initiatives that have been generated from the staff themselves within Access Canberra service centres. It really complements the posture that we have adopted over recent years, led by Ms Springett, in terms of booking appointments so that people have time and are supported with what they need to bring, so that their entire experience is as efficient as possible, in addition to the concierge function. Ms Springett will be able to elaborate. You can see she is also wearing a pin.

Ms Springett: Thank you, Minister. I have read and acknowledge the privilege statement. As the minister said, we launched the Hidden Disabilities Sunflower initiative and our quiet hour in June 2024. It was a staff-led initiative. It is something I am incredibly passionate about, as I also have a hidden disability. It is something that we continue to work on to support our community. It is part of us saying to our customers, “We see you, we value you, and we want to support and service you in the best way that supports you.” That is key to the work that we do every day across our service centres.

We have received some really pleasing feedback from our customers. Some of the feedback in the last couple of weeks is: “This is an amazing additional step towards inclusiveness”, “It is a fabulous initiative and a terrific move.” I would really like to acknowledge the work of all our staff across our service centres, every day, in supporting our customers.

As the minister mentioned, in addition to the weekly quiet hour, which is on Wednesdays across all our services centres, except Dickson—which is for appointments only—we have bookable appointments across all our service centres. We just passed the milestone of completing 11,000 bookable appointments. That is another way that the community can engage with us at a time that suits them. We have also introduced a pre-call that customers can elect to have with the service centre prior to their visit. That is when we can talk to them about any additional accommodations or support we can provide. We can explain, for example, where accessible parking may be, how to best access the building, and other accommodations as well. Those are just a few of the initiatives that we have recently put in place to support inclusiveness.

MS ORR: You said the idea was a staff initiative. Could you explain how it came about?

Ms Springett: It was definitely through discussion. We are always looking at ways to

improve our customer experience and how we can we ensure that we reflect and support the community that we serve every day. A key part of that was particularly looking at how we support those who may have neurodiversity and hidden chronic illness. We know that continues to increase in the ACT, so how can we continue to support people? This came from discussions with staff, asking, “Is there anything more we can do in this space?” We came across the Sunflower initiative. As I said, it is also something I am incredibly passionate about, and I am so pleased that we could bring it to our service centres.

MS ORR: If you see someone with the sunflower pin or wristband, it is a signal that they either have a hidden disability or are trained in how to respond. It could be either. Is that correct?

Ms Springett: That is correct. It is a signal for our staff to go to them and have a conversation about how can we best support them. It might be that we service them from the waiting area if we can, so they do not have to walk the extra distance—for example, if they have chronic pain or fatigue. It may be that we give them extra time if there is neurodiversity or other considerations. It is really about targeting our support and service for our customers. They can wear a lanyard, a bracelet or a pin. All staff who have undertaken the training wear the supporter pins to make it clear that they have undertaken the training and are there to support them.

MS ORR: So there is a supporter pin for those who have done the training and there is a different thing for those who have a hidden disability?

Ms Springett: That is right.

MS ORR: Have you shared this initiative across government, particularly with other service provider areas?

Ms Springett: Yes. We are in discussions with, in particular, libraries and Major Projects Canberra. They have also reached out and are looking at implementing it as well. We continue to share our experience and the initiatives we have put in place through, for example, key government accessibility working groups and stakeholder groups. We continue to engage with our community stakeholder partners to ensure that people are aware of how we can best support them.

MS ORR: That is a good example of how you are supporting people with a hidden disability, but, more broadly, how are you supporting all community members across Canberra to access your services and supports?

Ms Springett: We have a vast range of initiatives in place. You may have seen recently that we announced that our concierge staff and all other staff in service centres, if they speak a language other than English—and we have 11 different languages across our service centres—

MS ORR: Do you know what they are, Ms Springett?

Ms Springett: I do. I can read them out, if you would like.

MS ORR: Yes; please do. I am interested to know.

Ms Springett: I apologise if I get any pronunciations incorrect. Our service centre staff speak Hindi, Punjabi, French, Japanese, Vietnamese, Thai, Greek, Croatian and Tibetan. Our contact centre staff, our phone staff, speak Filipino, or Tagalog; Bangali; Hindi; Adu; Napali; Portuguese; Fijian; and Tongan. So we have fantastic diversity across our service centres and our contact centre. We ensure that, when we are recruiting, we reflect the diverse community that we serve.

MS ORR: Are you now advertising that, if someone has a second language, they have a pin?

Ms Springett: That is right. Under their name badge is the additional language they speak. We signal whether they speak another language. I was recently talking to the concierge at Woden, and he said he often has conversations—three to four times a week—in his second language with customers. That is a fantastic way that we can further support inclusiveness at our centres.

Ms Cheyne: Ms Lawder, we have answers to the questions you asked that we took on notice, if that would suit.

THE CHAIR: Thank you.

Ms McKinnon: In terms of depreciation, the \$629,000 is related to enhancements made to rego.act as part of the Rego Modernisation Program. We have depreciated that. In terms of the change to other income, that reflects a change, through the ACAT Trust fund, in services to regulate compliance with retirement villages and real estate agents. That has been moved out of our base and we are now invoicing JACS for it on a services provided basis.

THE CHAIR: Thank you.

Ms Cheyne: Ms Lawder, the number of households that received the letterbox drop is 6,050.

THE CHAIR: Thank you. We will wrap up this session for now, but we will resume this session later this afternoon, so there will be plenty more opportunity for questions.

The committee adjourned from 10.00 am to 10.15 am.

Appearances:

Rattenbury, Mr Shane, Attorney-General, Minister for Consumer Affairs, Minister for Water, Energy and Emissions Reduction and Minister for Gaming

Justice and Community Safety Directorate

Glenn, Mr Richard, Director-General

Johnson, Mr Ray, Deputy Director-General, Community Safety

Cvetkovski, Ms Dragana, Executive Branch Manager and Chief Finance Officer

Burgess, Ms Toni, Acting Executive Branch Manager, Criminal Law Branch, Legislation, Policy and Programs Division

Dening, Mr Richard, Senior Director, Restorative Justice Unit, Legislation, Policy and Programs Division

Ng, Mr Daniel, Acting Executive Group Manager, Legislation, Policy and Programs Division

Mulligan, Mr Dominic, Chair, Sentence Administration Board

Nuttall, Ms Amanda, Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal

Hutchinson, Ms Zoe, Executive Branch Manager, Justice Reform Branch, Legislation, Policy and Programs Division

THE CHAIR: I now welcome the Attorney-General, Mr Shane Rattenbury MLA, and officials. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered a contempt of the Assembly. Can you please confirm that you understand the implications of the statement and that you agree to comply with it?

Mr Johnson: I have read and understand the privilege statement.

Mr Glenn: I have read and acknowledge the privilege statement.

Mr Ng: I have read and acknowledge the privilege statement.

THE CHAIR: Thank you. I will start off. Attorney, over the course of this term of government, we have seen a number of—I hate to use the word—unprecedented, extraordinary events. The national spotlight was on the ACT, notably during the R v Lehrmann matter and the subsequent Sofronoff inquiry. It would seem to me that community confidence in the administration of the criminal justice system in the ACT has weakened. Attorney, how are Canberrans expected to have faith or confidence in you, in your capacity as the Attorney-General, considering the poor track record in the past few years?

Mr Rattenbury: Ms Lawder, thank you for the question. I think the ACT has found itself involved in matters that have had a significant profile. I think that the community can have confidence because the government and I have demonstrated a record of acting, where those matters have arisen.

After questions were raised, for example, about the conduct of the Lehrmann matter

and various actors in it, we established a board of inquiry to address those questions. We found ourselves in a somewhat unprecedented situation where the head of that inquiry had an unusual relationship with journalists in the matter. I do not think that can reflect on either me or the ACT government. It was an extraordinary outcome.

We have worked through each of those things diligently and, where there have been recommendations, we have been very specific in moving forward on them. For example, with the matters arising from the board of inquiry, I have just received a brief that indicates that all of the recommendations have largely been moved on. Six of them are now fully implemented, three are substantially implemented and one remaining one is dependent on all of those others and on the work that is now underway.

MR CAIN: Minister, would you agree that the level of trust and confidence in the ACT criminal justice system is lower now than it was at the start of this term?

Mr Rattenbury: I do not know how one would measure that, Mr Cain. As I said to Ms Lawder, the government has certainly been very active in addressing issues that have arisen over time and, I think, is making good progress on a range of reforms. For example, on issues of sexual assault, in the justice system we have taken substantial areas of reform. We have provided additional funding at key points. I think that, in what is a very difficult area of legal policy, the ACT government has demonstrated a track record of responding to both policy suggestions and community concerns.

MR CAIN: Attorney, you started your answer by saying you do not know how you would measure that; you then gave a few examples of where you felt you have met those concerns on trust. Attorney, that is a bit of a contradiction.

Mr Rattenbury: I do not believe it is, Mr Cain. My point around measurement is that you have an opinion, and you are expressing it—

MR CAIN: No, I am asking you a question.

THE CHAIR: Mr Cain, wait for the minister to answer.

Mr Rattenbury: You made an observation that you felt that trust—

MR CAIN: No, I asked you a question.

THE CHAIR: Mr Cain, please do not interrupt.

Mr Rattenbury: I am happy just to go to Mr Cain's next question.

THE CHAIR: Do you have another question, Mr Cain?

MR CAIN: Attorney, when you called for the resignation of Mr Drumgold, why did you not offer your own, given that this happened under your watch?

Mr Rattenbury: Firstly, Mr Cain, I did not call for the resignation of Mr Drumgold. In fact, it was Ms Lee that called for the resignation of Mr Drumgold. I did speak to the director about the issues that had arisen and, from that, he resigned from his position.

MR CAIN: And you accepted that resignation?

Mr Rattenbury: I did.

MR CAIN: On what basis?

Mr Rattenbury: I felt that his position had become untenable, and he offered his resignation.

MR CAIN: For what reasons?

Mr Rattenbury: For reasons that have had significant public discourse.

MR CAIN: Which were?

Mr Rattenbury: There is a range of them, Mr Cain. I felt that the issues that had been identified were ones that raised significant concerns about the conduct of the director. On that basis he offered his resignation, and I accepted it.

MR CAIN: What were the primary issues that led you to accept that resignation, that you felt warranted his not being able to hold that position any longer?

Mr Rattenbury: Given matters are still continuing, Mr Cain, I do not propose to elaborate on that at this point.

MR CAIN: Are you refusing to answer the question?

Mr Rattenbury: No. I am providing a nuanced response.

MR CAIN: You have no answer to the question of what particular features of the performance of the DPP led you to accept his resignation?

Mr Rattenbury: I think they have been heavily publicly ventilated. There is—

MR CAIN: Then you should be able to explain what they are.

THE CHAIR: Mr Cain, do not interrupt, please. I think the minister has given his answer to your question. You do not need to ask it again. Do you have a further question or will we move on?

MR CAIN: I just note that the minister has not answered the question.

THE CHAIR: Ms Orr, do you have a substantive question?

MS ORR: I do. However, I might throw to my colleague Dr Paterson.

DR PATERSON: Attorney-General, on 15 September last year, I put on notice some questions relating to sexual offence matters in each of the courts relating to penalties for sexual offences over a number of years. The response I got back was that data

extraction for this question would be manual and resource intensive, so “we are unable to provide an answer to this question”. In your response you said:

ACT Courts and Tribunal are undertaking a program of work which will address consistency in processes that support data analysis.

Can you please clearly articulate what this program of work has been, and can I expect to put these questions on notice and receive a response now?

Ms A Nuttall: I acknowledge the privilege statement. I might put on the record that there is no relationship between me and Miss Nuttall. As far as I am aware, we are not related, despite our unusual surname.

Thank you, Dr Paterson, for your question. We have been undertaking a range of work to allow us to extract data in a more comprehensive way. I would like to start with the base position that the system that we have is a case management system. It is designed to assist us to manage cases through the system from the time that they get lodged with the court, to getting before the court for a range of different types of matters, and then, of course, to finalisation.

It was designed with a view to manage cases rather than to provide detailed data analysis. There can be difficulties with extracting data, and we are undertaking some work that will assist us in doing that, but it will never be a perfect system for evidence-based policy, because it is a case management system.

I will run through the program of work. The piece of work that we have been undertaking is to review and clarify, and to facilitate agreement on key data definitions and business rules. Obviously, in order to extract data, you have to have input that goes into that correctly. We have continued to work on updating the specifications within the case management system and agreeing on key input data.

The next piece of work that we are undertaking is in the onboarding of our staff. There is a program being developed to induct our staff and to train them in the case management system so that we have key and consistent information going into the case management system. We are also working with WA, who provide the integrated case management system, to develop changes to the system that will assist us in our reporting of data out of the system.

DR PATERSON: In terms of data that can be reported out of the system, will we see improvements on reporting around sentencing?

Ms A Nuttall: The aim is that we will get it as clear as we can. The nuances of sentencing can be difficult in terms of the types of offending that are being asked about, and the types of outcomes. I cannot recall the detail of the questions that you put on notice before. It depends on what you are looking for, as to whether we will be able to answer those questions, regardless of clarifying the data entry and cleaning up the data which is going into the system.

DR PATERSON: We do need data to make evidence-based policy decisions, so are there other data systems that should overlay case management systems that would be

helpful, in order to then feed data back to the government for policymaking?

Ms A Nuttall: The sentencing database is the other system that we input into. Again there has been some work in facilitating the key definitions and agreement. New South Wales are our service provider for the sentencing database. We have been doing some work with them in terms of updating the technical specifications of the system to ensure there is accurate data extraction, processing and loading, agreeing a glossary of key statistical terms that will be used in the sentencing database, and writing user guides and manuals on the use of the database to assist users that are seeking statistical information to understand the information that is coming up.

DR PATERSON: When will that work be completed?

Ms A Nuttall: I will have to take that on notice. I do not have that information.

MISS NUTTALL: I am interested in the justice reinvestment budget funding in 2024-25. What does \$344,000 for structured community engagement and co-design of justice future funding entail?

Mr Rattenbury: That is a specific allocation of funding to continue our justice reinvestment work. As you would be aware, we have the reducing recidivism strategy. That particularly seeks to address issues of over-representation of Aboriginal and Torres Strait Islander people as a key theme. This particular piece of funding is to work with the community to create a justice futures fund.

The key element of justice reinvestment is that many of the programs are led by community organisations—community-based programs and the like. We are endeavouring to empower the community to design more programs in the future. There will be less of government saying, “Here’s what the program is going to be,” and more of community saying to government, “Here are the programs we think we need or we think we can run that can make a difference.” This money seeks to begin that process and undertake a program of co-design with the community sector to help the government to come up with the best way to allocate funds in the future.

MISS NUTTALL: Is this kind of investment important because justice reinvestment is indicating positive trends in terms of reducing recidivism?

Mr Rattenbury: We certainly believe so. When you look at a range of examples in the ACT that have already been implemented, they have been quite successful, we believe, in having an impact on crime rates. Certainly, our overall rate of recidivism has declined nearly 20 per cent—19.6 per cent since the baseline year of 2018, when the reducing recidivism strategy was put in place.

Examples of justice reinvestment would be things like the Strong Connected Neighbourhoods Program, which is a multiagency approach designed to improve the lives of, and reduce recidivism rates for, residents living across several high density housing sites. We have seen violent crime reduced by 50 per cent in those areas and property crime reduced by 60 per cent. Our drug and alcohol sentencing list is another example where we are seeing strong outcomes.

I am certainly very encouraged by the impact of the justice reinvestment approach and I am encouraged by the reduction in recidivism we have seen as an objective indicator of the success of those programs. An important part of this work is that quite a number of these programs have strong evaluation mechanisms around them. Those evaluation mechanisms are objectively showing positive outcomes.

DR PATERSON: In reducing recidivism and the over-representation of Aboriginal and Torres Strait Islander people, have we reduced the number of Aboriginal and Torres Strait Islander people in our system since 2018?

Mr Rattenbury: There are a number of ways to measure that. We have seen in recent years, certainly in the last 12 months, the number of Aboriginal and Torres Strait Islander people in custody, from the most available set of data, increase.

DR PATERSON: An increase?

Mr Rattenbury: An increase of about 11 to 12 people; from 102 to 113, I think it was. If it is not that, I will provide it on notice, but it is of that order of magnitude. We have seen other indicators which have shown positive signs. For example, overall imprisonment rates have had a downward trend in recent years, but because of the small numbers in the ACT, you can see some year-to-year fluctuations. Literally, 10 people either way can substantially change the data. We have also had positive results on return to custody rates in certain categories.

I think it is fair to reflect that, for Aboriginal and Torres Strait Islander people, there are a mix of indicators. Some are heading in the right direction; for others, not so much.

Mr Johnson: In that context, whilst we have not finalised the figures for the end of this financial year, we expect to see a drop in return to prison rates, recidivism, of Aboriginal males, of note. As the attorney reflected on, we have seen an increase in incarceration rates of Aboriginal people. That is primarily on the side of remand at this point. The remand population across the prison system is about 20 per cent higher over the last 12 months across the board, and some of that is clearly Aboriginal people.

Whilst we are seeing a drop-off in recidivism rates, we expect, on our next lot of figures, that we have also seen an increase in remand population, and we are not sure how that will play itself out over the next couple of years.

DR PATERSON: The budget refers to reducing the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system. There is a budget of \$2.8 million this year. Next year it is \$3.2 million and the year after it is \$3.3 million. Given that we are not actually seeing substantial movement in this space, do you think that the money is being allocated to appropriate programs or should we be doing something different?

Mr Rattenbury: If I go back to my earlier comments, we are seeing some programs that are highly effective. The Yarrabi Bamirr program, run through Winnunga Nimmityjah Aboriginal Health and Community Services, is considered to be very effective. There are the alternative bail reporting sites that have been offered by Yeddung Mura. These are examples of programs that are positive.

I think it is fair to reflect that, across the country, and including particularly here in the ACT, it is our responsibility, and there is a long way to go in seeking parity of outcomes for Aboriginal people compared to non-Aboriginal people. We still see significant over-representation, and that is a blight on our jurisdiction. We need to continue to make investment.

We also need to have the confidence—and I think this goes to the heart of your question—so that, where we are not getting what we expect out of a program, we should potentially end that program and start something else or change it, and work with the community to identify better ways to do it. We need to have that confidence and to work closely with the community to do it.

MR CAIN: Attorney, earlier in the year you summoned the then Acting DPP, Mr Williamson, to explain why a number of recent sexual assault prosecutions had been terminated. During questions without notice on 10 and 11 April, you said that the then DPP said, “Actually, Attorney, there is a problem and we need to consider a law reform.” What law reform did the then DPP suggest to you?

Mr Rattenbury: Firstly, Mr Cain, I would reflect on your characterisation of the question. I did not seek to prosecute particular matters with the then Acting Director of Public Prosecutions; I sought to canvas with him policy questions about the way these matters were being handled. I think that is an important reflection on that. I think it is appropriate for me to ask the director those sorts of questions because, between the director’s role and the government’s role, we have to think about how to make the system work effectively.

On the specific question of law reform, I cannot quite recall that quote. So I will have to take that on notice and come back to you. I will check the *Hansard* record to make sure that I have a full context on your question.

MR CAIN: Sorry; did you say that counselled the DPP or canvassed?

Mr Rattenbury: No; I did not say that. I obviously canvassed.

MR CAIN: Have you discussed the issue you raised with Mr Williamson with the new DPP, Ms Engel, since she commenced in the role?

Mr Rattenbury: No, because, at the time that I spoke to Mr Williamson, in response to the questions I asked him he actually gave very good answers. He outlined a range of processes that were in place in the director’s office that answered the questions that I had and I was satisfied with those responses. The irony of this entire matter is that it was, I thought, a very good conversation in which Mr Williamson provided a good response and explained to me some matters that I was not aware of, and I thought that the response had addressed the questions that had been raised with me.

MR CAIN: During the same questions without notice you refused to disclose who raised concerns with you regarding determination of certain prosecutions. We respect the need for privacy of the community members, but could you disclose, even in general terms, where those concerns came from and from whom they came?

Mr Rattenbury: They came to me from a number of different sources who were involved at various points in the justice system.

MR CAIN: Would you say they came from legal professionals, industry advocates or party political connections?

Mr Rattenbury: Certainly not party political connections. It was people in the justice system.

MR CAIN: People in the justice system? Surely, Minister, you can be more specific than that.

Mr Rattenbury: No; I think that is an appropriate level of information. These are people who have knowledge of how these matters work or have views on how these matters work. I think it is an important part of my role to listen to a range of people in the sector. Whether I end up ultimately agreeing with them or not or acting on the issues they have raised, I think the important part is that I listen when people raise concerns and, where it seems appropriate, to then interrogate those questions and decide whether further action is needed. I think that is what the community would expect from me as the Attorney-General.

MR CAIN: Even though you are unwilling to say—

THE CHAIR: Just a moment, Mr Cain. Minister, you made a claim of confidentiality. Can I remind you that parliamentary privilege overrides this claim and, to manage these situations the Assembly has passed continuing resolution 8B that uses a public interest test. Minister, is it your view that it is in the public interest to withhold this information?

Mr Rattenbury: Sorry; which standing order is that?

THE CHAIR: Continuing resolution 8B.

Mr Rattenbury: Sorry; can you repeat the question, Ms Lawder.

THE CHAIR: If you have made a claim of confidentiality, parliamentary privilege overrides this claim. To manage these situations, the Assembly has passed continuing resolution 8B that uses a public interest test. Minister, is it your view that it is in the public interest to withhold this information?

Mr Rattenbury: I do believe it is in the public interests to not reveal individuals who raise matters with members in order to canvas issues of public policy. I think that would have a very chilling effect on people feeling that they could come forward to responsible ministers in a government and raise questions. So, yes, I do.

THE CHAIR: Could you explain what harm might accrue from providing the material as confidential evidence?

Mr Rattenbury: I have just indicated that I think it would provide a chilling effect on people coming forward. The entire Assembly relies on people coming forward and

raising questions and identifying concerns that they have. Members of all parties in this place regularly receive those sorts of representations, and I think many people would be quite concerned about having their name or their role revealed publicly. So I do not propose to do that in this circumstance, because I think it would curtail important questions being raised.

THE CHAIR: Sure. I understand that. I missed the first question I could have asked, which went to specifying the harm to public interest, which you answered ahead of time. So I moved onto the next one, which is about whether harm would accrue from providing the material as confidential evidence.

Mr Rattenbury: Yes, I believe it would.

THE CHAIR: I ask members of the committee whether we wish to deliberate in private on the minister's answers or are you satisfied with the minister's explanation?

MS ORR: I am satisfied.

MISS NUTTALL: Satisfied.

THE CHAIR: We will move on.

MR CAIN: Minister, obviously ministers keep published diaries and there is a registered list of lobbyists. Are you discounting any of those, any diary entries or lobbyist, as those who brought these concerns? Are you saying it was not one of those groups?

Mr Rattenbury: My diary is publicly disclosed, Mr Cain. You can see who I have met with in my role as minister.

MR CAIN: Did you meet with the people who raised these concerns?

Mr Rattenbury: I think you are trying to come sideways to get me to answer the question I previously gave an answer to.

THE CHAIR: I think that is correct. Mr Cain, do you have another question?

MR CAIN: No; nothing further. Thank you.

DR PATERSON: Attorney, we heard in one of the JACS inquiries that there was a waitlist and it was really difficult for police to get young people into the Restorative Justice Unit. Then, through the bail inquiry a few weeks ago, we heard evidence that young people are breaching bail at much higher rates than adults. I note that the budget priorities included addressing the current waitlist for restorative justice services and investing in its information and communications technology to ensure it meets record-keeping and reporting requirements. My question goes to the funding for this unit. I am concerned that the funding all goes to the ICT technology. I am interested in what the demarcation of funds is for addressing the waiting list issues and for the ICT services.

Mr Rattenbury: It is a really good question, Dr Paterson. Certainly, there has been some pressure on the Restorative Justice Unit lately. As you would recall, family domestic violence and sexual assault matters were included in phase 3 and became eligible for restorative justice processes. The advice I have from the team is that those matters have proved, as you can imagine, rather more complex for the convenors. So that has created some time pressure as the convenors have worked on those matters. In response to that, the government has provided additional funding. The funding in the budget of \$506,000 comprises two areas: one is more money for two FTEs in 2024-25 and also in 2025-26 to provide both convenors and administrative support. Then there is \$20,000 set aside for ICT expenses and there is also the capital funding for ICT as well. In addition, I made a further allocation out of the Confiscated Assets Trust Fund just a few weeks ago to further bolster the staff capabilities. So, to the heart of your question, most of the funding has gone into the additional staff capability, but there is some for improved ICT as well.

DR PATERSON: Is the rate of young people going through restorative consults or mediation processes increasing? How are you measuring the impact of that?

Mr Rattenbury: Perhaps we will go to Mr Denning for that detail.

Mr Denning: I have read and acknowledge the privilege statement. Anecdotally, I can share that there has not been an increase in referrals for young people. I would say that they are continuing on historical levels. We are continuing to work with ACT Policing around those referrals, and we are continuing to work with the Childrens Court to make sure that those referrals can come through. If there are barriers to referrals, we are talking about those and addressing those.

We have received feedback from police that the waitlist was proving to be somewhat of a barrier. We are hopeful that this new investment in additional convenors will mean that there are more convenors who can pick cases up as they come in, work with those young people, work with their families and work with the people who have been harmed by their actions and take them through to a conference if that is what will meet the needs of the person who has been harmed by the offence.

The budget also included some money for an administration officer. That will ensure that those convenors can spend as much time as possible doing that work and as minimal time as possible on the administrative components, which, of course, are important. That is why it was really critical that we also have investment in the database arrangements, because of course that is part and parcel of doing business in these times.

DR PATERSON: How many young people are on the waiting list currently?

Mr Denning: I would have to take that question on notice, I am afraid.

DR PATERSON: Are you able to take it for young people but also for any domestic or sexual violence issues as well?

Mr Denning: Anecdotally, I can share, just from conversations I have had, that there are fewer people on the waitlist for domestic and family violence offences than there have been in the past. The reason that was discussed was that there was some hope that we

could move through the current waitlist a little bit quicker than what we had in the past. But, of course, that can change depending on what referrals might come in from different sources.

DR PATERSON: Given police reporting significant increases in domestic and family violence, do you have any reflections on why you are seeing a reduction in the number of referrals in that space?

Mr Dening: Across last financial year, 2022-23 and 2023-2024 our numbers reflect a peak in referrals for domestic and family violence offences. It is difficult to know whether that increase will continue. But, at this particular point in time, it may just be that a lot of our domestic and family violence offences that have been referred are currently with convenors. Of course, it can take quite some time to work through those matters, particularly the domestic and family violence matters. The reason for that is we will often do a lot of work with the person responsible in the front end to ensure that they are genuinely and robustly taking responsibility for their actions. That can take some time to unpick.

As we know, domestic and family violence is a really insidious problem. It has features that are embedded in culture, and working through all the facets of that can take quite some time. Similarly, for a person harmed by that type of offending, the impacts can run really deep. Unpacking those and then trying to look at the ways in which a restorative justice process might be able to respond to each of those can also take some time. Certainly from reflections from the team, they are working with a lot of family violence matters at the moment, and they are difficult and sensitive to work through.

DR PATERSON: Thank you.

Ms Hutchinson: I have read and understand the privilege statement. In relation to the scheme overall, we are also in the midst of undertaking a review into the operation and effectiveness of the Restorative Justice Scheme, and we are hoping to unpick some of those matters you have referred to in relation to rates of referral and really ensuring that, after 20 years of the scheme's operation, that the scheme remains viable and best practice into the future. We are really looking forward to the outcomes of that review.

DR PATERSON: When are the review findings expected?

Ms Hutchinson: We are expecting it later this year. The reviewers are currently in the process of consulting key stakeholders in relation to the review into the operation of the scheme.

DR PATERSON: Thank you.

MISS NUTTALL: We hear of benefits like victims feeling heard and offering employment to offenders who participate in these conferences. This is fascinating and something that is not offered in the criminal justice system. What are the kinds of stories and benefits you see daily in these conferences?

Ms Hutchinson: I might just talk to what we have seen from the research and then hand over to Mr Dening to provide a little more of the texture of those stories from an

operational perspective. We had a review and evaluation last year by the Australian Institute of Criminology that looked at particularly phase 3 matters. Those are those matters relating to domestic, family and sexual violence. The findings of that were that what we were really seeing was that it was an important option for the person harmed to have their needs met in the aftermath of that sort of violence. Participants reported really high rates of satisfaction with their needs in the scheme, and a lot of those needs were things that were not being met fully by the traditional criminal justice system.

In terms of the statistics, I am also pleased to report that the satisfaction rate survey that we undertake after people have gone through a restorative justice process has reported that both victims and offenders—or, to use the restorative justice term, “people harmed and people responsible”—as well as their supporters have indicated a 99 per cent satisfaction rate with the process. That is pretty incredible when you think about justice outcomes more generally.

MISS NUTTALL: Thank you.

Mr Denning: I guess from a more on-the-ground level—though, of course the Australian Institute of Criminology spoke directly with victim-survivors and with people who have used violence—because we build the process around the needs of the person harmed, there is a huge range of different benefits that they might experience, and really it is for them to decide what those might be.

I said before that we work really carefully with the person responsible to ensure they are taking responsibility for their actions and that they have developed some insight into what those are. For example, they can provide satisfying explanations of their behaviour; they can show that they have learnt from those experiences; what those learnings are; how they would like to behave differently in the future; things they are doing to make sure that they will behave differently in the future; and attend with people who will keep them on that path or who are committing to keep them on that path—so ensuring they are accountable to a broader range of people than just the person harmed.

Those are some very real and tangible benefits for a person harmed, and they can look really different in different contexts. That will look very different for a young person who has used violence against a parent, though it might be more about mobilising aunties and uncles, looking at the way the school can support different and changed behaviour or other supports in the community. It can be a real opportunity to take that pressure off the person harmed and place it back on the person responsible but with more support.

It might look quite different in an intimate partner violence situation, particularly where the parties are not wishing to continue their relationship. It may be that the person harmed is less interested in what the explanations of the person responsible might be or the next steps that they are taking, though that is obviously important. For them, it might be more about having a chance to say what that experience was like for them and making their views really clear about that type of behaviour.

We are always working with the different parties around their goals and what they can offer but centring the needs of the person harmed and trying our best to build a process around what will meet those needs. Of course, we are always working in a consensual

way with people, in an explicit way with people, and assisting people to make decisions that they are comfortable with and that fit with their goals. So I think it is to be expected in that situation that our satisfaction levels would be so high, because we are working so closely with people to give effect to what their goals are.

THE CHAIR: I might call it quits. If you have got more, you can put them on notice. We will move on to a new question.

Mr Rattenbury: Madam Chair, just before you do, we have got the answer back to an earlier question, just very quickly. Dr Paterson asked when the work would be completed on the sentencing database. The answer is the end of next calendar year; the end of 2025.

THE CHAIR: Thank you. I noted in the *Canberra Times* that there were some reports that the Acting DPP made repeated requests of government for additional staff. In the most recent ACT Office of the DPP annual report, the director noted that there was a 102 per cent increase in days prosecutors spent in trial in the Supreme Court, a 25 per cent increase in the number of appeals the office dealt with, a 19 per cent increase in the number of matters being committed for trial, and a 130 per cent increase in the number of sexual offence matter commencements in the Supreme Court.

He also noted that Canberra is one of the fastest expanding population centres in Australia and that an additional 126 police officers will be coming on line in the next five years. All of this, the Acting Director said, is putting significant resourcing pressures on the office. Minister, how many additional staff did the acting director request be funded by the government and how many additional staff have in fact been funded by the government?

Mr Rattenbury: I will have to take the specifics of that on notice, Ms Lawder. As I reflect on that, I think the issue is going to be that the first part of the answer will be that that was part of the budget process and will be cabinet-in-confidence. What I can say, though, is that the government has provided a range of additional resources to the office in recent times. At the suggestion of the Acting DPP, we funded a position for an embedded prosecutor, sitting with ACT Policing. I thought that was a good suggestion from Mr Williamson, and the government was pleased to be able to support that.

THE CHAIR: Sorry; was that one additional?

Mr Rattenbury: That was a specific one. We have also provided additional resources for the DPP for the Drug and Alcohol Sentencing List. Do I need to go into the specifics of the numbers?

THE CHAIR: Why would the request from the Acting DPP to you be cabinet-in-confidence?

Mr Rattenbury: Because it was provided as a submission to the budget process.

THE CHAIR: What the DPP sends to you may not necessarily be what you take to cabinet.

Mr Rattenbury: My recollection is that he did not specifically send me a request. I believe there was a budget proposal prepared by the Office of the DPP, as opposed to a letter to me, asking for those things.

THE CHAIR: My next question might have been how many additional prosecutors you requested to be funded. You are saying it is cabinet-in-confidence?

Mr Rattenbury: Yes. There was a budget request from the office.

MR CAIN: Attorney, did you recently create a position for and employ a media adviser for the DPP? I believe it is at the SOG A level, at about \$160,000 per year.

Mr Rattenbury: No. I do not have any role in determining the staffing profile or the particular role of positions within the Office of the DPP. Because of their independence, that is a matter for the director.

MR CAIN: You are aware that a media adviser at the SOG A level has been employed by the DPP?

Mr Rattenbury: I was not specifically aware that that position had been created. JACS has provided a range of supports to the office, because, as the committee is well aware, there have been a range of media matters for the DPP. It has certainly put some pressure on their office to answer that range of public queries.

MR CAIN: So you had no involvement in the discussions about the creation of a media adviser at the SOG A level for the DPP?

Mr Rattenbury: No. I knew there were some discussions taking place about whether that was a suitable thing to do. I was not involved in the specifics of it.

MR CAIN: Did you think it was a suitable thing to do?

Mr Rattenbury: That is really a matter for the director. JACS have been very clear, with my support, that where the director needed assistance—because there are of course some comms staff in JACS—they would assist the DPP where necessary, and certainly they have on occasion. The director has formed that view now.

MR CAIN: Is it your view that that money should have been spent on adding to the list of prosecutors available to the DPP?

Mr Rattenbury: I think it is really a matter for the director to think about the best way to run her office. Obviously, the range of media questions also creates a work pressure. I think it is important that the director thinks about the best way to deal with those various work pressures. That is her responsibility.

MR CAIN: So are you saying you have no role in the staffing or the type of staffing that is allocated to the DPP?

Mr Rattenbury: Only in the broad sense that a budget request will come forward, at various times, from the DPP and they will request certain things. We have been

involved. For example, as I was just saying in answer to Ms Lawder's question before, the director came to me and said that the previous, acting director had proposed the position of the embedded prosecutor. He felt that would make an important difference after some of the events of the last few years. I agreed with that view and we found the money to support that role. The current director has put a request forward to increase the witness assistance support staff. Again, on her advice that that would be a useful addition to the office, we have found the resources to assist with that as well. So there is a degree of it, but it really comes from the director's lead.

MR CAIN: Did you support that request to add a media adviser at the SOG A level, as part of the submission to cabinet?

Mr Rattenbury: I did not get a specific request for a media adviser that I recall.

THE CHAIR: Mr Cain, you could put those questions to the office when they appear on Thursday perhaps. Thank you. We will move on.

DR PATERSON: Just to clarify: there was no call for extra prosecutors in the DPP's budget bid?

Mr Rattenbury: As I answered earlier, that is a process that is cabinet-in-confidence, through the budget.

DR PATERSON: Okay. On the first question that you were asked today, regarding the confidence in the criminal justice system, there has been commentary publicly around potential mistakes that have been made by the office or attention that has been focused on particular cases over others. It has been reported in multiple briefings I have had with the office that they are seriously under-resourced. Have you come to the conclusion that they do need more prosecutors?

Mr Rattenbury: I think they will need more prosecutors over time, due to some of the issues that were touched on in the earlier question: the growth of population, the growth in the number of cases, the increased number of police, and dedicated programs such as the Drug and Alcohol Sentencing List. Additional resources have been put in in previous budgets and will continue to be. It will be necessary as a matter of growth. Different directors have different views on what the priorities are. The current director, for example, said to me that witness assistance support would make a significant difference for their office and we have been able to find additional resources for that. It is fair to reflect that different directors do have different takes on these things.

DR PATERSON: Do you think that a well-funded Office of the DPP is important in ensuring public confidence in our criminal justice system?

Mr Rattenbury: I do, but there is also, for example, pressure on Legal Aid. There is pressure on various parts of the system. The job each year, in the budget process, is to try and keep up with the demand and make sure that we are getting the right level of resources so that the public can have confidence; the staff are managing sustainable workloads; and people who are victims of crime get the level of support they need in the system. We have got a range of support services and different responsibilities, and the job is to resource those as best we can.

DR PATERSON: Finally, do you think staff in the Office of the DPP have been adequately supported over the last few years, given some of the very public issues that they have been facing?

Mr Rattenbury: It is probably fair to reflect that it has been a difficult couple of years for staff in the DPP. Their office has been under significant scrutiny. There have been a broad range of comments made about them. People have their views on whether some of those comments were fair or not, but there has been a whole range of speculation about the office. I am hoping that there will be perhaps less of that freewheeling commentary—not that they should not be subject to scrutiny, but I think the freewheeling commentary has been a little destabilising. I hope that for a period of time they are just getting on with their job. They do their job very well. The DPP work incredibly hard. They have difficult jobs. I think that, as a community, we should be grateful for the work that they do.

MISS NUTTALL: You mentioned the need for prosecutors to appear in the Drug and Alcohol Sentencing List. As well as the DPP, who else appears there and what are the benefits of that specialised court?

Mr Rattenbury: I will invite the other Ms Nuttall to provide a little bit of detail on that for you.

Ms A Nuttall: Thank you. In terms of legal representation, the accused is represented in those proceedings and the DPP appears for the prosecution. There are a range of service providers that also support that list, including ACT Health and ACT Corrective Services. Mr Ng is going to tell me if I am missing any of those.

Mr Ng: Yes. There were multiple parts to the funding that was provided in the 2023-24 budget. I can break down the FTE that were allocated through that budget process. There were operational support staff for ACT Health; health professionals, including a nursing case manager, for Canberra Health Services; operational support and coordination for tenancy and Housing ACT tenant participants, and policy resources for Housing ACT; solicitor and paralegal support for Legal Aid ACT; corrections officers, transport officers and a cultural engagement officer for ACT Corrective Services; and staff within Ms Nuttall's office, including the DASL coordinator and support officer, as well as funding for judicial resourcing and funding for the Director of Public Prosecutions.

MISS NUTTALL: Thank you very much.

MS ORR: I have some questions on the Drug and Alcohol Sentencing List as well. I want to get an idea, because it is a relatively new court, just what the figures are and what we are seeing as far as people going before the court and the outcomes that have been achieved.

Mr Rattenbury: Sure, Ms Orr. Thanks for the question. As at 17 June 2024 a total of 183 people have been referred to the court, with 144 of those people sent for eligibility assessments; 103 people have entered into a drug and alcohol treatment order; and 32 people have completed their drug and alcohol treatment order, with 24 as graduations

and eight as non-graduate completions, and we can go into those definitions if you want to. There are 27 drug and alcohol treatment orders currently in effect and 45 drug and alcohol treatment orders have ended, either through cancellation or circumstances other than graduation or completion.

MS ORR: What was the one before the 45 ended?

Mr Rattenbury: Twenty-seven currently in effect. Sorry; that was a lot of numbers, but that just gives you a feel for the levels.

MS ORR: The 183 referred—that is not for this past financial year; that is since the start of the court?

Mr Rattenbury: That is since the commencement of it, yes.

MS ORR: Do you have it since the commencement or do you have a breakdown year by year of those numbers?

Mr Rattenbury: I do not think it would be by year. What I can say is that the court, when it was first established, was funded for 35 people at a time. Through the recent budget allocations of last year, and then again this year, that capacity has now been increased to 42. There was a period, around 2022, where the program was full and we were not able to have more people enter that, so that led to the—

MS ORR: The program was full when it was funded for 35.

Mr Rattenbury: Hence the increase to 42.

MS ORR: Is the funding what we have just run through—what that funding covered?

Mr Rattenbury: Yes.

MS ORR: That is correct?

Mr Rattenbury: Yes.

MS ORR: I am just trying to break this down and get a bit of an idea. Of the 103 that have had the orders, we have probably had about a third that have completed the program. Twenty-four have graduated. So the other eight, the non-completed of that 30—how does this fit together, Minister? You have got 32 that have completed it. A certain number have graduated; some have not. And then we have got some who are still under effect. Thirty-two have completed and 24 have graduated; what are the other ones?

Mr Rattenbury: The eight non-graduate completions?

MS ORR: The eight that have not, yes.

Ms A Nuttall: What that actually means is that the term of their order has come to an end but they have not completed the three phases of the program. They have been

successful in that they have remained in the program and remained undertaking their rehabilitation, but they have not completed it.

MS ORR: Okay, so that is why they have not completed.

Ms A Nuttall: That is correct.

Mr Rattenbury: They do not graduate; they have not finalised the program, but they have gone through the entire length of their order.

MS ORR: Yes. They have gone through their order, but they are still undertaking the program; is that essentially it?

Ms A Nuttall: No, no.

MS ORR: No?

Ms A Nuttall: A drug and alcohol treatment order will be put in place for a period of time, 12 months or 18 months, depending on the length of offending and the assessment. If somebody has been ordered onto a drug and alcohol treatment order for 18 months, the expectation is that they would go through the three phases of the program during that period. Those eight people have not completed those three phases of the program before their, for example, 18-month order has finished. It means they have not been kicked off the order; they have continued to engage in rehabilitation, but they have not gotten to the end of the three-phase program.

MS ORR: Okay. Minister, can I get an indication from you about this. People might say this is a very costly way of responding to drug and alcohol treatment and that we could be using this money on more preventative measures. Just how do we get that balance right, because we are quite a way down the process by the time we get to a sentencing court?

Mr Rattenbury: Yes; certainly. There has been an evaluation by the ANU of the program. That was released in August 2022. That included preliminary evidence that the program is effective in reducing reoffending. What we have seen is that people who have been through the program, those who have graduated, have not reoffended. For the group we were just talking about, who have not graduated but have got various parts down the way, there are very high levels of not reoffending—about 80 to 90 per cent, depending on the different definitions. So for those ones it has been quite successful.

There was certainly preliminary work in that ANU report on cost effectiveness. They identified savings that were roughly commensurate with the cost of the program at that point. The government is undertaking further work on a cost-benefit analysis, but that is not yet publicly available. I think that goes to the heart of your question—

MS ORR: Yes.

Mr Rattenbury: which is that there will be further information. I think there is a sense that it was quite expensive to get it up and running in the first place and that the benefits will grow over time. You will see these curves cross over, where the benefits will start

to outweigh the costs.

MS ORR: Okay. Of the 45 that did not graduate, can you run us through what happens if you end up in that scenario?

Mr Rattenbury: I will get Ms Nuttall to provide a bit more detail on that. The contextual bit of information I will put on that is that people that are involved in this program are people who have been in the criminal justice system for a long time. They are genuinely people very well known to the system, with a long string of offences. I make that comment in light of your previous question around the cost effectiveness. These are people who have cost the system and the community a lot of money over time. Ms Nuttall, are you able to answer the specific question?

Ms A Nuttall: Certainly. If a person's order gets cancelled, the general position is that they would go back into custody. In order for a drug and alcohol treatment order to be imposed, you have to first be liable for up to a four-year term of imprisonment. The general course of action is that the order is cancelled and the person will be placed into custody. I am not entirely sure, and I will have to take on notice, whether there are any other options available to the court, rather than cancelling and custody. I am not sure if there is a re-sentencing process. I will need to take that on notice.

MS ORR: Minister, picking up on your last comment, if I understand it correctly, with the sentencing court versus up-front preventive measures, the point you were making was that the preventive measures would not necessarily have applied to this cohort, given that they are already quite progressed through the justice system, and it is an addiction. Is that a fair take on what you were saying?

Mr Rattenbury: Yes, I think that is a reasonable characterisation. In many ways the programs offered by this listing process are not designed to be preventive measures, because, as you say, people are already involved, but it is the sort of rehabilitative-type work that will break the cycle for people.

MISS NUTTALL: The ACT government has extended the Rent Relief Fund. I am excited to hear that. What is the take-up of the fund and is the government considering making this a longer term option?

Mr Rattenbury: You may be familiar with this program, which started during COVID. It recognised that many people were struggling to maintain their tenancies because of loss of income during the COVID period. With the key COVID period being over, the government formed a view to continue the program because it seemed to be very successful in helping people to maintain their tenancy.

It has particularly revealed that people do find themselves in circumstances where an unexpected event of some description—loss of a job, a significant medical expense, a significant car expense, and these sorts of things—can really knock them off kilter at a time when they can otherwise normally maintain their tenancy.

In the 2024-25 budget, the government has committed an additional \$815,000 to top up the Rent Relief Fund. That brings the total for the 2024-25 financial year to \$1.64 million. That is \$1.4 million in grant funding and \$250,000 to Care, the financial

counselling service who administer the service on behalf of the government. The demand for the fund has been quite high. From April 2023 to 30 June 2024, 882 grants have been made. The average grant amount for a rental property is \$1,843.

MISS NUTTALL: Are you getting anecdotal feedback on whether people are saying this is sufficient? Rent prices are increasing fairly quickly. Are you getting a view as to whether this amount is enough? Is it something that you anticipate will need to be scaled up as rent prices increase?

Mr Rattenbury: There are two elements to that. Certainly, the feedback from people who have received the grant has been overwhelmingly positive, as you might imagine. The key bit of feedback has been that it has enabled people to maintain their tenancy—to overcome that short-term problem they are having, in whatever form that took.

In terms of the quantum, I can advise that 61 per cent of grant recipients were paying more than 45 per cent of their household gross income in private rent, while another 23 per cent were paying more than 75 per cent of their gross household income in rent. This is well above the 30 per cent threshold which is considered to be the standard for rental stress. In terms of your question, yes, certainly through that data, we are clearly seeing that households are struggling to meet their rent payments out of their overall income.

MISS NUTTALL: With that in mind, what do you think is the case for making this funding permanent? Is there a point in the foreseeable future where we think the scheme will not be needed?

Mr Rattenbury: Not at this point in time. It has proven to be a really effective scheme. Whilst it had its origins in COVID, it has revealed a need in the community that is enabling government to keep people in the private rental sector and not necessarily end up on the public housing waiting list, which we also know is under strain. This appears to be a very cost-effective way to help people to maintain their tenancies.

MR CAIN: Attorney, I note the funding allocated to employ an additional magistrate for the Magistrates Court, on page 29 of budget statements D. Attorney, why has it taken this government so long to respond to the clear issues affecting ACT courts due to the increased number of lodgements in complex matters, by, rather late in the piece, increasing the number of magistrates?

Mr Rattenbury: Firstly, I should be clear: there is a slight issue in the budget papers. This funding has been provided to support a 0.25 special magistrate—to increase the capacity of the court through the provision of a special magistracy role. That is for four years funding. There is additional support in the budget for 0.75 FTE deputy registrar in 2024-25. That increases to full time from 2025-26 onwards. Part of dealing with the pressures you have identified on the court is about increasing the registry capability, which is obviously an important part of addressing that demand.

MR CAIN: Could you clarify that, with that entry on page 29 of budget statements D, “Additional magistrate for the ACT Magistrates Court,” you are saying that is incorrect?

Mr Rattenbury: It could probably be better expressed; that would be the way to put it. There is additional capacity for magistracy through the provision of additional special magistrate capacity.

MR CAIN: Can you confirm that a quarter of that expenditure is for a special magistrate?

Mr Rattenbury: Yes, 0.25 FTE for a special magistrate.

MR CAIN: And three-quarters for a deputy registrar?

Mr Rattenbury: For a deputy registrar, it is essentially one FTE, because in 2024-25 it will take time to recruit. The effective funding is 0.75; perhaps full time for nine months rather than three-quarters of a person, if that makes sense.

MR CAIN: That is an erroneous entry; is that what you are confirming?

Mr Rattenbury: It is certainly an entry that could have been better expressed.

MR CAIN: It is wrong, in other words?

Mr Rattenbury: I imagine you will choose to characterise it that way, Mr Cain.

MR CAIN: On the face of it, it says, "Additional magistrate for the ACT Magistrates Court."

Mr Rattenbury: It should probably say, "Additional magistrate capacity for the ACT Magistrates Court."

MR CAIN: That is pretty misleading, Attorney; you would concede that?

Mr Rattenbury: It is regrettable that it has been expressed that way, yes.

MR CAIN: With the 0.25 special magistrate, what full-time equivalent are we looking at there, in terms of actual time serving as a magistrate?

Mr Rattenbury: That is capacity that is available to the Chief Magistrate to allocate as she sees fit. As I am sure you know, the special magistrates are available to the Chief Magistrate to cover leave, illness and the like.

MR CAIN: Surely, you should know, given that you have a quarter of that amount of money, how many hours or days that would result in? What is that number?

Mr Rattenbury: Ms Nuttall might be able to assist me with that one.

Ms A Nuttall: Mr Cain, the Remuneration Tribunal provides for a special magistrate to be paid per day at one 230th. It would be a matter of dividing 230 days by 25. I will use my calculator to do that for you.

Mr Rattenbury: 57.5 days.

Ms A Nuttall: Yes, 57.5 days of additional resources.

MR CAIN: That is over a calendar year?

Ms A Nuttall: Over the financial year, that will give us an additional 57 days of judicial time.

MR CAIN: That is effectively one for two months, more or less. Is that correct; is that how you view it?

Ms A Nuttall: It would average a little over a day a week.

MR CAIN: Over a day a week for the whole year; okay. Will this special magistrate be used in any way at all to assist the ACT coroner so that the ACT coroner is not pulled aside from their coroner duties?

Mr Rattenbury: I think you have mixed two concepts there. It would be a matter for the Chief Magistrate. In the second part of your question, I think you were trying to allude to—

MR CAIN: Will they be making it easier for the coroner to focus on their coronial duties?

Mr Rattenbury: Yes.

Ms A Nuttall: The Chief Magistrate has to date already listed some special magistrates for coronial work. For example, Special Magistrate Wilson has just sat on the matter in relation to Justin Cordy. If your question is whether Coroner Archer will be required for magistrate duties, that is a matter for the Chief Magistrate to determine when she is listing.

MR CAIN: Attorney, given that one of your promises was to have a full-time coroner, it would seem rather strange that you are employing an additional magistrate for at least part of the year, yet that is not being directly used to allow the coroner to be full time in their coronial duties.

Mr Rattenbury: As Ms Nuttall has just outlined, these matters go to the management of the court by the Chief Magistrate. But the ACT government has fulfilled its commitment to create a dedicated coroner's role.

MR CAIN: But it is not a full-time role, because they are not able to perform their full-time duties as a coroner. They are pulled aside, as you are aware, for other magistrate duties.

Mr Rattenbury: We created a dedicated, funded new position. The Chief Magistrate has formed a view, and Mr Archer is appointed as a magistrate. The vast bulk of his work is as the coroner, but, as is understood, he does occasionally perform other duties in the court. That is true.

MR CAIN: The language to say that we have a dedicated coroner in the ACT really is quite misleading, because we do not have a full-time coroner in the ACT.

Mr Rattenbury: He is a dedicated coroner. That is the bulk of his work. He has done a lot of work to develop that jurisdiction, and will bring a focus to it.

MR CAIN: This is consistent with the language of falsely describing an additional magistrate for the ACT Magistrates Court, Attorney.

Mr Rattenbury: I have indicated that that is an error.

MR CAIN: That seems to be a lapse. There seems to be a propensity for you to not use words that actually describe an outcome.

Mr Rattenbury: I reject that, Mr Cain. There is an unfortunate language matter in the budget. I have been very up-front with the committee about that. I identified it before you even asked me that this morning. I proactively put it on the table, because it became clear to me, during preparing for this estimates process, that that was not ideally expressed. I was up-front about that.

MR CAIN: But you only did so in response to my question. Had you corrected that entry prior to my asking about that entry?

Mr Rattenbury: It only came to my attention yesterday. This is my first opportunity.

MR CAIN: No. The first opportunity is when it first came to your attention. What did you do to make sure that it was corrected?

Mr Rattenbury: It literally came to my attention at probably 4.30 yesterday afternoon, Mr Cain, and I came to this committee at 10 o'clock this morning.

MR CAIN: In what way were you going to volunteer that correction, apart from at this committee hearing?

Mr Rattenbury: There was a fair prospect that it would come up as a question. If not, I would have had to go away and work out a way to send a note to the committee subsequently.

MS ORR: Chair, we do not have a huge amount of time left in this session.

THE CHAIR: Do you have any more questions, Mr Cain?

MR CAIN: No, thank you, Chair.

DR PATERSON: Attorney-General, in the dangerous driving committee report, there were four recommendations relating to the Sentence Administration Board. This board has been the subject of many recommendations through JACS annual reports and budget inquiries over the last four years. Has there been an increase in funding and support to the board to be able to improve their capabilities?

Mr Mulligan: I have read the privilege statement and acknowledge it. The board is adequately funded for the job that we do. The board has a commitment to sit twice a week throughout the year so that we can deal with matters that come before the board. Those matters include breaches of ICOs, breaches of parole, reinstatement of ICOs and release on parole. We occasionally deal with international travel applications and, very rarely, with licence applications. Yes, we are adequately resourced, and we have adequate numbers. In fact, we are getting one of our members who has been away for about the last eight months back on deck, hopefully in the next 30 to 60 days, so we will be even better resourced than we are now.

DR PATERSON: One of the recommendations from the dangerous driving inquiry was to allow for greater information sharing between ACT Corrective Services and the Sentence Administration Board. One of the responses to a recommendation from a couple of years ago pointed to a protocol arrangement between Corrective Services and the Sentence Administration Board. I am interested to know: is this adequate in terms of information sharing between the board and the agency? It does note that it should be subject to review at least every two years. Has that review been conducted?

Mr Mulligan: Not to my knowledge, but we do have adequate communication. I meet regularly, at least bimonthly, with senior members of JACS and we discuss the issues that are of concern to both parties.

DR PATERSON: There have been a lot of concerns raised by victims of crime around processes through the Sentence Administration Board. Do you engage with victims or the Victims of Crime Commissioner, in terms of their experiences at that end of the justice system?

Mr Mulligan: We do. We see victims of crime relatively frequently. So far, in about the last year, we have had nine victims hearings, which means that victims have come before the board and spoken to us directly. That is a small part of the information that we receive from victims. We generally receive written communications from victims, which can range from concerns about what parole conditions should be imposed on a person, their fears about the person being released, the effects of the offending on the person, and those types of things. We very regularly hear from victims on those matters, and we have a limited ability to respond to them. We can, for example, provide the parole conditions, and we can tell them what happened at the particular board hearing.

DR PATERSON: Given there has been a great increase—the introduction, and then the escalating increase—in intensive correction orders, you do not feel that you need more funding to address these? The workload has not increased significantly in response to these?

Mr Mulligan: The workload has increased over the years. The number of people that we have under ICOs is currently 66 of a total of 76 orders. Under parole we have 81 people of a total of 83 orders. These are the most recent figures that I have. They were given to me this morning. We have one person on licence who was granted licence in 2006. At this point, we have adequate resources. In fact, I might add—this is a seasonal thing that happened at about the same time last year and, I think, the year before—we had to cancel two of our hearings in the last two weeks simply because we did not have enough people to warrant a list on those days.

DR PATERSON: Do you manage children's cases?

Mr Mulligan: No.

DR PATERSON: How are they managed?

Mr Mulligan: They are managed separately. You would have to refer to the Attorney or—

Mr Rattenbury: We can take that—

THE CHAIR: Are you taking that on notice?

Mr Rattenbury: Mr Johnson?

Mr Johnson: I just note, for the committee's understanding, that Mr Mulligan reflected on the relationship between Corrections and the SAB. I think that is, at its best, a very close relationship. The SAB secretariat works within Corrections with appropriate Chinese walls to prevent information that should not move from moving. Community corrections officers support hearings, when it comes to parole and so forth, in terms of prep about housing arrangements and so forth to support the decisions that the SAB makes. There are always ways to make better information-sharing arrangements, in terms of protocols and so forth, but, on the ground, it is a pretty solid relationship.

Mr Mulligan: If I could go back to your question about resourcing, I should also say that we have a secretariat that supports us. That has been increased by a factor of two people. We have received an extra secretary, who is absolutely vital to us being able to run weekly or biweekly hearings, and one further support officer, who helps the functioning of that as well.

DR PATERSON: You have Aboriginal and Torres Strait Islander people on your board, don't you?

Mr Mulligan: We do. Before the current term for the board, which was May last year, we had one person. We now have three.

Mr Rattenbury: Ms Lawder, just to clarify, yes, we will take that other matter on notice. There was some confusion around the supervision of children. If I might return to a matter that came up earlier, Dr Paterson asked about what happens if a DATO—a drug and alcohol treatment order—is cancelled. There are two options. It is either to impose the initial sentence or to re-sentence the person. Ms Nuttall took that on notice before, and we now have the answer for that one.

THE CHAIR: Thank you. I will move on to electronic monitoring. In May 2024, the Chief Minister pledged to finally introduce electronic monitoring of serious criminal offenders—I note that the ACT is the only jurisdiction in Australia that does not have electronic monitoring of serial criminal offenders—but, in the budget, it seems that there is only \$146,000 to complete another feasibility study by June 2025. The government had previously committed to electronic monitoring. Why are we then

having yet another feasibility study on electronic monitoring?

Mr Rattenbury: The work to introduce electronic monitoring is well underway. Those studies that are happening at the moment are very much to identify the best ways to use electronic monitoring in the ACT. The research that the Justice and Community Safety Directorate has done has identified that different jurisdictions apply electronic monitoring in different ways. We believe it presents an opportunity to improve justice outcomes for offenders, to reduce reoffending and to keep the community safe. The government is committed to introducing it, and the work that is being done at the moment is about how to roll it out, rather than whether to roll it out.

MR CAIN: Can you confirm, Attorney, that the government has committed to introducing electronic monitoring—that is a promise to introduce it?

Mr Rattenbury: The Chief Minister has indicated the intent for the ACT to roll it out. The government is now just waiting for those pieces of work we were just talking about to come back. We are due to consider those in the very near future. I expect to be able to provide an update to the committee on the details in short order.

MR CAIN: Again, the language that is coming from your office, Attorney, is a bit misleading. Why is it called a “feasibility study”?

Mr Rattenbury: It is to work out how to make it work.

MR CAIN: Normally a feasibility study is to investigate whether you are going to do something. Can you confirm that the government is committed to introducing electronic monitoring in the ACT?

Mr Rattenbury: The government does want to introduce electronic—

MR CAIN: Does want to or it is committed to?

Mr Rattenbury: It is intending to. We just have to work out how to do it.

THE CHAIR: Do you have a date in mind of when that will be in place?

Mr Rattenbury: I will have an update in coming weeks once that work is provided to government.

THE CHAIR: Keeping in mind that it was a commitment made by Mr Ramsay in 2017—and you said it in August 2023, and more recently Mr Barr—when are we going to have an indicative date and when will it actually be rolled out?

Mr Rattenbury: I am keen to see it in place as soon as possible. A roll-out timeline will be subject to the work that is currently being prepared for government.

MR CAIN: Attorney, I understand that there has been an additional \$214,000 allocated to this feasibility study funded by the proceeds of crime. How much of the original \$146,000 and of this \$214,000 has actually been spent?

Mr Johnson: In terms of expenditure, that was fully expended to the end of the financial year.

MR CAIN: Is that the \$146,000?

Mr Johnson: Correct. The funding allows us to keep the project officer that has been working on it into this year, to do the work we have to do now to build the plan that the Attorney reflected on in terms of the timelines and so forth.

MR CAIN: Approximately how much of the \$214,000 has been spent, or is that awaiting expenditure?

Mr Johnson: I will have to take that on notice. I think it is FTE related. So it would be quite a small spend at this point, because we are a very short way into the financial year. So I think it would be a very small amount.

Mr Glenn: Mr Cain, I would estimate one-twelfth of the money, I would imagine, because it is FTE related, and we are one month into the financial year.

MR CAIN: Sure. Attorney, can you please elaborate on where proceeds of crime money has come from?

Mr Rattenbury: Yes. This is money that is returned to the government under the confiscation of criminal assets process. This will be where ACT Policing have been successful in arresting somebody and they identify that assets that they have, whether that is cash, property or various other things, are proceeds of crime. They are then able to restrain and then sell those assets, and the proceeds of those sale processes come to the government on behalf of the community and they are disbursed through this process. The act sets out kind of criteria. It has to be essentially to support victims of crime, crime prevention and a number of other traits that are listed in the legislation.

MR CAIN: Why did the feasibility study need more funding? Obviously it was a considered decision and, in your view, the government is committed to introducing monitoring. We have got \$146,000 budgeted. Was that a poorly calculated amount? Why was there additional money provided?

Mr Glenn: Mr Cain, that amount got the work done to the end of the financial year, which was the initial investment. As to the additional money, I am not sure it is helpful to be too caught up on the word “feasibility”. The work that is being done to provide government with advice about electronic monitoring requires people to continue to do that work into the current financial year, and that is the amount that has been allocated.

MR CAIN: So was the \$214,000 not included in the budget statement? Budget statement D, page 38, records \$146,000 committed to the feasibility study. There is no entry for an additional \$214,000.

Mr Rattenbury: The distributions under the Confiscated Assets Trust Fund are not part of the budget process. It is a separate process. So they will not appear in the budget papers. That is why they are not there, if I have understood you correctly.

MR CAIN: You are saying you are spending an extra \$214,000. Was that anticipated prior to the production of the budget papers? Who thought of adding a \$214,000 injection into a feasibility study for a program the government is supposedly committed to?

Mr Rattenbury: JACS advised me that they would need additional capacity to complete the work, and we were able to fund it through this process.

MR CAIN: Why was that not in the budget paper as per the \$146,000?

Mr Glenn: Mr Cain, I might just see if we can get any assistance as to how these measures are reflected in the budget papers. But, as the Attorney has said, as an allocation from the Confiscated Assets Trust Fund, it is not coming as part of the broader budget process through the appropriate—

MR CAIN: But it is still an expenditure on this project.

Mr Glenn: It is still an expense that would need to be represented—

MR CAIN: I am surprised it is not entered.

Mr Glenn: It will need to be represented in the papers somewhere, one might think.

Ms Cvetkovski: I have read and acknowledge the privilege statement. What goes in the budget really depends on the timing of when the budget system closes. If decisions are made after that point then they would not make it into the budget papers.

MR CAIN: So where is the official statement about this \$214,000?

Mr Ng: Mr Cain, there is public transparency around expenditure from the fund. Just to pick up some of the commentary from the minister prior, section 134(2) of the CoCA Act—confiscation of criminal assets—articulates the basis upon which the minister can agree to distributions from the fund. There are also obligations for the minister's decision on the distributions to be notifiable instruments. They are required to be published on the legislation website.

MR CAIN: Attorney, you would concede that there is sort of a lack of transparency there. Money can be pulled out of this proceeds of crime pool and allocated. How does the community know where money from that pool is going?

Mr Rattenbury: There is a notifiable instrument I signed on 27 June 2024 that outlines where the money is going, the purpose and the amount. I have also issued media releases outlining the allocation of this money.

MR CAIN: What is the reference for that instrument, Attorney?

Mr Rattenbury: I do not have the instrument with me.

MR CAIN: It should be at the top, shouldn't it?

Mr Rattenbury: This is not the version that was uploaded; it is the version I signed.

MR CAIN: Could it be tabled?

Mr Ng: Mr Cain, in relation to the process for public transparency around those instruments, the directorate obviously provides advice to the minister about the allowable purposes under which those payments can be made. The minister makes his decision and signs off on the notifiable instrument and, then, soon afterwards, in the matter of a day or so afterwards, we will provide that to the Parliamentary Council Office and they will publish it publicly on the legislation register.

Mr Rattenbury: We will get you the instrument number in just a moment.

MR CAIN: Thank you. Minister, you must admit that it looks strange that you have committed to a feasibility study to implement electronic monitoring. You have budgeted for an amount of money but not in the forward year when the study is actually going to take place. That does look a bit strange in terms of accountability and transparency of how the government is spending money.

Mr Rattenbury: That is your analysis, Mr Cain. We are just getting on with work and getting it done.

MR CAIN: Yes, but without reporting.

MISS NUTTALL: I have a question more broadly on the electronic monitoring system. What other kinds of cohorts can we expect it to apply to? How could this benefit these groups—for example, people on bail or on parole?

Mr Rattenbury: In terms of electronic monitoring and the types of cohorts it could apply to, there could be a range. As I remarked earlier, different jurisdictions use it in different ways. Certainly in the ACT, at the moment, only intensive correction orders are allowed under legislation to have electronic monitoring applied to them. One of the pieces of work we will need to do if we want to apply it more broadly is to implement legislative change. For example, it could be applied to people on bail, people on parole as well as people on intensive correction orders.

In terms of offence types, potentially, it is applicable to any offence. The work that is being done at the moment is to think carefully about the most effective way to use it and the resources required to wraparound other provisions. It is one thing to apply an electronic bracelet to a person and another thing to then have the suitable follow-up monitoring and enforcement mechanisms to go with that. That is the key piece of work that JACS is preparing at the moment.

Mr Johnson: There are benefits of having seen what other jurisdictions do. Using one example, South Australia have been very successful in reducing recidivism through their model of home detention. At some point, that would be something we would look at in terms of the future of electronic monitoring, not only in terms of the tagging, though, but also the importance of the wraparounds that go with providing electronic monitoring services.

DR PATERSON: In response to the specialist court motion on sexual offences, you noted how the Chief Justice has recently announced a specialist list and also that the Supreme Court is currently developing a sexual assault bench book. I am really keen to understand exactly what is happening, what extra resourcing is needed for these things and when some outcomes might be seen.

Ms A Nuttall: We do not have a date on the commencement of the sexual offences list at this stage. We are continuing to consult. The next step is it will go to our criminal users stakeholder committee, which are made up of a range of external stakeholders including the DPP, Legal Aid, the Bar and the Law Society et cetera, for consultation. Once that consultation has occurred, any consideration of any changes that need to occur will be taken into account.

In relation to the Sexual Offences Bench Book, we have somebody working with the Chief Justice two days a week to commence development of that bench book. We are hoping that we will have that finished by the end of this calendar year, but it is proving to require quite intensive legal research. So I will not put my hand on my heart in terms of that delivery date at this stage.

DR PATERSON: Is it expected to be resource intensive to transition to a specialist list, or is it relatively simple and it is more a programming of the court and the allocating of the judges?

Ms A Nuttall: It is designed to have more judicial oversight of sexual offences. At the moment all matters that get committed to the Supreme Court, go into a directions list with the registrar. The specialist list will, instead, divert that case management to a judicial officer. This is to allow for early identification of pre-trial applications. One of the things that can often delay sexual assault offences through the court is late notification of things like applications for tendency evidence et cetera. This is designed to very carefully manage early applications so that matters are not delayed through the system.

DR PATERSON: Is it likely that there will need to be more judicial resources to manage this?

Ms A Nuttall: There will be more judicial resources put to those types of matters in the case management of them. There is no intention to have specialised judicial officers hearing sexual assault matters. Her Honour the Chief Justice has made very clear that she does not agree that that is an appropriate course of action in a jurisdiction such as ours because it ends up putting all of the jurisprudence into one judicial officer, which can be quite a problematic issue. The other thing is that it would, in essence, result in delays because, if you have only one judicial officer hearing those types of matters, you will actually see a delay rather than increased efficiency.

DR PATERSON: Previously, the Chief Justice has spoken about further education for judges around sex offence matters, court trials et cetera. Has that been progressing?

Ms A Nuttall: That is progressing through the National Judicial College of Australia. The first module of that has been delivered. I understand that the second module is in development.

DR PATERSON: So all Supreme Court judges have received that training?

Ms A Nuttall: I will need to take on notice as to whether they have all done it to date.

DR PATERSON: Thank you.

Mr Rattenbury: Ms Lawder, if I can just come back to Mr Cain's question: that notifiable instrument number is NI2024-342. It is available on the public register.

MR CAIN: When was that notified or published?

Mr Rattenbury: I signed it on the 27th and it was notified on 28 June 2024.

MISS NUTTALL: Back on rentals, I understand that the ACT government continue to look at rental reform, which is excellent, and that they have a consultation open on minimum standards and occupancy agreements. Will the occupancy agreements work cover agreements for university residential colleges?

Mr Rattenbury: I certainly consider that to be within the scope of the consultation. From my understanding, the work we have done so far identifies that most of those larger-scale university residences operate on the basis of occupancy agreements rather than under the Residential Tenancies Act. Certainly some of the key concerns raised with the government have come through those areas, particularly issues around how often and how much the rent can be increased. Of course, under the Residential Tenancies Act, there are limits on how often you can increase the rent. It is once every 12 months. There are also limits linked to CPI as to how much the increase can be, unless the landlord gets agreement from the tenant and/or the tribunal. Those sorts of protections are not in place for occupancy agreements. Concerns raised with the government identify the discrepancy for people who live under occupancy agreements in terms of the protections they have compared to if you are under the Residential Tenancies Act.

MISS NUTTALL: Were university residences and university representative bodies contacted directly during this consultation?

Mr Rattenbury: The consultation is still open and, yes, they will have it specifically drawn to their attention as part of the government reaching out to a range of identified stakeholders. The consultation is open to anybody. It is available through the YourSay website. As is normal for these kinds of things, key stakeholders will have it drawn to their attention to make sure that, if they wish to participate, they do.

MISS NUTTALL: Have you heard any anecdotal evidence or have had any representations made to you about the impact that the occupancy agreements are having on students residing in the accommodation? Have you heard some anecdotal evidence that they are struggling with these sorts of rent increases or the other issues they have identified?

Mr Rattenbury: They are exactly the sorts of issues that put this matter on the government's radar. It was students identifying with us that they felt they were seeing

increases either too often or that were excessive, in their view. One of the careful bits of work on the occupancy agreements is they apply to many different circumstances. The university residence is one but it can also apply to a range of other boarding houses, potentially crisis accommodation and other types of places. I think one of the reasons that perhaps not as much work has been done on it is because it is such a diverse area. From a policy point of view, and coming up with an applicable set of rules for all circumstances, I think will be quite challenging, which is partly why we have gone to consultation on it, at this point, to try and think through some of those issues.

Mr Ng: Miss Nuttall, as the Attorney indicated, the consultation is still being undertaken, but I can give a quick snapshot and an update of how it has been playing out. So far, there have been 150 contributions to the YourSay consultation, with 129 survey responses being on the component of the discussion paper relating to proposed increases to minimum rental standards; 11 quick-comment responses and seven survey responses on occupancy law reform; and three long submissions. We will take all of those contributions when they are finalised and when all of them come in and provide advice to government in terms of a listening report.

MISS NUTTALL: Thank you very much.

MR CAIN: Attorney, you have recently received representation to make a straightforward amendment to the Crimes Act by the repeal of section 435. As you are aware, section 435 imposes a six-month limitation period for initiating civil actions against police officers and other appointed officers. Several advocacy bodies have outlined that this short time frame restricts injured parties from seeking redress against the Crown. Minister, what is your level of interest in introducing this change?

Mr Rattenbury: I welcome the advocacy from both the individual lawyer who raised it and, subsequently, the Bar Association. They have raised a very important issue. It is one that had not been contemplated, but the circumstances of the individual case have drawn it to our attention. I have asked the Justice and Community Safety Directorate to provide advice to me on that matter as soon as they practically can.

MR CAIN: Attorney, given that New South Wales repealed the same provision in 1977, why have you not addressed this provision in our legislation earlier?

Mr Rattenbury: Mr Cain, that was a long time ago. New South Wales did it long before the ACT even had self-government. I find it interesting that it has not come up in all those years. No-one raised it until just a few weeks ago, but, now that it has been raised, we are looking at addressing it in a timely manner. I think an important point has been identified.

MR CAIN: Attorney, you say you are addressing it in a timely manner, yet your correspondence to Mr Taylor says that this matter is related to a complex legislative reform issue requiring consideration by multiple teams. I fail to see why this repeal is not something that is so obvious that you would not be able to do it very promptly, rather than using language about complexity that is way beyond what is actually going on here.

Ms Burgess: Mr Cain, perhaps I can answer that. I acknowledge the privilege

statement. My team is actually looking at this issue and we have made a preliminary determination that it may not be a simple matter of repealing the legislation. There isn't an ability to do a direct comparison with New South Wales. As I understand it, they have a supporting framework around this particular provision that the ACT does not have. In terms of consultation, we are also engaging with our civil colleagues because it relates to tort action. We are engaging with other stakeholders, and, as the Attorney has said, we hope to brief him shortly.

MR CAIN: Are you able to expand on why this is a complex legislative reform issue as opposed to a simple repeal?

Ms Burgess: I do not have the specific information in front of me, but I understand that, as I said earlier, there is a framework in the New South Wales legislation that is lacking in our legislation.

MR CAIN: Could you take my question on notice?

Mr Glenn: Mr Cain, I think Ms Burgess has answered the question as best she can. We are doing the legal policy analysis around this particular measure. It is not a simple matter of saying that what has been done in New South Wales can be done in the ACT, because our statute books look different, but the work needs to continue and we will provide advice to the Attorney as quickly as we can.

Mr Rattenbury: What I have certainly indicated to JACS is that, if it is straightforward, I would hope to potentially bring it in in the remaining sitting weeks. We would need to work with you and the other members of the Assembly because it would obviously be outside of the normal standing orders process. If it is straightforward, I will endeavour to do it, but that will be dependent on the advice from JACS as to the detail of the legislative reform and its appropriateness: whether we could put it through in those last couple of sitting weeks, whether it would fairly and reasonably go before the JACS Committee under normal circumstances or whether it might need to be at the start of next term.

MR CAIN: Attorney, could you take on notice providing this committee with a summary or an overview of why this is a complex legislative issue?

Mr Rattenbury: I am not sure that I can, Mr Cain, in the sense that Ms Burgess has given you the information she has at the moment. They are still doing the analysis, and, given the time frames available for questions on notice for the estimates committee, it is not clear to me that I will have the answer to your question in the time frame that is required.

MR CAIN: When do you intend to give an update? I note you wrote to Mr Taylor earlier this month. When do you intend to give an update to Mr Taylor and, indeed, to me, as shadow attorney-general, on your progress on this matter?

Mr Rattenbury: I am happy to provide an update when we have some more useful analysis beyond the preliminary analysis we have been able to give you today.

MR CAIN: Thank you, Chair.

THE CHAIR: Dr Paterson.

DR PATERSON: Referring to the notifiable instrument that we discussed before, some of the funding is going to a review of the crimes (consent) legislation. If that review is being conducted now, when will the review will be complete?

Mr Rattenbury: That is a review that is built into the legislation, as you would well recall. That is to enable that review to take place. In terms of the specifics, I will hand to Ms Burgess.

Ms Burgess: Thank you for the question. As the Attorney has pointed out, it is a statutory review. We are required to commence that review within two years after the commencement of the legislation and report to the Assembly within 12 months of the commencement of the review. The statutory review must start as soon as practical after 12 May this year, and we will report 12 months after the commencement.

DR PATERSON: Great. Thank you.

THE CHAIR: I want to go to the Sofronoff inquiry. Could you give us an update on the steps you and your office have taken to advance the recommendations in the Sofronoff report.

Mr Rattenbury: As I touched on earlier, Ms Lawder, I received a brief just this morning and I have only had a preliminary look at it. The headlines of it are that six of the recommendations are now fully implemented, three of them are substantially implemented, and the 10th remaining recommendation is dependent on some of those other recommendations, or subsequent to them. That work can now get underway as a result of the progress on the other ones.

THE CHAIR: Do you think you will have each of them completed by the end of this term, before the election?

Mr Ng: There is hope that there will be substantial progress, but, in terms of what the executive government is able to achieve, some of the recommendations require activity from ACT Policing and the DPP as well. The framework that we have in place is the establishment of an implementation steering committee. We work really closely with our colleagues in ACT Policing and the DPP to progress the recommendations in their space. There are certainly some things that fall within their remit. We will get regular updates and possible support with the resolution of issues which arise. I want to give that context to the delivery of all the recommendations.

THE CHAIR: Minister, has the Sofronoff inquiry been a value-add to the ACT criminal justice system?

Mr Rattenbury: I suspect there are different views on that in the community, Ms Lawder, but, despite all the controversy around it, what the government has been resolute about is that we believe the 10 recommendations that were put forward do add value and they do improve the system, and we are focused on implementing those recommendations.

MR CAIN: Attorney, what impact has the Integrity Commission investigation into Mr Sofronoff's conduct had on the implementation of the inquiry's recommendations?

Mr Rattenbury: None, Mr Cain, in a sense that, obviously, the Integrity Commission are doing their thing over there and I cannot comment on that, but, as I indicated in my answer to Ms Lawder, the government believes the recommendations put forward are practical, do make a positive difference and have identified issues where there is room for improvement. We have been quite focused on getting on with the implementation of those recommendations.

MR CAIN: Have you received a draft report for that investigation by the Integrity Commissioner?

Mr Rattenbury: No.

DR PATERSON: I have a supplementary.

THE CHAIR: Yes, Dr Paterson.

DR PATERSON: With hindsight, do you think the Sofronoff inquiry was a reasonable and valuable spend of taxpayers' dollars?

Mr Rattenbury: Given the circumstances surrounding the issues that were identified and led to the establishment of the inquiry, I think it was essential that we did it. The nature of the allegations made by various key government agencies to each other, on the back of the Lehrmann trial, were substantial and significant and needed to be resolved. Unfortunately, for well-canvassed public reasons, the outcomes are not ideal, in the way that Mr Sofronoff's conduct has been revealed. Nonetheless, the practical measures are valuable. That is why we have been so focused on those. The public discourse around it probably has not been helpful but the recommendations were, and that is where we have tried to focus our efforts.

MISS NUTTALL: Attorney, you are the redress minister for the ACT. I understand that you and your colleagues met recently. Can you speak to us about how the meeting went and the impact of the redress scheme on survivors of institutional childhood sexual abuse in the ACT?

Mr Rattenbury: Yes. Thank you, Miss Nuttall. The redress scheme is incredibly important. The ACT has worked hard to implement it effectively. There is a regular meeting of ministers responsible for the redress scheme. Also, behind that, there is an officials working group. The nature of the discussions last week and the focus of the ministers have been around making it as easy as possible for people to enter into the scheme. For example, changes have been agreed and made that enable people to apply for redress while they are in jail. Previously, that was not possible, but we know that there are many people who have ended up in jail and have also been victims of crime. That was considered to be an unnecessary and artificial barrier, so that has been removed. Hundreds of people have now been able to apply to the scheme that were not able to before. That has been an important reform.

Another key issue that the various jurisdictions are discussing go to what is called “claim farming” where, essentially, legal firms approach potential victims and indicate that they can support them. Those legal firms then, of course, charge a range of fees when, in fact, claimants under the redress scheme do not need a lawyer; they can simply apply directly to the scheme. There is an agency called knowmore which is funded by governments to provide free advice and support for people to apply. Governments across the country want to be very clear with potential applicants that they do not need a lawyer to access this scheme; they can simply apply. They will receive the maximum amount of redress payment, and they do not need to allocate any of that redress payment to lawyers.

MISS NUTTALL: Thank you. On those communications in the ACT, do they come from knowmore or do they come from the ACT government? How are we making sure that word gets out so people know that they do not have to pay in order to access the scheme?

Mr Rattenbury: That is certainly something that ministers are considering. Knowmore, the support service, certainly does a lot of work to reach out, including through correctional facilities, noting the correlation of people there. The minister issued a statement last week and there will be various other efforts to identify to people the availability of the scheme.

MISS NUTTALL: Thank you.

THE CHAIR: Mr Cain.

MR CAIN: Thank you, Chair. Minister, what steps have you or your office taken with respect to the situation where a convicted child sex predator is likely to have their sentence reduced due to an error by the then DPP and the trial judge?

Mr Rattenbury: Mr Cain, as you are aware, this matter was sent to appeal, and that appeal has not been contested by the Director of Public Prosecutions. The matter has been remitted to the court for resentencing as a result of that appeal process. Given that it is live, obviously I cannot comment on the specifics of that matter. However, through that process, there has been a range of representations to the government about the operation of section 56 of the act. I have asked the Justice and Community Safety Directorate to review that section and related sections in light of the representations. There are different views on the problems with section 56, so, again, JACS are now working their way through that, led by Ms Burgess’s team. They have had meetings with a number of advocates and representatives to ensure they have the full set of perspectives. Again, not dissimilar to the earlier conversation, they will now prepare advice to government on potential reform to that section of the legislation.

MR CAIN: Just for the record, for the *Hansard*, it is section 56 of which act?

Mr Rattenbury: The Crimes (Sentencing) Act.

MR CAIN: Thank you.

THE CHAIR: Attorney, you have said you are unable to respond to part of Mr Cain’s

question because of sub judice, or because it is active in the courts.

Mr Rattenbury: Yes.

THE CHAIR: Continuing resolution 10 sets out guidelines on the matters that would be subject to the sub judice convention, noting it is subject to the discretion of the chair and the right of the Assembly to discuss any matter. I think you have said, but could you please advise as to the stage of proceedings so it can be determined if they are still active?

Mr Rattenbury: Yes. The matter has currently been remitted to the Supreme Court for resentencing. There is the observation that I talked to Mr Cain a little bit about the matter, but, as I said, given sub judice, I think it is prudent for me to not offer any views on what the sentencing outcome might be. That was the point I was seeking to make. I am certainly happy to discuss the information I provided to Mr Cain—the provision he was asking me about—and further government action on it.

THE CHAIR: Yes. It is a public interest matter.

Mr Rattenbury: Yes; I agree. We discussed potential reform of the section. I am very happy to discuss that.

THE CHAIR: In the one minute we have left.

MR CAIN: I have a couple of quick supps.

Mr Rattenbury: I have no further comments, so I am happy for—

THE CHAIR: Mr Cain.

MR CAIN: Attorney, what correspondence have you or your office had with affected victim-survivors to ensure that they have been adequately communicated with and listened to about this—

Mr Rattenbury: I have had a number of direct personal meetings with victim-survivors on this matter. We have also received written representation from them and from support agencies, including the Women's Legal Centre and the Victims of Crime Commissioner. JACS have had further meetings with them, subsequent to my meeting with them. As part of my meeting with them, I undertook that JACS would have further detailed conversations on the substance, as part of preparing advice to me.

MR CAIN: Finally, have you considered conducting an inquiry or a review into this situation?

Mr Rattenbury: We are conducting a review of the legislation at this point. Is that your question?

MR CAIN: An inquiry.

Mr Rattenbury: Into?

MR CAIN: How this came about and why it has taken so long to address this.

Mr Rattenbury: I think people know that this legislation was amended in about 2018.

Ms Burgess: Section 56 was first introduced in 2018 to replace section 92EA. That section was amended in 2020.

MR CAIN: What was the section it replaced?

Ms Burgess: Section 56 replaced section 92EA, which was introduced in 1991.

THE CHAIR: Our time is at an end. Any further questions can be placed on notice. On behalf of the committee, I thank witnesses for their attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*. The committee will now suspend proceedings for lunch. Thank you.

Hearing suspended from 12.15 pm to 1.15 pm

Appearances:

Legal Aid ACT

Boersig, Dr John, Chief Executive Officer

Monger, Mr Brett, Chief Finance Officer

THE CHAIR: Welcome back to the public hearings for the committee's inquiry into the Appropriation Bill 2024-2025 and the Appropriation (Office of the Legislative Assembly) Bill 2024-2025. The proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses used these words, "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We welcome Dr John Boersig, Chief Executive Officer, and Mr Brett Monger, Chief Finance Officer, of Legal Aid ACT. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered a contempt of the Assembly. Could you please confirm that you understand the implications of the statement and agree to comply with it?

Dr Boersig: I certainly understand that.

Mr Monger: I, too, understand that.

THE CHAIR: Thank you. We will proceed directly to questions, and I will pass my first question to Mr Cain.

MR CAIN: Dr Boersig, you would be aware of the article in the *Canberra Times* this morning about the WorkSafe improvement notice?

Dr Boersig: Certainly, yes.

MR CAIN: Could you give us a bit of background regarding what led to this? Is it a notice that you have concerns about? Can you appeal or contest it? What have you done to address anything that is, in your opinion, legitimate?

Dr Boersig: I am assuming, because I do not know for sure, that there was a complaint or a concern raised with WorkSafe; then they came in to Legal Aid. We engaged with them when they came in, and they came up with a finding. In terms of how I see this process, I see it as important. For me, it is like the Ombudsman's office or any other kind of review. We need to be open to other people looking at what we do and be able to respond to that. We need to take notice of the issues that they raised with us and take action on them. I have no difficulty with that. I felt the issue of the PINs was a tad precipitous.

MR CAIN: Of the—

Dr Boersig: The issue of the notices themselves. I would have preferred an educative dialogue about, “Where do you think we’re not strong enough, and how should we be developing?” But it is a matter for Work Safety to determine how they progress these matters.

The issues that they raised in particular about vicarious trauma is something we have taken very seriously. You will see in my response to the journalist my views about where I think we are. Having said that, I welcome these processes. It is not to say I find them pleasant at all, but they are important in terms of how we should review. It is just like being here today: my job is to answer your questions because you need to oversight what we do. It is the same issue.

The issues themselves around trauma are real for all frontline service providers. We deal with people who have high levels of mental illness, are in domestic violence situations, who are committing very serious offences. Many of these people are feeling that strain, and our lawyers need to manage that strain.

MR CAIN: Could you talk us through the complaint? Did that come from someone working in your office, and how was the engagement with WorkSafe? You expressed perhaps that you would like to have had more of a conversation before the issue of the notice.

Dr Boersig: Yes.

MR CAIN: Could you see any reason why that process could have been a bit different, to produce perhaps a more beneficial outcome, and maybe even sooner?

Dr Boersig: I would underline that we would welcome dialogue with WorkSafe in terms of how we can improve on the processes we have in place. I have to assume, because I do not know, that there was a complaint, because they do not indicate to us the nature of that, except that there has been a matter raised with them. They do not say who it was or how it was determined.

We opened our doors, they came in and they talked to some staff, and they looked at our policy and procedures. We have a manual system, not an automated system. In government departments, you will—

MR CAIN: A system for?

Dr Boersig: For someone to automatically raise a complaint directly with the human resources branch. RiskMan is what is used in JACS. We do not have that system; we have a paper-based system. The kinds of issues that they raised with us were, as I understand it, about the accessibility and the proceedings. We improved our intake incident form. We changed that in a couple of ways, and we made sure that was publicised and available to staff. All of that already was on our intranet site and all of it is published.

The other issue that they raised was in relation to risk, and in that regard we did not have a risk register which disaggregated all of the different kinds of psychological event you could have and all of the kinds of treatments. We conducted, 18 months ago,

extensive staff consultation around staff wellbeing. We thought we had covered off what the issues were. What WorkSafe want to see is that risk register, and we have done that risk register; so that has been supplied to them.

The other issue is that they want to see us inducting staff more directly in those particular issues. With training, we do a lot of training in relation to this. We have what is called a hub model. In that hub model, you have a supervisor and two junior staff. The purpose of that hub is manifold, but primarily it is about workload, it is about welfare and it is about training and building development. For us, that structure brings through the issues that should arise in relation to any kind of OHS issue, whether it is bad chairs or trouble in the courts.

MR CAIN: What was the actual process and engagement with WorkSafe? What steps of encounter did you have with WorkSafe, from them contacting you, any dialogue and then issuing of the notices?

Dr Boersig: They contacted us—this was in May or June this year—about coming to us to investigate an issue, which I understood to be around our probation processes. That was the probation processes we had to fix; there have been recent changes around that. And they were coming to do that.

MR CAIN: And then?

Dr Boersig: They later contacted us about the broader issues in relation to the matters that they are currently dealing with.

THE CHAIR: How many staff do you have? The newspaper article talks about a high turnover of staff. It also talks about vicarious trauma and workload. Is it a chicken and egg thing? Does the workload contribute to the high turnover or does the high turnover contribute to the workload?

Dr Boersig: We have over 170 staff. The bulk of those staff are under 35. In fact, as it says, around 70 per cent of the staff are under that age. Most of those people are not lawyers. They are mostly law students, and they come in to do jobs like the helpline. We have about 13 people on the helpline who take 25,000 calls a year. These are young people doing that job.

We have a turnover of staff that relates to their workload. It is quite a driver. The other area is paralegal staff who provide legal support to the lawyers who are in practice. Again, by and large, they are law students. They might come to us for a year or two, in the hope of getting a job. Some do; some move on. That is where we find a lot of our staff, and that is why it is reflected in the age group. The turnover rate for them is large, but that is quite explicable, because they are all seeking to be lawyers and moving on. Also, there are jobs and bigger movement around that generation.

Over 35 to my age, which is above 55, the turnover is something like seven per cent. People are staying. In fact, one of the strategies we have in place is an active strategy to engage lawyers over 60 to come in and act as supervisors for young people. We have about five people like that who come in on a part-time basis, including Jon White, who was the DPP, as you know. That is the calibre and standard, and that is the role they

play on that.

MR CAIN: You mentioned accessibility as an issue. Could you be more specific about what that is about?

Dr Boersig: Accessibility?

MR CAIN: You said there was an issue perhaps with accessibility?

Dr Boersig: I might have mis-spoke; I cannot recall that. I am sorry, Mr Cain.

MS ORR: I note that this year's budget increases Legal Aid's funding to both support victim-survivors and create greater capacity to work directly with perpetrators. Can I get an indication of how you would use this funding?

Dr Boersig: We received in the budget continued funding for the drug and alcohol program and continued funding for the duty lawyer in the Children's Court who assists people who are generally ineligible for legal aid. This program was started in particular for women, mostly mothers, who, for mental health reasons or drug reasons, were not able to keep their children. We provided a duty service for them because generally, often, there will not be merit in their claim, but they need to be able to participate. We can only make a grant of aid where there are means and merit required. That service is directed at those kinds of people.

In the budget process, that was the continued funding that we received, as well as our normal appropriation. In relation to us, we were subsequently advised we were funded for two years for an Aboriginal and Torres Strait Islander graduate program. We are working with the CLCs on a rotation for all of those services. We were funded for one year for an Aboriginal and Torres Strait Islander cultural liaison officer. That was \$360,000 for 12 months, and we are trying to recruit to those roles now.

MISS NUTTALL: I am interested in learning about how Legal Aid ACT will use the money allocated recently by the Attorney-General from the confiscated assets trust fund.

Dr Boersig: Those are the funds in relation to two liaison officers. We have a community liaison unit comprised of specialists in family violence, mental health and disability. We also focus on Aboriginal and Torres Strait Islander people and the CALD community. We have been significantly carrying those positions internally, because of our commitment to this type of work in relation to Aboriginal and Torres Strait Islanders and CALD people. This money is directed at funding those positions for 12 months.

MR CAIN: Regarding the national legal partnership agreement, you have been involved in consultation with the commonwealth and other legal aid commissions around the country to finalise the partnership to provide commonwealth grants. Noting that the independent report on the national legal aid partnership was published in May, could you provide an update on these negotiations?

Dr Boersig: As I understand it, these negotiations continue between the commonwealth and the states and territories. There is no resolution at this stage, as I understand it. The

issues there arise in relation to the amount of funding that will be made available by the commonwealth and the amount of funding that the states and territories are prepared to put into this.

As you will know, Dr Mundy's report, which is the report you are referring to, indicated substantial funding was needed in relation to the justice sector, and that includes not just legal aid commissions but CLCs, Aboriginal and Torres Strait Islander legal services, and family prevention legal services, which are Aboriginal-based organisations for women, by and large, in domestic violence situations, where it occurs in rural parts of Australia.

MR CAIN: As you would be aware, in budget statements B, on page 73, it shows that employee expenses are anticipated to halve in 2025-26.

Dr Boersig: Yes. The current funding from the commonwealth cannot go in the outyears because that ceased. We would have to shed 45 per cent of our staff. That is on top of terminating programs inside territory funding, which come to something like \$2½ million, which are also terminating next July, which would be another 15 staff members.

Mr Monger: Yes, in the order of 15 staff.

Dr Boersig: We hit quite a funding cliff at the end of next June.

MR CAIN: It is possible, based on current numbers, that you would lose nearly half of your staff?

Dr Boersig: Or more. Historically, it would seem unlikely that the commonwealth would not fund legal aid commissions and CLCs, but there have been occasions when the agreement has not concluded, and it has just been rolled over for 12 months.

MR CAIN: What kind of lobbying does the ACT government do, from your understanding, or is it left for you to talk to the commonwealth? How does that process work?

Dr Boersig: All of the above. The primary relationship is between governments, because it is a national partnership agreement. It is chiefly the role of the attorney and JACS to negotiate that agreement. That includes consulting with our sector.

On top of that, National Legal Aid pays quite a bit of attention to speaking directly with government around the needs of legal aid. There are a number of reports—in particular, a report called *Justice on the brink*, which I am happy to provide—which set out the same kind of arguments in relation to the need for funding of legal aid commissions and other legal service providers. In essence, that argument is about the fact that, if you want people to access rights, they need to be supported. The issue there, of course, is cost of living and capacity for people to be able to get legal aid.

MR CAIN: Has the ACT government indicated more support for you if the commonwealth funding does not come through?

Dr Boersig: At this stage the support we have received is the current budget.

MR CAIN: Which is just—

Dr Boersig: A continuation of funding.

MR CAIN: A continuation, with no significant difference from previous years; is that right?

Dr Boersig: At this stage. The appropriations continue for the Drug and Alcohol Court and the duty lawyer service. We are in constant discussion with JACS around the needs of the sector.

MS ORR: I refer to page 120 of the outlook, which you might not have in front of you. It says that part of the Safer Families Levy is investing in frontline domestic and family violence services. It has a range of money there, and it says:

The Government will increase investment in frontline domestic and family violence services in the ACT. This includes critical support for victim survivors and funding to increase the capacity to work directly with perpetrators comprising funding for ...

It then lists a range of groups, including Legal Aid.

Dr Boersig: That is in relation to the health justice partnerships. That is not an appropriation to us; that is a contract in which we engage with CSD in relation to continuing services at the Canberra Hospital and North Canberra Hospital, and those should continue.

MS ORR: There will be a continuation, but with additional funding for—

Mr Monger: We had received funding previously for Canberra Hospital, and now we have funding to expand to North Canberra Hospital. The Women's Legal Centre are moving to other areas, but we have additional funding to be present at the North Canberra Hospital.

MR CAIN: I am looking at page 120 in the budget outlook, where it says "funding for" a list of advocacy groups and Legal Aid. Is that from the Safer Families Levy? Do you think it is accurate to describe that as: part of that funding will be for Legal Aid?

Dr Boersig: In the sense that we will contract with CSD to deliver a set of services to those hospitals.

MR CAIN: Is it really that CSD is paying you for a service?

Dr Boersig: We are being contracted to deliver those services. We have a number of those relationships. I think all up we have 26 or 27 different contracts.

MR CAIN: But saying it is funding for Legal Aid is a little bit—

Dr Boersig: It is different to an appropriation, if that is what you are talking about. It is not part of our core. It is a contract to provide for X number of years a particular service. It will be the same kind of contract that is provided to the Women's Legal Centre, for example, to do similar kinds of services in family medical practices and health centres.

MR CAIN: It is interesting that the Women's Legal Centre is not listed as a recipient of the funding from the Safer Family Levy. In your opinion, is it misleading say that part of that levy is funding for Legal Aid?

MS ORR: Chair, I think this is just a bit of semantics. I mean, "for" or "to"? At the end of the day, it is money going to a service. We can probably, in the interests of time, move on.

MR CAIN: No. It is payment for a service as opposed to funding for Legal Aid, which is a very different thing.

MS ORR: Yes, but I do not think there is a conspiracy here, Peter. I think it is just that the budget papers are very expansive, and sometimes maybe they need a better copy editor.

THE CHAIR: Do you have another question, Mr Cain?

MR CAIN: They ought to be accurate, though, Ms Orr.

THE CHAIR: Do you have another question?

MR CAIN: I am just wondering whether you think it is accurate to describe part of the allocation of the Safer Family Levy as funding for Legal Aid.

Mr Monger: Mr Cain, I do not have that budget paper with me, but, from what you read out, I can say that we did receive funding for a specific purpose in that instance. Yes, we did.

MR CAIN: As a contract arrangement with CSD?

Mr Monger: Yes.

MR CAIN: Thank you.

THE CHAIR: Moving on, I just want to ask about changes to your accommodation. You have expenditure with reserve cash assets and also grants being dedicated to fit-outs. Can you give us an update on how your renovation is proceeding.

Mr Monger: Yes, I will. A lot of it goes back to the health and wellbeing of our staff. Since COVID, we have tried very hard to maintain a good and safe work environment. What we are doing now is to deliver on the level of services required by the public and by the community. We have to employ more staff. In order to employ more staff, we need more space—which we have now got, so we have a bit of additional extra space.

We have recently purchased sit-stand desks for all of our staff, so every person, including Dr Boersig and me, have sit-stand desks of the same size in order to make sure people's welfare is good. We have also replaced the carpet. We have new lighting. We have a disability compliant front door in our reception area. All of that has happened recently.

In order to fit more desks in so that we can fit more people in so that we can deliver more services, we also have construction works that will be happening somewhere around the next six months or so. That will, effectively, make offices smaller, so we can fit more people into our work environment. We have had a planner come in, and we are talking about something in the order of \$1.5 million worth of construction works in order to do all of that. Hopefully that will happen over the next six months or so.

THE CHAIR: I guess you will be even more hopeful of the commonwealth grant coming through—otherwise you will not need extra space, because you will actually have to shed staff! Is that right? They will have plenty of room!

Mr Monger: Yes.

MR CAIN: Have the Attorney-General's demands for you to transition to an accommodation space that has a gas transition plan and a break-lease clause contributed to any delay in fit-outs?

Dr Boersig: Effectively, the process of negotiation was extended so that there could be an agreement made between the landlord, who owns the premises, and us in relation to that break-lease clause. That took, from November, about seven months to finalise.

MR CAIN: What is the status at the moment with that?

Dr Boersig: We are contracted, and we are proceeding. Should the gas boiler system break down and the landlord not agree to replace it with an electric boiler system, we have the option to terminate the lease. That is the break-lease—

MR CAIN: Who is monitoring the landlord's compliance, or otherwise, with that?

Dr Boersig: We do that. We live in the building, so we will know when it breaks down, in that sense—

THE CHAIR: I presume in winter, it would be quite obvious—

Dr Boersig: Especially in winter. We are notified of any changes. The landlord has obligations to tell us. That would be a significant event. If they had to change from gas to electricity, it would take a full renovation of the building.

MR CAIN: Including your area, obviously?

Dr Boersig: The whole building, yes.

MR CAIN: Thank you.

MISS NUTTALL: Could you please explain to us what the impact would be of lowering the eligibility threshold for legal aid grants?

Dr Boersig: It would allow us to assist more people. Currently, the means test is very tight. We are trying to work with that on a daily basis, to open it to as many people. The reality is that the cost of living is making it very hard for people to get assistance. If you have to pay for that, it is expensive. That is no criticism of the legal profession. Everyone needs to earn their wage and their living.

The people we are talking about at Legal Aid, by and large, is really focused on that lower two-fifth quintile of people who need legal assistance. People without legal assistance are less likely to get favourable outcomes in the justice system. From the courts' point of view, it is far less efficient; unrepresented people drive delay and poor outcomes. That is quite well documented. So opening that up would be fantastic.

People need access to advice to make the right decisions. In essence, what Legal Aid does is exactly that. If you have a problem, you need the information upon which you can make a decision about your life. Our job is to make sure you have that information, which is why allied professions are so important. They help us translate lawyer speak into something that the person can understand, whatever their cultural background, whatever their disability. It is very important. And, of course, anyone who is feeling prosecuted—I use that in a broad sense—wears the weight of that, so making good decisions is all the more onerous. Our job is to really couch that. The more people who can get legal aid the better, from my point of view.

MISS NUTTALL: Beautiful. Do have a view specifically on the threshold that it should be lowered to? Is there a target in mind, or just the lower the better?

Dr Boersig: Generally, we are dealing with people in poverty. As everyone here will know, the financial crisis and the cost of living is affecting many, many more people in that lower two-fifths quintile. There are issues around, in particular, family law, where women might have assets, but they do not have cash. To have to use that remaining asset to pay legal fees, which can be substantial, reduces in the future the kinds of accommodation they can buy when they find their relationship has dissolved. So we are trying to find ways in which we can support them and push up and promote that basic legal aid. That is the best example I can give you, really.

MISS NUTTALL: Thank you very much.

THE CHAIR: We are out of time. Time flies so quickly. I would like to thank you for your attendance today. I do not think you have taken any questions on notice. We will break now for afternoon tea.

Short suspension

Appearances:

Barr, Mr Andrew, Chief Minister, Treasurer, Minister for Climate Action, Minister for Trade, Investment and Economic Development and Minister for Tourism

Chief Minister, Treasury and Economic Development Directorate

Campbell, Mr Russ, Deputy Under Treasurer, BPIF

Hocking PSM, Mr Stuart, Under Treasurer

Salisbury, Ms Kim, Executive Group Manager, Office of the Commissioner, Revenue Management

Roberts, Mr Chris, Executive Branch Manager, Macroeconomics, Modelling and Federal Financial Relations

McAuliffe, Mr Patrick, Executive Branch Manager, Investments and Borrowings

Pirie, Mr Mitchell, Executive Group Manager, Economic and Financial

Brown, Mr Nathan, Executive Branch Manager, Economic Policy and Commercial

Major Projects Canberra

Cahif, Mr Ashley, Deputy Director-General

Geraghty, Ms Gillian, Director-General

Independent Competition and Regulatory Commission

Dimasi, Mr Joe, Senior Commissioner, The Independent Competition and Regulatory Commission

THE CHAIR: We welcome the Chief Minister, Mr Andrew Barr, appearing in his capacity as Treasurer. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Please confirm that you understand the implications of the statement and that you agree to comply with it.

Mr Hocking: I have read and acknowledge the privilege statement.

Mr Campbell: I have read and understood and acknowledge the privilege statement.

Mr Dimasi: I have read the statement and understand it.

THE CHAIR: I have a question for the ICRC. I refer to the ICRC website, which sets out the commission's strategic plan and key priorities for the last five financial years, 2019-20 to 2023-24. Can you briefly talk about how the priorities are set. For example, does the Treasurer provide input into the key priorities for the commission?

Mr Dimasi: The commission sets its own priorities, obviously following the legislation and its obligations under the legislation. There is a statement of intent that the commission puts together and that is signed jointly by me, as the Chief Commissioner, and by the Treasurer. That statement of intent, obviously, is important in helping us set our priorities as well, but the exercise of setting the priorities is something that we do. Of course, we take into account the consultation that we do with all of our stakeholders. That includes the people that we regulate, community groups, consumer groups and

others. So it is a broad process to end up with what we do, but, at the end of the day, it is driven by what we are required to do under the legislation.

THE CHAIR: I think you have just confirmed that for the statement of intent—including the 2024-25 statement of intent—you consult with the responsible minister, who, in this case, is Minister Barr.

Mr Dimasi: Yes.

THE CHAIR: Can you talk a little bit about how that consultation process with the Treasurer works.

Mr Dimasi: Yes. That process has not really changed for many, many years. We have a process where we initiate the drafting of the statement of intent, because, I guess, we know what we want to do and what we think we can do. But it is a statement of intent; it has to be accepted by the relevant minister. So we send it across and see if there are any suggestions, inputs or comments. That is the process where we then finalise it and sign it off.

THE CHAIR: I am sure you are acutely aware that we have recently seen an increase to electricity prices of 12.75 per cent and increases to water and sewerage charges of seven per cent. And, of course, in the ACT area we are in an ongoing cost-of-living crisis. Are there any actions that ICRC can take to help alleviate some of these cost-of-living pressures in the ACT?

Mr Dimasi: We are acutely aware, as you suggested, of the cost-of-living impacts in the ACT. It is not just the ACT, of course; it is nation-wide. Our very reason for being, for our very existence, is to try to keep those price increases in electricity and in water and sewerage as low as possible. That is why we are there. That is why we have the regulated prices for those essential services where there is a limited market—there is some market in electricity, but no market in water and sewerage.

We work very, very hard to try to reduce the costs that are passed on to consumers from those entities and keep those increases as low as possible. So, yes, that is what we try to do, and that is why we are there. Having said that, we also have to balance the needs of those businesses that we regulate, because they have to be able to provide the services at the level the community expects, and those services can be quite expensive.

We have an ongoing debate, sometimes quite a strong debate, with the people that we regulate about what we allow and what we do not allow. Sometimes the people we regulate think that we are probably being a little too tough, but that is the way it is. To be fair to them, I think they have all accepted our decisions at this point.

Beyond that, of course, there are other things that are done which are at the policy level in terms of rebates and assistance for consumers under bill stress, but that is a policy question, not a regulatory question. That is for the government to deal with, and the government deals with that.

THE CHAIR: Another issue that keeps being raised with me is petrol prices. We know the ACT consistently has the highest prices for petrol in Australia. When I travel

interstate, I can absolutely notice the difference. What actions has the ICRC taken in relation to petrol prices in the ACT?

Mr Dimasi: Petrol is not one of those things that we have an ongoing role in. However, we do get asked from time to time to have a look at it. It was a couple of years ago, if I remember right, that the Treasurer asked us to do a review on petrol prices in the ACT. We did the report, and we looked at some of the conclusions and provided those to government. As a result of that report—I am going back a few years, so I am testing my memory here—I remember that the Chief Minister made a few public comments to the petrol retailers. As I recall, petrol prices did fall back a little at that point in time. It is one of those vexed markets—ongoing, contentious and very, very difficult. But we have not had any involvement in it since we did that report a few years back.

MS LEE: Thank you, Commissioner. In relation to you saying that you did it a couple of years ago, was that in response to the select committee that was established in the Assembly that looked into fuel pricing?

Mr Dimasi: Yes; that is right.

MS LEE: That was in 2019.

Mr Dimasi: Yes; that is about right.

MS LEE: That is five years ago. Has the ICRC looked at petrol prices between then and now?

Mr Dimasi: No; we have not.

MS LEE: Is that because you have never been asked by the Treasurer to look at it or because you have—

Mr Dimasi: We have our ongoing statutory functions year in and year out. There is a provision through which we can be asked to do other work. We have been asked to do a series of other projects and petrol was one of the series. We have the capacity to do some of that work, but it is not an automatic and ongoing thing. We need to be asked and the resources need to be provided for us. We are always happy to look at areas of interest, community concern and so on—if they are relevant, of course, to our core activities—to explore them and provide our assessment and review. When we are asked, we do have a look.

MS LEE: Is it fair to say that looking at electricity prices is your core work and you would do that as an ongoing—

Mr Dimasi: Our core work goes to the essential services—electricity, water and sewerage—where there is a market. It is about licensing of a whole bunch of utilities as well; it is not just about pricing. With the enforcement powers that the Assembly has recently granted us, and we thank the Assembly for those—

MS LEE: You are welcome.

Mr Dimasi: we are also looking at the broader behaviour of those utilities to make sure that they are up to scratch and they are appropriate for the consumers of today.

MS LEE: You have already mentioned your work in 2019, as a result of the Treasurer asking you, as a result of the select committee looking at fuel. Are there any other areas that, since 2019, you were requested to look into or you looked into off your own bat but not as part of your day-to-day remit?

Mr Dimasi: You will have to refresh me on the dates. We have done a number of those kinds of reports. One of them was on the price of the new crematorium that was built.

MS LEE: I remember that.

Mr Dimasi: I think that was before 2019, though. I cannot remember the dates. I will look it up on my own website. We have done reviews on recycled water, feed-in tariffs and the Consumer Protection Code. We have reviewed those. There is a whole bunch of stuff that we have done. It is quite a list.

Mr Barr: We can take that on notice and provide a list.

Mr Dimasi: We can provide you a list. That is easily done.

MS LEE: Could I also ask you to provide on notice, for each of them, whether they were directed by the Treasurer or whether it was on your own initiative?

Mr Dimasi: Sure.

MS LEE: Thank you. Thank you, Chair.

THE CHAIR: Ms Orr?

MS ORR: I do not have any questions.

THE CHAIR: We are looking specifically at the superannuation account, the ICRC and Icon Water in the first instance. Miss Nuttall, do you have any questions?

MISS NUTTALL: Not for those three.

Mr Barr: If there is nothing further for the ICRC, we can let those officials go.

THE CHAIR: Correct. Thank you for your appearance and, if you have taken a question on notice, please provide it to the secretary within three days of the uncorrected proof *Hansard*. Thank you for your appearance.

Mr Dimasi: Thank you.

Mr Barr: Would you like Icon next?

THE CHAIR: Do we have any Icon questions?

MS ORR: I do not have any for Icon.

MISS NUTTALL: I have some for Evoenergy, but they are coming later in the week.

Mr Barr: Are there any Icon water questions?

THE CHAIR: No. Anything for people on the superannuation account? You also get an early mark. Well done. You get an early mark for good behaviour! Thank you. We will perhaps move on to Major Projects Canberra. Ms Orr, do you have something for Major Projects Canberra?

MS ORR: If I do, I am not aware it is for them. I do have general questions.

THE CHAIR: Ms Nuttall, do you have anything for Major Projects Canberra?

MISS NUTTALL: Not specifically for Major Projects.

THE CHAIR: Mr Braddock?

MR BRADDOCK: Same.

THE CHAIR: Ms Lee?

MS LEE: Yes, Chair. I am looking at the Pegasus budget report, specifically page 46, which states, under “Major Projects”:

For 2024-25 the total Infrastructure investment is not fully transparent ...

There does not seem to be any funding in the budget for the construction of Light Rail Stage 2B; the Canberra Theatre; the North Canberra Hospital; the new indoor entertainment pavilion; EPIC stage 2; or a new stadium in Bruce. Going from public information as well as the Infrastructure Plan, the estimates for the costs for those projects seem to be: Light Rail Stage 2B, between \$4 billion and \$5 billion; the Canberra Theatre, between \$250 million and \$500 million; the North Canberra Hospital, which I think Mr Barr mentioned cost more than a billion dollars; a new indoor entertainment centre, between \$100 million and \$250 million; EPIC stage 2 redevelopment, between \$50 million and \$100 million; and a new stadium in Bruce, between \$500 and \$800 million dollars.

Based on the ACT Infrastructure Plan and the promises Mr Barr has made about these projects, they should be starting construction over the forward estimates, with a cost ranging somewhere between \$5.9 billion and \$7.65 billion. How much will all these projects cost?

Mr Barr: I take the committee to table 3.7.1, on page 247 of the *Budget outlook*, which outlines the summary of the Infrastructure Investment Program. That outlines, around the middle of the page, \$3.889 billion in works in progress and \$1.826 billion in central capital provisions. Within the central capital provisions is money set aside for the Canberra Theatre project, which is the one that is currently in the first stage of its two-stage tender process. Once that procurement is finished, the capital costs for that

project will obviously be announced and drawn from our central \$1.8 billion provision. That provision also includes initial funding for the new North Canberra Hospital, and it includes provisions for further elements of work within that forward estimates period for the projects that you have listed.

A number of those projects will be multiyear projects, so there will be an allocation against a forward fiscal year. Many of them sit outside of the forward estimates period. We have provided five years of allocation, so we have provided one further year ahead of the normal four-year budget estimates to give the community, the market and, indeed, the Assembly a sense of the provision that has been provided in, for example, fiscal year 2028-29. The central capital provision is \$537 million, and drawn from that would be, in that fiscal year, the resourcing necessary for completion of construction of a number of projects, and commencement of the middle phase of construction, depending on the project and its individual time line. Some of the projects you listed do not have an expected construction commencement within that forward estimates period. The stadium is one of those. It is not slated for construction commencement in that five-year period.

MS LEE: So, if I take the stadium out, because there is no funding attached to it—is that right?

Mr Barr: There is funding for preliminary design and other things that we have talked about previously, but there is no construction provision for that project because it does not sit within the forward estimates.

MS LEE: In terms of the Canberra Theatre, which you said is the first priority, out of the \$1.58 million you talked about, in referencing the table, you are not prepared to say how much of that—

Mr Barr: If you look at the budget initiative contained within the budget papers—on page 165 of the *Budget outlook*—that indicates the funding required in fiscal year 2024-25, the current appropriated year: \$13.5 million. We have indicated that it is not for publication at this time because we are in the market seeking tenderers. Once that tender process is complete, we will release the project cost. Obviously, we have given a ballpark figure, but we are not providing an exact dollar figure because we are not seeking to condition the market ahead of a competitive tender process. Clearly, it is not going to be a project that will be delivered for \$1 million. Equally, it is not a billion-dollar project either. We will obviously release that once the tender process is complete. It is contained within the provision across the forward estimates.

MS LEE: What is the time frame in which you expect that tender process to be completed?

Mr Barr: Gillian may be able to assist. We have opened stage 1 of that two-stage process.

Ms Geraghty: I have read and acknowledge the privilege statement.

Mr Cahif: I have read and acknowledge the privilege statement.

Ms Geraghty: We have released an EOI essentially for a delivery partner for the theatre redevelopment. That would be under an early contractor involvement process. We are closing on the 13th, and we would then go through an evaluation process to be able to release a full tender in early September. When that closes, it would go to an evaluation, and we would hope to be able to appoint early in the new year.

MS LEE: Mr Barr, you mentioned that the project funding sits comfortably within the forward estimates. Could I confirm: do you mean stage 1 or the whole project?

Mr Barr: Of the Canberra Theatre project?

MS LEE: Yes.

Mr Barr: That is, for the new 2,000-seat lyric theatre?

MS LEE: Yes.

Mr Barr: That is the component—yes.

MS LEE: Thank you. In relation to the North Canberra Hospital, are you able to give us any more detail about how much—

Mr Barr: There is a provision across the forward estimates. Again, we cannot release that for commercial sensitivity reasons, but it does sit within that \$1.8 billion. It is a project that has run over multiple fiscal years and goes beyond the forward estimates.

MS LEE: Do you have a time frame in terms of the status of that? Ms Geraghty is nodding.

Mr Barr: Yes; we do.

Ms Geraghty: We do. We released an EOI for very early contractor involvement, for a delivery partner for the north side hospital project. That has subsequently closed and is in its final stages of evaluation. We hope to release the RFT in the coming weeks, which again will close later in the year for appointment early in the new year.

MS LEE: It looks like it will be an exciting early next year.

Ms Geraghty: Yes; very exciting.

MS LEE: In terms of stage two 2B, what provisions are in the current budget and forward estimates for the preparation of that project?

Mr Barr: I will draw your attention to the budget initiative. It is contained on page 166 of the *Budget outlook*. There is also a commonwealth contribution running over the forwards and there is a matched ACT government provision.

MS LEE: I think you mentioned previously in public that it is for preliminary design work. Is that right?

Mr Barr: Amongst other things.

Ms Geraghty: On Light Rail Stage 2B, we are undertaking design work. We submitted our EPBC referral earlier in the year. We are now preparing an environmental impact statement for the territory and also for the commonwealth. That process is essentially about undertaking some investigations, working through the design of the route and understanding the environmental impacts from Commonwealth Park all the way through to Woden. We are targeting for completion by Christmas, to be able to submit it, and then it will be up for public consultation.

MS LEE: Mr Barr, noting the table that you just referred the committee to, on page 166, it just has \$25 million and the matched funding from the ACT, and there is nothing further in the forwards. And I note that you have commented that construction would be from 2028. Is there any funding available, even starting in fiscal year 2027-28, that goes to construction in this budget?

Mr Barr: There is a provision for new capital works contained across each year of the forward estimates.

MS LEE: That is within the \$1.8 million?

Mr Barr: That is correct.

MS LEE: EPIC stage 2—I think you understand the line of questioning—

Mr Barr: Sure.

MS LEE: Where is it up to? What is its status?

Mr Barr: That is a project being run out of Economic Development. We discussed that in the hearings last week. They reported to the committee on the major work on relocating the entrance of Exhibition Park closer to the light rail stop and the synergy—

MS LEE: It was in response to Ms Clay's question, I think.

Mr Barr: Yes; indeed—and the work that will be undertaken on the other side of Flemington Road.

MS LEE: In terms of all the projects that we have just been discussing, can you please give the committee an update in relation to commonwealth contributions?

Mr Barr: Sure. There is a commonwealth contribution towards the Bruce precinct and the Light Rail Stage 2A and 2B processes. They would be the main ones. I will take on notice whether there is any further—

Ms Geraghty: The only other commonwealth funding we have is for CIT Woden, for the Youth Foyer.

MS LEE: Could I confirm: for the Bruce precinct, there is \$10 million from the commonwealth?

Mr Barr: There is \$250 million for the AIS component—

MS LEE: For the AIS, and then \$10 million for the precinct—

Mr Barr: Yes.

MS LEE: And \$25 million for stage 2B, which—

Mr Barr: There is \$25 million over the forwards and \$50 million across the period.

MS LEE: Across the out years. Chair, thank you for the indulgence. In February this year, you made a public comment, saying that, if a number of these projects did not get commonwealth support, they might not be able to proceed. You might differ in your view, but, with \$10 million for the Bruce precinct and \$25 million, plus \$25 million in the outer years for stage 2B, there is not yet much commonwealth contribution confirmed. Are there any projects on the chopping block if you do not get commonwealth funding?

Mr Barr: No. We have money to proceed and do further planning and detailed design, with a view to, once that work is complete, approach the commonwealth for partnership on construction funding. That sits outside the forward estimates of their budget at this point, but, of course, they add projects twice yearly in their mid-year update and their annual budget round, so there are opportunities. They also, in last year's budget, announced the Urban Precincts and Partnerships Program, which they have opened for funding. They have allocated money in their budget, but they have not allocated it to specific projects yet. That is on an application basis, so we are submitting applications through that process as well. So they have allocated money, but they have not yet determined the projects. That is the process that we will be undertaking with them.

As I mentioned last week, they have been consulting on a draft master plan for Commonwealth Park and have indicated a willingness to, for example, locate a new city pool. Sometimes the commonwealth contribution will be by way of making land available for particular projects. In the housing space, there is also work underway, both in the Bruce precinct and on the former CSIRO Ginninderra site. That would be an example. I will take on notice anything further that we can provide.

MS LEE: Thank you for that. You mentioned that there is money allocated in terms of the urban precinct fund but no projects done.

Mr Barr: Yes.

MS LEE: What is the amount that has been allocated to the ACT?

Mr Barr: It is an Australia-wide allocation.

MS LEE: Oh, okay; as in “this is the fund”?

Mr Barr: Yes.

MS LEE: So you have not received how much the ACT is getting?

Mr Barr: Not yet, no.

MS LEE: Thank you. I suppose my next question is more for the Under Treasurer. Under Treasurer, can you confirm whether Treasury has sent any briefs or advice, in whatever format, to the Treasurer regarding the fact that there seems to be a lot of funding for these projects which have been committed to but not, obviously, allowed for in the budget? Have you given advice on that aspect of things?

Mr Hocking: We would provide advice through ERC in relation to specific projects and we would talk to the Treasurer regularly about the infrastructure pipeline.

MS LEE: Can you give us the detail on the advice to ERC? Is that done on a regular basis or—

Mr Hocking: That would be in relation to specific projects and opportunities for commonwealth funding et cetera.

MS LEE: You do not have to go into what the advice was, but have you given advice to ERC on all of the projects that we have been discussing just now—on each of them?

Mr Hocking: As business cases come forward from MPC or in relation to some of the other early design projects for the for the stadium et cetera, that would come from CMTEDD economic development. We would provide advice about their budget business cases to ERC and the Treasurer.

MS LEE: Again you do not have to go into the detail, but, when you do provide that advice to ERC, have there been instances where that advice has been ignored?

Mr Hocking: I think Treasury has a view on every business case that comes before ERC, and then ERC makes a decision. Sometimes they accord with what Treasury advice is and sometimes they do not.

Mr Barr: Sometimes we go further.

Mr Hocking: Sometimes we go further, yes.

MS LEE: That is a very diplomatic. Given the bulk of the funding that is not in the budget or the forwards on these projects, does Treasury have a view on whether they should be included in the budget?

Mr Hocking: We would take them on a case-by-case basis, but we would obviously take into account the infrastructure pipeline. At the moment, we have a number of major projects on the go. I think the key issue in that will be the timing of when things can commence, which, as the Treasurer said, will include beyond the forward estimates period as well.

MS LEE: So you do look at it from that perspective in terms of the long term?

Mr Hocking: Yes.

MS LEE: I do not know that you went directly to the point of my question, which was: given that it is such a long-term infrastructure plan, should they be in this budget?

Mr Hocking: Sorry; can you just repeat that?

MS LEE: Should all of those commitments, given some of them are, as you have confirmed, out to the outer years, should they be contained in this budget?

Mr Hocking: For some of these projects we are at a very early stage, and the questions for Treasury are: are they projects that fulfil a community need and make sense and is it worth starting the early design at this point given the infrastructure pipeline or should they wait a bit longer? Whereas other projects that come before ERC are at a much more mature level. Again, we would look at them on a cost-benefit analysis point of view as well as the capacity of the infrastructure program to fund them. It is very much on a case-by-case basis.

MS LEE: In terms of the “capacity to fund them”, what is the current advice insofar as you can inform the committee?

Mr Hocking: From a general budget capacity point of view, we look at it from a whole-of-budget perspective. Obviously the budget sets out a plan to improve the operating position of the budget. To the extent that the operating position improves then there is more capacity to fund more infrastructure. So we would take a balanced approach as to what is affordable within the current budget parameters.

At the moment, the infrastructure program has a number of major projects that are being funded. I think for the next couple of years at least, the infrastructure program is probably at capacity both from a financial perspective and also from a delivery perspective. So, for any new major projects that come up, we would have to really discuss the timing of them. At this point in time, probably the biggest ones that are not funded, as the Treasurer said, would have to be beyond the forward estimates period.

MS LEE: I think you mentioned that you look at the capacity in terms of funding and you take into consideration a number of different factors in giving advice to ERC on those. When you have those discussions, do you take into consideration factors other than fiscal?

Mr Hocking: I think the main one in infrastructure would be the market capacity, on which we would heavily rely on the advice of our colleagues at MPC.

MS LEE: From a Treasury perspective, are you confident that the ACT government has the capacity to pay for all of the projects that we have just been discussing?

Mr Hocking: Yes.

MS LEE: Mr Barr, just in terms of ERC, I think the Under Treasurer said that you receive an indicative cost and business case for all of those projects. Have all those factors been discussed?

Mr Barr: Yes, certainly. The ERC round for this budget was very cognisant of the strength of the works in progress component of the infrastructure program, which, on page 247, you will see is over a billion dollars in fiscal 2024-25. It tapers down a little over the forwards, which reflected both the existing pipeline of work, industry capacity and fiscal. In the context of this table, in some of the commentary, at least one industry association suggested that the new works component, that sits at the top of the table, reflects new financing as opposed to new works that already had a provision for them. I will learn the lesson of people misunderstanding that table and refer to that as new capital works financing in the future. But that indicates additional, on top of an existing works in progress or already provisioned capital works program.

It is good budget practice to make provisions for future expenditure, and that is why there is \$1.8 billion of provisions and why the number against new works is modest—because in this budget round there was already a huge program of infrastructure for 2024-25, 2025-26, 2026-27 and 2027-28. So the infrastructure program is four years hence and at pretty well full tilt for four years to complete the existing projects. Hypothetically speaking, were you wanting to bring forward a project or deliver something new that was in the scale of half a million dollars or more, you would need to drop one of the existing projects in order to do so—possibly two of the existing projects.

MS LEE: Is that under active consideration?

Mr Barr: No. That is the point I was making in response to the commentary from the former Master Builders Association CEO. I think it is worth highlighting that the intent of publishing in 2019 a 10-year forward infrastructure plan and then updating that over this last 12 months to then give a further 10-year horizon is to identify all of the projects that are under government consideration and to give people a sense that, yes, there is a focus beyond one parliamentary term, to look to the longer term, to identify all the projects.

Ultimately, over that period of time and possibly beyond, they will all need to be delivered, but they cannot all be delivered at once for factors of industry capacity and financing. I guess the decision that the ERC, the cabinet and then the Assembly needs to make is: what is the priority order for this infrastructure? That is a perfectly legitimate political debate—and one that is had. Almost everyone has a view on infrastructure and priorities. Some people may even want to add things to the list that are beyond that which are identified within the forward infrastructure plan. That is, again, perfectly legitimate and subject to political debate, industry debate and ultimately community debate.

The intent of having a long-term plan and then having a five-year projection in the budget is to give as much certainty as possible. The point I have been making is that the capacity to accelerate the delivery of a project is somewhat contingent now on commonwealth assistance. Of the projects that we are slated to deliver, some are being delivered in partnership with the commonwealth and some have to be delivered entirely by the ACT government, because there is no history of commonwealth co-investment. So there is not a precedent that we can fall back on to say that the commonwealth should fund, for example, half of the Northside Hospital. They have never been in the business

of funding public hospitals. They are, however, in the business of funding public transport projects, and there are examples in other jurisdictions where they have funded social infrastructure like arts, sport and business events infrastructure. That is why we are focusing on those projects in partnership with them.

MS LEE: So given the long-term ACT infrastructure plan, is it fair to say that, in terms of the costings, as a rough guide, there is probably about \$6 million to \$8 million that is not contained in this budget and the provisions that would probably still need to—

Mr Barr: I would need to interrogate that with a little bit greater detail, noting there will be an escalation in construction costs—

MS LEE: So it could be greater?

Mr Barr: Yes. Based on labour and supply costs, that is probably going to be somewhere between three per cent and five per cent each year in cost escalation. It would depend on the asset type. There may be emerging productivity in building approaches that may counteract some of that price inflation—prefabricated and greater use of robots in construction, which I think is something we will see in the next decade. There will be some changes to the dynamics of infrastructure delivery, and that may increase the capacity within the industry.

It is pretty clear from what we are seeing in terms of national projects, that a decision has been taken at a state and territory level, and indeed by the commonwealth, that the scale of the national infrastructure ambition is beyond the current industry capacity. The last budget round in New South Wales, Victoria and at the commonwealth level saw a reprofile and a readjustment of forward infrastructure planning and some projects dropped in the larger jurisdictions. That helps us because, obviously, we are competing often for the same workforce, particularly in projects that we will only do one of. If we are building a stadium—

MS LEE: Yes; you are not going to build 20 of them I guess.

Mr Barr: Correct; there is not going to be one in every suburb in the way that you would build a playground in every suburb.

MS LEE: I have one final follow-up question. You have talked about the option of commonwealth contributions, but aside from that and the ACT government going it alone with public funding, have you considered other funding models for these projects and, if so, what are they?

Mr Barr: Certainly we have used public-private partnerships for two projects—the light rail and the courts project. Essentially, our funding sources can be and are debt finance, commonwealth contribution, operating cash surplus from the territory and asset sales. Another way that we have used is to associate a land sale with the delivery of an infrastructure asset. That land sale can often partially and occasionally fully contribute to the cost of a particular infrastructure project. It depends, obviously, on the scale of the project and the amount of land you make available. A part of the theatre precinct will be the sale of surrounding land for purposes like car parking and mixed-use development that will generate revenue to offset some of the capital costs of delivery.

MS LEE: Is it fair to say that you do not discriminate in terms of funding models; they are all on the table when it comes to—

Mr Barr: There are certain projects that lend themselves to straight design and construct that are publicly funded because they are not particularly attractive to any private sector partner—they are not going to generate revenue. There are others where a risk transfer would be appropriate, because we do not have the capacity within ACT government. It would be an asset class that we do not regularly deliver. Light rail was an example of that. It was the first rail project built in the city in a century, and so we did not have in-house capability. We have been building up some of that, obviously, over time, but it was a logical project to involve the private sector.

Then there will be other examples where perhaps a joint venture or alliance arrangement would be appropriate. The alliance arrangement was used for the construction of the enlarged Cotter Dam. That was obviously with a government business enterprise in Icon, but that was the procurement model that was used for that project.

So it is very project specific. There is also a size of project that will attract private sector interest and a size that, frankly, would be seen as perhaps routine and may be, without being absolute here, as a generalisation, more within our local government responsibilities. But there are examples of local government assets in the waste stream, for example, that would have private sector interest and potential revenue streams that would come from the circular economy that would be of interest to the private sector. They are examples in that space.

MS LEE: Thank you.

MS ORR: Treasurer, there has been a lot of commentary for a number of years now, but particularly since the census results were recently released, regarding the ACT's population and population projection. What is the ACT government and Treasury doing to raise this issue with the ABS and are you confident the ABS methodology is improving?

Mr Barr: We have a role formally on a statistical advisory body that we have been represented on with the ABS that has been looking specifically at this. Until his retirement last Friday, Stephen Miners, the Deputy Under Treasurer, was our representative on that body. He valiantly took the opportunity, in his final meeting last week with that body, to raise a number of points, including the statistical error, in what I understand to be the last 56 data updates from the ABS, in that they have the net internal migration number wrong for the territory and have subsequently had to come back and correct it on 56 of the last 60 occasions, which tends to indicate that there is a systemic problem.

I think that is acknowledged now by the ABS. The question is: what is the alternative statistical methodology that would be able to be validated in order to give greater accuracy for that particular dataset? I will now hand over to officials—I am not sure who is going to take this one forward—to outline the process around how we are engaging with the ABS on the matter.

Mr Pirie: I have read and acknowledge the privilege statement. A lot of work, as the Treasurer alluded to, has been happening. There have been discussions from our side with the commonwealth Treasury; we have been having a number of discussions with them. We have been advocating issues through the statistic advisory committee, as the Treasurer mentioned. We have been engaging with the Commonwealth Grants Commission, in the context of their 2025 methodology review around the GST. We have raised it in that context as well.

In terms of what we are seeing, we are getting some momentum from the commonwealth. They are engaged, and the ABS are looking at it. They have an intercensal review underway, looking at the methodology they use for interstate migration. We are hoping that, to the extent that that is implemented midway through the current censal period, that will help to reduce the extent of any underestimation at the next census point. Chris Roberts might have something to add.

Mr Roberts: I have read and acknowledge the privilege statement. At the heart of the issue has been the way that the ABS go about estimating net interstate migration. They rely principally on using Medicare data. That Medicare data relies on either individuals updating their change of address or them attending a GP or a pharmacist.

In the case of relying on that data, the two particular states most affected by the underestimation using Medicare data are Tasmania and the ACT. That is principally because we have quite a young, mobile workforce in the ACT and, if there is no need for you to visit a GP or go to a pharmacist, there is really no need for you to update your Medicare statistics. We fall foul of that. It is just that interstate transfers are not picked up.

In looking at that, we have looked at other administrative datasets that might pick up interstate transfers. Principally, we have looked at ACT driver licence data. We have correlated that back with the Medicare data and we have seen that, when the ABS have actually corrected their interstate migration data—it has been re-based to census—there is actually a really good correlation. Where they have had an inflow, we have as well.

The ABS have continued to roll their methodology forward, past census, using Medicare, because there is not an agreed methodology change yet. As you can imagine, every state and territory is affected by this; we use it to allocate GST and other commonwealth payments. It is quite an in-depth process that they have to go through, with lots of agreement.

When we compare the current methodology used for estimating transfers against our drivers licence data, we see that we have a good prima facie case that there should be a positive inflow into the ACT. Yet since census they have shown nine out of 10 quarters have had a negative outflow. We are quite engaged with the ABS to see what we can do to improve this methodology that would be agreed with other jurisdictions.

They have committed to do an intercensal NIM review. They have said that is their highest priority for improving the population estimates. The review will use other administrative datasets at their disposal. It is hoped that they will bring forward any correction of accumulated errors prior to census and, if it goes quite well, they will look to do that on a more regular basis.

Also, they have looked more closely at what they call expansion factors to moderate the input data from Medicare. Effectively, they look at past errors of Medicare in estimating the interstate migration, and they apply these expansion factors differently across different jurisdictions. There have been some adjustments to that post the census. Also, they have looked at ways to improve the actual recording of household individual Medicare data.

Suffice to say it has had a very big impact on the ACT in terms of GST revenue allocation. We estimated that, leading up to the last census, there was perhaps \$190 million lost in GST allocations to the ACT because of population share allocations. If we go further and apply those to GST relativities, it is an additional \$360 million.

We have been very engaged with them, looking to see a path forward. We have had communications both at the ministerial level and at the officials level. As the Treasurer mentioned, we are a member of ASAC, which is run by the ABS. At every opportunity, we raise the issue of how to improve this methodology. Similarly, we have met with ABS officials and Treasury officials. That includes the centre for population forecasting, as well as more recently with the CGC. It is something that is very much at the front of our mind and we are putting in the effort.

MS ORR: You touched on what have been some of the implications to date, particularly with the GST allocation. If this methodology does not improve, what are the future implications?

Mr Barr: The estimated residential population is also used as the basis for allocations under various national partnership agreements in health, education, housing and homelessness, and skills, to name a few. There are others. If your population is undercounted, you are not receiving the level of commonwealth support that you would otherwise be entitled to under those programs.

That, together with the GST component, is a fiscally significant amount of money. It would go a long way to closing some of the fiscal gaps that we have had to manage over that time, because, on the expense side of the budget, the people are here and they are using the services. With all of the demand-driven programs that simply reflect the size of the population, we see the expense side but we are not getting the matched revenue component. It is significant in that regard.

Also, for the purposes of our own internal service planning, having reliable data in between the five-year census is important for planning for everything, from housing supply to school enrolments and expectations of demand in the health system. There are many areas of government that rely on accurate data. In this context, particularly in a world that is increasingly data driven, the accuracy of data is very important.

From a political perspective, I am seeking other allies in the smaller jurisdictions, because we are not the only ones affected by this; Tasmania is as well. At the moment that is helpful and it gives a bipartisan focus of engagement, particularly with some of the other states and territories as well. There are certain ABS officials who, every time I am in the room with them, know exactly what I am going to raise. That is not a surprise

to them, and it is obviously a frequent subject of engagement at the Council on Federal Financial Relations, the Board of Treasurers, and national cabinet as well, when national partnership agreements are discussed.

MS ORR: Is it just ACT and Tasmania that are most disadvantaged by this? Northern Territory is small, too.

Mr Barr: Northern Territory would also experience some of these challenges, and South Australia as well, over the time. One of the other factors, obviously, that we have talked about a lot is net internal migration. Often the point of entry into Australia for our international migration Australians is Sydney, Melbourne or Brisbane. There would seem to be an overstating of—

MS ORR: They are counted at the first point but not the onward point?

Mr Barr: Yes.

MR BRADDOCK: I would like to refer to my motion of 7 February, concerning ACT investments in companies which are associated with Palestine. The government has to report back on that Assembly resolution at the end of August. I am hoping you might be able to confirm whether the government had received advice from the Investment Advisory Board regarding the current policy settings and whether it was on track to be able to reach that reporting deadline.

Mr Barr: I can. We have, and we are.

MR BRADDOCK: The wording of that motion was quite limited in order to achieve passage by the Assembly. Is the ACT government also looking at companies that are involved in the manufacture and supply of weapons or companies that operate in and profit from Palestine?

Mr Barr: Operate and profit from Palestine?

MR BRADDOCK: In terms of human rights violations in Palestine.

Mr Barr: The scope of the current investment mandate does touch upon those issues. I have also written to the United Nations, in relation to a dataset that they commenced but have not updated for some time, to seek information from them as to whether there are any further updates on that dataset, and what process they went through to arrive at their previous conclusions, so as to provide further guidance for our decision-making process.

MR BRADDOCK: Are you familiar with a 20 June press release this year from the UN High Commissioner for Human Rights, which updated the list of companies which were involved in exporting of weapons?

Mr Barr: We are contacting them to understand the methodology behind that process, yes.

MR BRADDOCK: Will the response to the resolution also examine those other

companies which the UN has identified?

Mr Barr: The response to the resolution goes to the higher level policy settings. I will respond to the resolution in the terms that it requires and provide an update on the responsible investment policy. I think that the key element is a screening and assessment framework, not a decision by the Treasurer on individual companies. If we end up in the space that it is the personal decision of a person who occupies this role from time to time, as to which companies are invested in, there needs to be a policy framework for that. That obviously exists now, through our responsible investment policy. The question is whether that current policy setting captures the full extent of potential ESG risks. That is the specific advice that we sought.

I will update the Assembly on those matters once we have completed that process as to whether any further policy change, in terms of the responsible investment policy, is being considered. I am not yet at a point where I can update estimates because I have not gone to cabinet yet on this matter. But I do intend to respond to the issues that were raised in the motion by the reporting date that the motion contains.

MR BRADDOCK: I note that the Labor Party conference on the past weekend passed general resolution 36(g), which also called for the ACT government to divest of the companies that I just mentioned.

Mr Barr: Yes. Those matters are indeed relevant. Isn't it a good thing that we have an open political process? Neither of your parties open up your conferences to any public scrutiny at all, do you?

MR BRADDOCK: Has your approach been affected by the resolutions of the Labor Party conference?

Mr Barr: Obviously, the resolutions of the Labor Party conference are factors that we take into account in the context of setting our party's policies and priorities. General resolutions of our conference have a particular status. Platform resolutions have another status. They are all inputs, ultimately, as I think we explored last week, under the party's national principles of organisation. Our parliamentary party and caucus are the decision-maker around the implementation of particular areas of policy. Clearly, if we have a platform or general resolution, that acts as input into that decision-making process.

MR BRADDOCK: It is interesting that another resolution that passed said, "Platforms are not guidelines or suggestions for elected officials but pledge documents which territory and federal caucuses must abide by."

Mr Barr: That resolution reflects a statement. It is consistent with neither the ACT nor the federal parliament rules of our party or, indeed, the national principles of organisation. It has always been the case, in the history of the Australian Labor Party, that the parliamentary party maintains the ultimate authority to determine the implementation of policy.

MS ORR: Do the Greens publish their stuff where we can read this?

MR BRADDOCK: Yes, it is all on the website. I can send you a link, if you would like.

Mr Barr: But there is no media attendance at their conferences or events.

THE CHAIR: That is irrelevant to this today. Mr Braddock, do you have a substantive question?

MR BRADDOCK: I have some questions about the Westpac Banking Corporation, the ACT government's banking service provider. From my reading of the contracts register, the previous contract, which ran for 10 years, from 2013 to 2023, was for a value of approximately \$6.7 million. The latest contract, which commenced on 1 July 2023, to cover four years to 2027, is of a value of \$17 million. I am trying to understand why there is this significant uplift in the price of the contract and what additional services are provided for that money.

Mr Barr: I was surprised that you sent the superannuation people away without any questions and then asked a question about superannuation investments, but anyway—

MR BRADDOCK: All investments, not just superannuation.

Mr Barr: That is pretty well all of our investments.

Mr Campbell: The banking function sits within our shared services finance area. They have overall management of this whole-of-government contract. There are quite a number of elements in this contract which go much broader than previous agreements, and a lot of new products and technologies are embedded. I am happy to go through some of them because they are key changes that are relevant to the cost of the contract itself.

MR BRADDOCK: I am trying to understand the key drivers for that increase. What additional services or elements have been provided that were not provided before?

Mr McAuliffe: I have read and understood the privilege statement. The previous Westpac contract was for five years, so the value of the contract on the register was that estimated value over that five-year term. This new contract that has been entered into has an initial term and two extension options built into it. Effectively the \$17 million—I do not know the number off the top of my head—covers the initial term and the potential extension options under that contract, as required by the procurement legislation, to provide the full estimate of the contract.

MR BRADDOCK: Just to clarify, for the current contract you are talking about the period from 2023 potentially out to 2027?

Mr McAuliffe: Yes.

MR BRADDOCK: That is the \$17 million?

Mr McAuliffe: Yes.

MR BRADDOCK: Coming back to the old contract, where we were talking about—

Mr Barr: No; 2023 to 2027, with possible extensions.

Mr McAuliffe: With possible extension.

Mr Barr: So 2023 potentially to 2031.

Mr McAuliffe: I think four years is the initial term; then there is a provision in the contract which will require the territory to determine whether it wants to exercise its extension right. Then there would be a trigger to get pricing and other information out of the bank. If all of that met the territory's requirement, you could extend for the second term; then the same process would happen at the end of that term, for potentially a—

Mr Barr: Two-year?

Mr McAuliffe: I think they are three four-year; roughly three four-year periods.

Mr Barr: Yes. It is longer than four years; that is the point.

MR BRADDOCK: You said that the previous contract was for five years. I am looking at the contracts register, and it went for 10, between 2013 and 2023.

Mr McAuliffe: There was an extension option exercised under that contract.

Mr Barr: We will take the detail on notice and provide you with why there are differences, and the extra services that are being provided.

MR BRADDOCK: What are these extra services?

Mr Campbell There are a range of new products in the market. There is capacity now for scheme and EFTPOS rerouting, so least-cost routing; it is part of a new payment system approach with the Reserve Bank of Australia. There are new terminal rental collection costs, API connectivity to directorate-owned websites, a whole range of extra in compliance with payment cards and data security for services that we are required to put in place now, with enhanced privacy and cybersecurity concerns. There are a range of cards management solutions now, to enhance the invoicing and acquittal against expenditure, which is obviously critical for sound reporting.

There are some extra data analytics functions around economic and statistical data, a DataX capability, that we will be able to draw upon initially to access data about where in the ACT money is being spent and how that is being spent. There are a number of other new payment systems, including Osko, a bit like that pay ID, that pay now, immediate capacity with some of the suppliers. There is a range of new technologies built into this contract which did not exist in the previous arrangements.

Mr Barr: I will consolidate all of that information on previous contract and cost, the current contract and extension, and that list of additional capability in a QoN.

MR BRADDOCK: Thank you; I would appreciate that. I note that the gift disclosures

published by Elections ACT showed that, on 14 November last year, Westpac paid \$1,800 to ACT Labor for an event receipt. Does that create a concern for you in terms of perceived conflict of interest?

Mr Barr: No, because it was not during a procurement period. Obviously, Westpac are a large organisation, so I presume they will have attended an event. You said 14 November?

MR BRADDOCK: That is when it was received by ACT Labor, yes.

Mr Campbell: The services agreement with Westpac came into effect on 1 July.

MR BRADDOCK: But in terms of the perception of the receipt of such a gift-in-kind, whilst you might say it is not in a procurement period, it does raise questions as to appropriateness of such a gift, even if it is a large corporation, as you say.

Mr Barr: Effectively, you are arguing that declared legal corporate donations that are not part of any procurement process raise concerns; is that the—

MR BRADDOCK: I am arguing that there is the possibility of that; hence that is why I am asking you the question.

Mr Barr: I think that the declaration process is the important element here. If there were undeclared donations then that would be of significant concern, but the fact is that we have an open and transparent declaration process. The alternative argument is that anyone who has any contract with ACT government cannot participate in the political process. That would find you in some constitutional difficulty, I would have thought.

MS ORR: Chief Minister, can you clarify this for me: if a donation is made to the ACT Labor Party, it does not necessarily go to the parliamentary wing? You would not necessarily have oversight of it, per se. The party secretary receives those—

Mr Barr: Indeed, yes. Corporate donations, under Australian and ACT electoral law, above whatever the applicable threshold is, are declared. But if the suggestion implied in the question is that somehow the banking tender that had already been concluded was influenced by a subsequent donation by Westpac, which I presume would have been attendance of someone from Westpac at an event, and would be considered to have influenced any procurement process, I do not think there is any basis for that, Mr Braddock, because the people who undertake the assessment of a banking tender are not politicians.

MR BRADDOCK: I am not suggesting that it affected the procurement process or decision that was made; I am concerned that it might be viewed as a kickback or a reward, and even a perception of that could become an issue, in terms of the Westpac provision of services.

THE CHAIR: Is that a question?

Mr Barr: No, I think that is a statement.

MR BRADDOCK: I will rephrase it as a question. Are you concerned that Westpac's gifts to the Labor Party compromise its ability to provide impartial services to the ACT government of the day?

Mr Barr: No. Let us be clear: no, certainly not.

MS LEE: I have some questions in relation to the commonwealth transfers, the SPP, specific purpose payments. Can you clarify for me that, in the ACT budget, those SPPs are classified as SPP national partnership payments, financial assistance grants and municipal services?

Mr Barr: That sounds like the list. Also, on page 214, under "Commonwealth Government grants," there is general revenue assistance, payments for specific purposes, national partnership payments, and financial assistance grants to local government.

MS LEE: According to the commonwealth, in terms of their budget paper 3, this year's national pool of SPPs is worth some \$91.5 billion, and the ACT receives \$1.48 billion of this, or 1.61 per cent of the pool.

Mr Barr: In fiscal 2024-25?

MS LEE: I want to make sure that we are on the same page, before proceeding.

Mr Barr: There is \$1.21 billion in national specific purpose payments, just under \$72 million in financial assistance grants to local government, and national partnership payments of \$107½ million. That is looking like about \$1.4 billion, yes.

MS LEE: When we extrapolate that out, it is 1.61 per cent.

Mr Barr: Of the total—

MS LEE: Of the national pool, yes.

Mr Barr: Yes.

MS LEE: How is the ACT share calculated in terms of the national pool? Is it based on a program-by-program negotiation? Is it based on population? What are the factors?

Mr Barr: Population is a factor, but not the determining factor in every agreement. There is a needs-based overlay as well, and some elements of national partnerships will also potentially have jurisdiction-specific additions reflecting, for example, remote, rural and Indigenous. Those sorts of elements will see, for example, the Northern Territory receive way more than their population share. That then diminishes the strict per capita allocation for the other jurisdictions. Our national population share would be about 1.75 or thereabouts, roughly, but it does reflect our higher socio-economic status, and lack of remote and regional elements would be factors in some of the agreements.

Mr Hocking: Probably two of the largest agreements are the health agreement and the education agreement. There are lower level population splits in that, in that the health

agreement depends on hospital activity, and the education agreement depends on school student numbers, not the total population, so there is variance of the population share.

MS LEE: You talked about the 1.75 per cent being the ACT share, and then receiving 1.61 per cent. It does not sound like much, but that equates to about \$128 million.

Mr Barr: Yes. The GST allocation does account, because we receive about two per cent of the GST pool for our 1.75—

MS LEE: So that has been adjusted.

MR BARR: so there is a counterbalancing adjustment in that regard. The main issue goes to assessed need in some of the agreements. For example, in the education agreement, there is a significant additional loading for number of Indigenous students, rural and remote students, and students with disability, and the relative share of that within your jurisdiction. Some Australian states have a much larger Indigenous population than we do. We are at about two per cent. I think the Northern Territory would be in the order of 50 to 60 per cent. Some other jurisdictions—WA and Queensland, for example—have a large loading for their rural and remote. At the other end of the spectrum, Tasmania would have additional loadings, particularly in health, for the fact that its population is considerably older than in our jurisdiction.

MS LEE: You have consistently said, in the public, to media, in speeches and the like, that, with federal Labor being there, we get a better deal. But when you look at the history of what the ACT has received under both federal coalition and federal Labor, that does not play out in terms of the SPPs. I am guessing that the factors that you have talked about in the needs base, including the Indigenous population, remoteness and the like, have not changed. Have you been a bit disingenuous in spruiking that?

Mr Barr: No. The principal issues that we have encountered in some areas of commonwealth partnership payments have been political decisions taken around eligibility for particular programs. Commonwealth coalition governments—I will speculate at the behest of the National Party—have often had large rural and regional programs and allocations that the ACT has been specifically excluded from, because we are not considered regional by the National Party. In other instances there have been, for example, city deals that were an element of the Turnbull government. For many of those city programs, Canberra was excluded and not considered a major city, so we were not eligible for those programs, either. It can be quite frustrating to be not regional and not a city. That leaves you with almost no status in some of those programs.

They would be two examples that I would highlight. Another relates to infrastructure funding. There were some elements of commonwealth-funded infrastructure where the commonwealth would contribute 80 per cent and states, principally, would contribute 20 per cent, because the project was considered regional, rural or remote. The ACT was never the beneficiary of an 80-20 funding split on an infrastructure program.

We endeavoured to get this outcome for roads that sit within Namadgi National Park, for example, that are clearly not urban roads. We would seek a commonwealth contribution, and equivalent roads in other states and territories would have an 80-20 funding split. The previous federal government was not particularly interested in

undertaking that funding split. That would be another example.

The final element which is clear is allocated infrastructure as part of the annual commonwealth infrastructure budget. There is always a debate to be had about infrastructure allocated in our jurisdiction that is for projects for the Canberra community versus infrastructure allocated for a wholly commonwealth-owned asset that is essentially for a national purpose.

MS LEE: We are in a unique situation, in that regard, yes.

Mr Barr: Yes. As an example, the War Memorial project—

MS LEE: Like the AIS.

Mr Barr: The AIS does have an element of service provision and partnership with our Academy of Sport and Canberrans have access to the facilities that you would not otherwise get. Certainly, residents of other states and territories are not really able to access that. But, for example, the War Memorial project is obviously one of national significance and it is a tourism benefit for the ACT, but it sits wholly in the commonwealth sphere.

An example that I think is more relevant that I would count as a commonwealth project that is wholly funded by the commonwealth—an asset that is owned by the commonwealth but the major beneficiaries will be ACT residents—is the Commonwealth Avenue Bridge widening and strengthening project. That is one that does sit wholly in the commonwealth arena, but clearly it is of benefit to the ACT.

A more interesting one to analyse is the new multibillion-dollar national security precinct that is being built adjacent to Parliament House. Clearly, there will be construction industry benefits for us. There will be long-term workforce benefits. They have located it on a proposed light rail stop, so there is benefit there, but a national security project obviously also has implications for the nation. I do not think you could say that is solely a project for the ACT, but it does have benefits for the ACT.

Commonwealth infrastructure can fall into a number of different categories. While I accept that it is open for debate as to what is the level of benefit for us, I would say that Commonwealth Avenue Bridge is a greater benefit for Canberrans than the War Memorial project. You are nodding your head. We might be in agreement on that.

MS LEE: I am nodding to say I understand and I see your point.

Mr Barr: Yes.

MS LEE: You have vented your frustration that, under the federal coalition, you were left out of the cities on the one hand and then left out of regional on the other—

Mr Barr: And a number of local government programs as well, where, even though we have local government status, we have been deemed not to be eligible for programs like that. Other examples would be: are our universities regional or city? We have often found that we have been excluded from that. When I say “we”, I mean principally the

University of Canberra. The ANU obviously is a federal university.

MS LEE: That is a different kettle of fish, yes.

Mr Barr: There are different criteria there, and the ANU has received funding from both federal Labor and federal coalition governments. History might show that it has received more from federal Labor, but I am willing to be corrected on that, if someone wants to go back over 50 years on that one.

MS LEE: I have got some figures here, if you would like.

Mr Barr: Certainly, the university sector has generally fared better under a Labor government.

MS LEE: Just going back to the question, you lamented that you missed out on city deals, on regional deals and on deals for the uni—

Mr Barr: And transport infrastructure projects.

MS LEE: I am going to take it one at a time, if that is okay. Do you get access to city deals now?

Mr Barr: That program per se has, I think, run its course. There was an announcement at the weekend of a new Minister for Cities, so I will be seeking to engage with Senator McAllister, who I know well, who has taken on that role. She was the Assistant Minister for Climate Change and Energy, so I have an existing working relationship with her. So that will be an opportunity, yes.

MS LEE: Can I rephrase, then: are there deals that other cities have access to in terms of eligibility that Canberra does not at the moment?

Mr Barr: Under the current government, an example is the urban precincts.

MS LEE: I was about to say that. I know you have talked about that one.

Mr Barr: That is the sort of program that we would have missed out on under—

MS LEE: Other than that, are there any deals or programs that—

Mr Barr: Yes. We have the National Capital Investment Framework. That is a specific agreement—

MS LEE: That we are not eligible for.

Mr Barr: That we are not eligible for?

MS LEE: Yes.

Mr Barr: No. We have now become eligible for a range of things and we have the National Capital Investment Framework as an overarching agreement.

MS LEE: So there is no program that we are not eligible for now?

Mr Barr: Under—

MS LEE: What about regional?

Mr Barr: We would need to take on notice, because I do not know every single one. There will obviously be some programs that we are not eligible for. Anything maritime related, clearly—

MS ORR: We have still got half an hour, so you can just list every commonwealth program and whether we are eligible or not.

THE CHAIR: No. I was just going to say can we perhaps—

Mr Barr: I mean, if the intent of the question is—

MS LEE: Are you taking it on notice?

Mr Barr: Can I interpret the question to be: are there any programs that we would feel we would legitimately be eligible for but that we have been excluded from? I will take that on notice to see if there are any that we have identified.

MS LEE: I am going on the fact that you felt you had been left out of everything because of the city and regional, and I am just saying: are there any current ones that you were left out of?

Mr Barr: I do not believe there are any that we would claim that we are eligible for but we have been explicitly excluded from because of a political decision.

MS LEE: In terms of infrastructure, you talked also about missing out on 80-20 funding. Are there any 80-20 commitments that have been delivered to the ACT under federal Labor?

Mr Barr: Not at this point, no, partly because they are looking to move away from that National Party funding model. That is the subject of some contention in the other jurisdictions that are used to receiving 80 per cent. They are somewhat unhappy about that. Because we have never been the beneficiary of an 80-20 arrangement—we are used to fifty-fifty—that is less of an issue for us. We are not missing out on anything because we never had access to it before.

THE CHAIR: There was Healthy Waterways funding back in about 2013 that I think was—

Mr Barr: I am talking in transport infrastructure.

THE CHAIR: But that was, I think, 90 per cent federal funding.

MS LEE: Yes; it was massive.

THE CHAIR: It was \$85 million or something.

Mr Barr: I am talking about transport projects under a specific commonwealth infrastructure program.

THE CHAIR: I thought you were saying there was nothing that had been eighty-twenty.

Mr Barr: No, I was not saying that; I was talking specifically about transport projects because it is the subject of a current argument within the federation that our roads, for example, are not deemed rural, regional or remote—even the ones that are.

MS LEE: In terms of the original purpose of the question, you have spoken multiple times in the public arena about the ACT getting a better deal under federal Labor, but analysis of all of the SPPs, if you go back over both Labor and federal government coalition governments, would indicate that that is actually not the case at all.

Mr Barr: I am not sure that I accept that, but I will—

MS LEE: I will put these figures to you and if you want to correct the record, please feel free. If you go back to 2007, when Mr Rudd became Prime Minister, as an average it would be 1.6 per cent under the coalition and 1.46 under Labor.

MS ORR: I think that was a comment. Chair, can we move on?

THE CHAIR: Yes. Can we move on.

MS LEE: I guess the question is: why are you continuing to not be up-front with the public?

Mr Barr: I reject the assertion made in that question.

MS LEE: Feel free to correct the record, if you would like.

Mr Barr: I think the people of Canberra have reached a conclusion both in terms of actual decisions taken and in terms of the view and outlook of federal governments, and the view and outlook of particular prime ministers towards our city. There is quite a difference. The current Prime Minister does not go around the country bagging Canberra in the way that the opposition leader does and past Liberal prime ministers have—whether that is to refer to the place as a bubble or to say that people who work in the public service in Canberra are the first that will be cut. Many other colourful quotes have emerged over the years from conservative prime ministers. You would all be aware of them because you do not like them either.

THE CHAIR: Let us move on.

MS ORR: I second that.

THE CHAIR: I have a question relating to the Pegasus review of the budget. Page 14

of the review says:

The ACT has a strong balance sheet, but that position is deteriorating over time.

On page 20 it says:

... the current fiscal trajectory is not sustainable over the long-term.

They cite a tripling in net financial liabilities since 2013; growth in net debt from \$312 million in 2013-14 to more than \$12 billion at the end of the forecast period; and growth in interest expenses from less than four per cent of revenue in 2014 to 8.8 per cent in 2027. Additionally, in section 8.4, it notes that net worth “is often regarded as the best measure of the sustainability and intergenerational equity of a jurisdiction’s fiscal position” and that the ACT’s net worth has declined from 47 per cent of gross state product in 2013 to around 25 per cent in 2027. Could you let me know what is driving this deterioration in fiscal position?

Mr Barr: The main drivers have been the pandemic response.

THE CHAIR: Since 2013?

Mr Barr: You asked me to list them. I provided one and then you interrupted. Am I okay to continue the list?

THE CHAIR: I think so.

Mr Barr: Okay. Thank you. From 2013-14 there was the Mr Fluffy buyback. The process of removing deadly loose-fill asbestos as a risk from more than 1,000 homes involved borrowings of over a billion dollars. That contributed to both the net debt and the amount of interest paid on that particular loan for the duration. We have paid that back. We refinanced, we paid the commonwealth back on that matter, but there is an ongoing legacy for the community in the order of \$250 million to \$300 million, and the accrued interest on that payment.

We have experienced a number of economic shocks that have been partly pandemic influenced, but also some international conflicts have driven particular outcomes for the Australian economy that have flowed through to territory economy. We also, clearly, are in a very significant investment phase on the infrastructure side, and we have talked extensively about that today. There is debt-financed infrastructure in the general government sector and in the public trading enterprise. Some of that debt-financed infrastructure delivers ongoing services and revenue to the total territory sector.

An example in the PTE area is the expanded Cotter Dam. That was an expensive project—a once in a century project. Icon Water then sells the water that we have been able to store in that expanded dam and does generate revenue off that, so not every bit of government debt-financed infrastructure is social infrastructure that has no economic return. Other bits do, and that is one example. The Big Canberra Battery is another where there is a revenue return to government. In the public trading enterprise area, investments in Housing ACT do return some revenue but not a market return, given the

nature of the tenants that we house through that infrastructure investment.

There is revenue that comes back to the territory from public transport fares, so the investment in public transport infrastructure does generate some income return for us. There are other assets—for example, the Centenary Hospital for Women and Children; the University of Canberra Hospital; the Canberra Hospital expansion; and, projecting across the forward estimates, the new North Canberra Hospital—that are clearly essential health infrastructure but come with a cost. We bear both the infrastructure cost and interest associated with that, but we are then able to provide expanded health services. Those health services also come at a cost. If the alternative position is to not invest in infrastructure then I think our community wellbeing and health outcomes would be the poorer for that.

Other examples are in the education area. There are numerous new schools that have been built to service growing communities. Investments in road infrastructure, in emergency services, and in police and community service infrastructure, all of which have been detailed and outlined in the budget papers since 2013-14, have collectively contributed to growing our asset base, but a proportion of those has been debt financed.

The alternative approach would have been to delay the delivery of infrastructure to a point at which we pay for it out of operating cash. Perhaps the best analogy, Ms Lawder, is to ask: would a household wait until it had saved up all of the money to buy a house or would it take out a mortgage and live in the house and pay it back over time? That, I think, is a useful analogy. The difference, of course, between a household and government is that government never retires. Presumably, whilst ever we remain a functioning democracy, government will continue. Government's income, history shows, increases every year, and the demand for services will clearly increase as well.

On the specific elements of the Pegasus report, we have provided the committee with a government response that goes to the questions of the territory's asset-based net worth and the fact that those assets are revalued every year as part of the budget process. That will, in time, as we add to the territory's asset base, increase that base and our net worth, and history shows that it has.

MS LEE: Mr Barr, you talked about a lot of factors in responding to Ms Lawder's question. You went into great detail about a lot of investments that you have made. Given that you have also talked about the return on those investments, how do you justify the recent years of not growing the territory's net worth in terms of those investments?

Mr Barr: We are in an investment phase at the moment, so a number of the assets that are currently under construction, once they are complete, will come onto our asset register and the valuations for those assets will be undertaken and updated in future budget rounds. I might ask officials if there is anything else.

Mr Campbell: No.

Mr Barr: That pretty well covers it?

MS LEE: Maybe if I put this in context, you can answer completely, Mr Campbell.

Given that the net worth has declined from 47 per cent of GSP in 2013 and is going to be around 25 per cent in 2027, and noting your answer that we are in an investment phase, I suppose the question is: how bad does it have to get in the forward estimates before we see that lift back up?

Mr Campbell: I think one of the things that is important to note with all of these measures of net worth is that they are not actually looking at the counterfactuals. If you do not undertake various investments, particularly in health and education, you will actually decrease the productivity in the economy, and that is a very difficult element to measure and value, going forward.

You are buying, effectively, a more highly productive, highly human capital engaged community. But that is not actually captured in the accounts. An element of what is going on here is that you undertake these large, lumpy investments over time because you have some assets that come to end of life. Some of that gets captured in those estimates, but the benefit of making that investment is not truly captured in the accounts. Ideally, we would be able to measure that and factor that into the budget and say, “We are going to have a productivity bonus and that will deliver higher revenues and higher living standards over time,” compared to a situation where if you had not made that investment you would have bigger lines and people trying to get into schools and various facilities. I think that is just one cautionary note around the way we measure budgets.

Mr Barr: I will put on the public record—it is there in the budget papers—that the general government sector net worth has increased by \$8.3 billion between fiscal 2006-07 and 2022-23, so our—

MS LEE: Sorry; 2007?

Mr Barr: Between 2006-07 and 2022-23 there has been an \$8.3 billion increase in GGS, general government sector net worth.

MS LEE: I do not think anyone answered the question about seeing the decline from 47 to 25. Noting that we are in the investment phase, how much deterioration are we going to see before we start to realise the dividends?

Mr Barr: The dividends come both financially and, as Mr Campbell was explaining, in wellbeing for the community. Government does not make all of its investment decisions based purely on a financial return. If you did that, government would not invest in a range of essential areas for the community because—

MS LEE: No-one is arguing that. I am just saying that, based on the figures in the forecast, have you got—

Mr Barr: No, that is not the metric that is particularly relevant to—

MS LEE: Okay. Maybe I will rephrase the question. Based on this, have you got modelling to say how much further it will deteriorate? Leaving aside and acknowledging that there are other factors, the question is about the situation here.

Mr Hocking: I think there are a couple of points here. As we invest in assets, eventually those assets will appear on the positive side of the equation. You borrow money to invest in an asset and it becomes an asset on your books. The two things that we focus on most heavily that will, over time, improve net worth are generating operating cash—improving the operating cash position—and also the plan to pay off our super liability. Part of our fiscal strategy is that those two things should see our net worth starting to improve over time.

MS LEE: Okay. And have you got modelling to indicate when that might—

Mr Hocking: We have got the forward estimates that we published.

Mr Barr: It is updates. We will update every year. That includes a revaluation of the territory's property, plant and equipment assets. There is not an indexation or a revaluation of that across the forwards. That does happen, though, as part of the annual budget process, so those elements will be revalued next year. I think it is fair to say that the trajectory of revaluation is upwards, not downwards.

MS LEE: Okay, and have you got—

MS ORR: Chair, just noting the time, can you indulge me in asking if you are willing to ask Ms Lee to finish up her line of inquiries so that I can have a bit of time.

THE CHAIR: Sure. I am certainly keeping track of all the questions and how long they take.

MS ORR: Yes.

THE CHAIR: So far, this question is consistent with the previous questions.

MS ORR: That is fine. I am just noting that we are almost finished—

THE CHAIR: I note that we have the same officials back again tomorrow, so it is not our only opportunity.

MS ORR: Yes.

THE CHAIR: Ms Lee, do you have one more question you would like to ask on this before we move on?

MS LEE: I will ask this one, given that it is the last one. Have you done forecasting in the medium term, and is that something that you can publish for the committee?

Mr Hocking: Not recently, beyond the forward estimates, including the infrastructure program going out an extra year. I am not aware that we have any more medium-term modelling.

MS LEE: I see Mr Campbell shaking his head as well.

Mr Campbell: No. That is correct.

MS LEE: You do not have any? All right. Thank you.

THE CHAIR: Thank you. We will move on.

MS ORR: I was reading a policy proposal that has been put forward by another party. I must say it has made me pay attention to the water extraction charge in a way I have not previously perhaps paid attention to the water extraction charge. I want to get a little bit of an overview of that charge. I know it is set at a certain per kilolitre extraction cost. I do not know who best to direct this to, but I want to get an idea of, with that particular cost, where that money goes, what it is covering, how much of it is not allocated to funding and what the implications might be if it was hypothecated to something specifically. I am not sure if this is the first question you have ever received on this.

Mr Barr: I think over the years it has been the subject of some interest.

MS ORR: Okay. I am bringing it back.

THE CHAIR: The clubs have always been interested.

Mr Barr: They have, yes.

Mr Brown: I have read and acknowledge the privilege statement. The water abstraction charge is charged to people licensed to take water in the ACT. That will include Icon Water, being the largest, as well as some of the types of clubs that people were just talking about, and other water users in the territory. It is set by the ACT government and it is charged to recover catchment management costs and environmental costs associated with water abstraction.

MS ORR: Do you have any greater insight into what is meant by catchment management costs and environmental costs associated with water abstraction? Is it the cost that you need to cover to take the water or is it about broader environmental catchment costs?

Mr Brown: This is probably a question for EPSDD and the Office of Water, but I can give you my understanding of it. It is about broader costs relating to catchment management, keeping our waterways safe and healthy, and those sorts of things. For the detail, that is in EPSDD's space. The estimated costs that we look at come from them.

MS ORR: That is fine. This question is probably for Treasury. Does the cost go into consolidated revenue?

Mr Barr: It does—yes.

MS ORR: If that money, as per the proposal that has been put forward, were hypothecated to a particular project, what would the impact to the budget be?

Mr Barr: There would be a commensurate reduction in the amount available in

consolidated revenue for all other affairs in the business of government. It is not a free revenue source that could be applied at no opportunity cost. That would be the neatest way to put it. It would have implications. It would mean cuts in other areas.

MS ORR: This is one you might need to take on notice. Do you have an indication of how many kilolitres are taken across the financial year?

Mr Barr: I will take that on notice.

MS LEE: I would have been very impressed if you had that at the top of your head.

Mr Campbell: If Icon Water were still here, they might have known.

MS ORR: I was thinking, when I started this: why did I send them home? But that is all right. I am good with that. That was my question.

MISS NUTTALL: I am interested in the Centrepay scandal that is embroiling the commonwealth's former Department of Human Services. Does the ACT use Centrepay for any of its own purposes?

Mr Campbell: Not that I am aware of. Could you expand on the question a little further so I understand? The company Centrepay—is that the—

MISS NUTTALL: Yes; indeed. There has been a scandal about it in the commonwealth government. Within the ACT, I understand that there were allegations that AGL was charging people through the Centrepay scheme when they were no longer AGL's customers. I am wondering whether that extends to AGL customers within the ACT.

Mr Campbell: We might have to take that one on notice. I assume this is an automated payment recovery system.

MR BRADDOCK: It is, through Centrelink's system, and there have been significant consequences for people who have been—

Mr Campbell: It extracts Centrelink pay or something, does it?

MR BRADDOCK: Yes. Some companies—for example, Telstra—have been utilising that to repay bills to the detriment of the individuals.

Mr Barr: It is a voluntary bill-paying service which is free to Centrelink customers. You can use Centrepay to arrange regular deductions from your Centrelink payment. That is the one we are talking about?

MR BRADDOCK: That is the one we are talking about.

Mr Barr: Certainly, we would not be using it, but is the question: would anyone who is voluntarily using it be making deductions to pay any ACT government charges? Is that the question?

MR BRADDOCK: Yes. Or is the ACT government or any associated territory owned corporation partnered with Centrepay to garnish people's Centrelink payments?

Mr Barr: In that case, Icon—

MS LEE: To do a Robodebt—is that what you are saying?

MR BRADDOCK: A version.

Mr Barr: Docking for Icon or Access Canberra.

MS LEE: Rates?

Mr Barr: I will need to consolidate that across government, because that would involve multiple agencies, so we will take that on notice.

MR BRADDOCK: Thank you.

THE CHAIR: Mr Braddock, do you have a question?

MR BRADDOCK: Do the big four consultancy firms pay payroll tax here in the ACT, and, in particular, do their partners pay payroll tax?

Mr Barr: I think yes.

Mr Hocking: The first part is definitely yes. Regarding partners, I do not know whether Mr Salisbury knows anything about whether their salaries would be—

Mr Barr: There is possibly a taxpayer privacy issue.

MS ORR: The enthusiasm is very strong.

MR BRADDOCK: If it assists, the Senate inquiry into management and assurance of integrity by consulting services identified that there was an issue with partners.

Mr Barr: Sure. I will let the commissioner endeavour to grapple with this one.

Mr Salisbury: I have read the privilege statement and understand it. I am going to be a little bit oblique with my answers.

MR BRADDOCK: It is refreshing to have that stated at the outset!

MS LEE: At least you are being up-front about it!

Mr Salisbury: It is a taxpayer privacy issue, so I have to be very careful about what I say. Each firm would be paying the amount of payroll tax that it is liable to pay, and we would have a compliance program to ensure that is the case. As to their payroll tax liability, I could not comment on that, but we would expect that they would be complying with the payroll tax legislation that operates in the ACT.

Mr Barr: You could presume that they would be paying payroll tax in one of the states or territories, depending on the nature of operations, but they would not be paying duplicates.

MR BRADDOCK: My question is more in terms of: whilst they might be paying it for employees, they would not necessarily pay it for the partners.

Mr Salisbury: It would depend on the individual arrangements and whether they take the form of an employee type relationship. It would be a contract-by-contract review of the individual arrangements between the partners and the firm. That may fall within the payroll tax net or it may not.

MR BRADDOCK: There are no plans for reforms to the payroll tax system to capture such high net worth individuals and what they are being paid?

Mr Salisbury: I will take that on notice, please.

MR BRADDOCK: Thank you.

MS LEE: Could I ask a few supplementaries on payroll tax—

THE CHAIR: Yes.

MS LEE: Thank you—now that you have opened that up and Mr Salisbury is here, whether he would like to be opaque or not! A number of people have raised concerns about payroll tax, certainly in relation to the ACT-New South Wales border. Obviously, a lot of people have said that they have shifted their business to Queanbeyan or wherever and still primarily serve ACT customers. Concerns have been raised recently in relation to bringing forward the increase of the threshold. People are concerned about that. Has the Treasury done any modelling or work on whether there is significant leakage, I suppose—for want of a better term—and, if so, how much would that be?

Mr Barr: Tax expenditure statement reports have been made. The first one that comes up is for fiscal year 2021-22. It says:

Payroll tax is a self-assessed State and Territory tax levied on an employer's payroll. In the ACT, a business is liable for payroll tax if their payroll exceeds \$2 million per year in wages Australia-wide and the tax is calculated based on wages paid or payable in relation to services performed in the ACT. The total taxable payroll includes wages and salaries, allowances, superannuation, fringe benefits and contractor payments.

It goes on to say:

Table 4 shows that the Territory's tax expenditure on payroll tax was \$214.7 million ... mainly due to growth in the number of small and medium businesses who were exempt from payroll tax because of the ACT's high tax-free threshold and increase in the estimated expenditures for exempt employers.

MS LEE: What page is that on?

Mr Barr: This is on page 12 of *Tax expenditure statement 2021-22*. It has been updated. Essentially, because of our higher tax-free threshold for small and medium businesses, the estimate was that we were foregoing—that is, not collecting—\$164 million in revenue in fiscal year 2021-22. We were not collecting \$22 million in revenue from the charitable sector because they are exempt; not collecting \$21 million in payroll tax from non-government schools because they are exempt; and not collecting \$7 million in payroll tax from non-government hospitals. Exempt wages were from group training organisations—trainees and apprentices. We were not collecting \$490,000 in revenue, and we were not collecting \$230,000 in exempt wages for businesses that employed long-term unemployed people. The total cost across all those payroll tax exemptions that we were not collecting was \$214.7 million. The tax settings on our side of the border mean we are collecting less payroll tax than we would be if we had adopted a different set of payroll tax thresholds. New South Wales has a much lower threshold but a lower rate of taxation.

MS LEE: Yes; I understand. The question was about whether any modelling had been done to account for businesses that were previously in the ACT and would have paid payroll tax but have moved. Has that been done?

Mr Barr: The answer to that, principally, is that, in fact, the arrangements are so beneficial to be on the ACT side of the border if your payroll is less than \$2 million and we are forgoing millions and millions of dollars of revenue by having that higher payroll tax-free threshold. That is reported every year as part of our tax expenditure. So, rather than an outflow, as in losing money to New South Wales because of our tax settings, we are foregoing revenue. And, if a business moves across the border and their payroll is above the New South Wales threshold, then they will be paying tax there, whereas they would not be paying tax here, unless we aligned our threshold with theirs. We have made a policy decision not to in order to support the growth of small and medium sized businesses.

MS LEE: Do you know how much, because obviously, after a certain—

THE CHAIR: Ms Lee, we are out of time for today. On behalf of the committee, I would like to thank witnesses for their attendance today. If you have taken any questions on notice, please provide your answers to the community secretary within three business days of receiving the uncorrected proofed *Hansard*.

Short suspension.

Appearances:

Cheyne, Ms Tara, Minister for Human Rights, Minister for the Arts, Culture and the Creative Economy, Minister for City Services, Minister for Government Services and Regulatory Reform

Chief Minister, Treasury and Economic Development Directorate

Blount, Ms Wilhelmina, Executive Group Manager, Policy and Cabinet Division

Chesworth, Ms Fiona, Executive Branch Manager, Better Regulation Taskforce

Bassett, Dr Louise, Executive Branch Manager, Fair Trading and Compliance, Access Canberra; and Controlled Sports Registrar

Chan, Ms Yu-Lan, Executive Branch Manager, Corporate Support and Capability, Access Canberra; and Chief Executive Officer, ACT Gambling and Racing Commission

Kamarul, Mr Matthew, Executive Branch Manager, Environment, Land and Technical Regulation, Access Canberra; Environment Protection Authority; Acting Delegate for Lakes; and Acting Clinical Waste Controller

Vaile, Dr Jodie, Executive Branch Manager, Strategy, Data and Governance, Access Canberra

McKinnon, Ms Margaret, Acting Deputy Director-General, Access Canberra; Registrar-General; and Acting Commissioner for Fair Trading

Lhuede, Mr Nick, Acting Chief Operating Officer, Access Canberra; Commissioner for Fair Trading; and Registrar of Co-operatives

Springett, Ms Emily, Executive Branch Manager, Service Delivery and Engagement, Access Canberra

Mangeruca, Mr Giuseppe, Acting Executive Branch Manager, Access Canberra

Cubin, Ms Derise, Executive Branch Manager, Licensing and Registrations, Access Canberra; Commissioner for Fair Trading; and Registrar of Co-operatives

THE CHAIR: We welcome back Ms Tara Cheyne MLA, Minister for Government Services and Regulatory Reform. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would you please confirm that you understand the implications of the privilege statement and agree to comply with it.

Mr Lhuede: Yes, I have read and understood the privilege statement.

Ms McKinnon: I have read and acknowledge the privilege statement.

Ms Blount: I have read and understand the privilege statement.

THE CHAIR: Thank you. Miss Nuttall is starting us off.

MISS NUTTALL: My question is with respect to the EPA. I cannot see any funding in the budget for the EPA. Please do correct me if I am wrong. I would like to ask about the EPA's priorities, where it spends most of its time, and its capacity to enforce the compliance it has jurisdiction for under its act. Firstly, could you talk me through the

practical benefits of having the EPA situated in Access Canberra and how it works with the environmental protection policy in EPSDD.

Ms Cheyne: I can start, Miss Nuttall. There is not a particular budget initiative in the budget, but the EPA has a recurrent budget that it operates with, in addition to two years of funding that we spoke about some time ago. That has produced some very good results in terms of how the EPA works in its day-to-day operations with EPSDD. Mr Kamarul can take this one.

Mr Kamarul: I have read and acknowledge the privilege statement. To staffing, firstly, the staffing footprint for the Environment Protection Authority in 2023-24 has been 20 staff, which is an increase from the previous year's 19, and that is due to two particular budget initiatives. One of those was working with the Better Regulation Taskforce, which provided extra for a resource to engage directly with businesses and the community in the city centre entertainment precinct as part of the night-time economy. The other comes from planning, where a resource has been provided to support, monitor and audit compliance with the new planning system to determine the efficiency of environmental outcomes and new outcomes for the Territory Plan.

To speak to the first part of your question, the benefit of the Environment Protection Authority sitting within Access Canberra has many facets to it. Firstly, Access Canberra provides a governance structure and broader staffing support, including WHS, IT and other provisions, that would not be available to it without that broader Access Canberra support. The statutory position of the EPA also sits as one of a number of statutory positions within Access Canberra and has the benefit of working collaboratively with other regulators to apply risk-based regulation approaches to the environment. The EPA works within the broader accountability framework of Access Canberra but also has its own specific accountability measures.

To answer the third part of your question, in relation to priorities, in the last financial year, the Environment Protection Authority released its statement of expectations, which is the first statement that has been released. It set out a number of tasks and priorities. There are six priorities to be engaged in by the authority in its work, both conducting regulatory activities but looking to position itself, with the assistance of the EPP, to improve regulatory and legislative frameworks.

In the last financial year this resulted in the introduction of a bill to amend the Environment Protection Act, which did a number of things. Firstly, it added culture as a specific consideration and principle within the Environment Protection Act. It reintroduced ecologically sustainable development as a principle underpinning environmental protection in the ACT. It also increased the maximum penalties for a range of matters in the Environment Protection Act to provide stronger regulatory enforcement powers.

MISS NUTTALL: Awesome. How does the EPA undertake compliance of activities that also intersect with conservation outcomes? I think you touched on this, regarding the legislation. On the ground, what does that look like—for example, activities of the conservator's office regarding environmental impacts from building and construction activities?

Mr Kamarul: Firstly, the EPA has a very close working relationship with the conservator. Regulatory matters that are brought to the attention of both are considered by each from their own regulatory perspective. In relation to development applications in particular, where we are looking at the impact of particular developments on the environment, the EPA and the conservator are both referral entities. Both are provided with the opportunity to make comments, and both see the comments from the other.

There is a strong and robust working relationship at officer level, and in my position as the executive branch manager in the Environment, Land and Technical Regulation Branch, I have regular catch-ups with the conservator. Also, I do hold the statutory position of the EPA. That is an opportunity for matters of significant concern to be discussed. EPP staff, which you asked about, are also generally present in those meetings to provide an opportunity for policy input.

MISS NUTTALL: Do you think the current capacity and resourcing of the EPA allow it to fully undertake proactive compliance of environmental hazards and impacts?

Mr Kamarul: The resourcing for the Environment Protection Authority is prioritised on a risk-based approach to regulation. The key principles that are underpinned by the act of protecting the environment are met, to the extent they can be, by the resourcing that we have being applied judiciously to where the risk is highest, in the most serious circumstances.

MISS NUTTALL: Do you think that we are capturing the cases that are sufficiently high risk to be concerned about? Are we just meeting the high risk cases or are we meeting high and medium? What does that look like in practice?

Mr Kamarul: Good question. Certainly, those high-risk matters which are prioritised are met. I would say that my experience with the EPA, which I have been with for the last seven months, is that, broadly, the EPA is able to meet all of its compliance objectives with the resourcing it has, focusing firstly on the high order, then the middle order matters, and its really key focus on engaging in the development application process early.

So not only does the EPA have a specific resource that provides feedback on development approvals or development applications; we then complement that through the application of resources for site inspections to approve sediment control plans and those things that might be considered lower order. The staff that we have certainly are out there conducting proactive compliance checks. There were approximately 1,000 site inspections in the 2023-24 financial year for building sites. They are also engaged in a number of proactive education campaigns, working with industry to improve practice.

MISS NUTTALL: Thank you. What about when the construction stage is actually underway—not just the DA stage but past that.? Is there much that happens there?

Mr Kamarul: Regular compliance activities are undertaken. The example I have given of those building site inspections is one of the really key ones. Environment protection officers will proactively inspect, particularly at the moment, smaller residential building sites to ensure compliance with the environmental outcomes that are needed under the act but also to ensure compliance with the authorisations that are granted by the EPA

for certain activities on larger development sites.

MISS NUTTALL: Thank you very much.

MR COCKS: The motor vehicle inspection station in Hume, I understand, is open from 8 am to 4 pm on weekdays for vehicle roadworthy inspections and vehicle identity inspections. Is that correct?

Ms McKinnon: It is open five days a week during business hours, and fortnightly on overtime for particular types of vehicles that cannot be done at authorised inspection stations.

MR COCKS: From the website it looks like that is Thursdays, although it does not say fortnightly on Thursdays for a narrower set of services.

Ms Cubin: I have read and acknowledge the privilege statement. Thanks, Mr Cocks, for your question. For Thursday nights and our other inspection activities at the inspection station, we work on a booking system. People are booked into the time frames, depending on the type of inspection that they might require, and some will take longer than others. We are working with a booking situation, not having people turn up who then cannot be provided with the service, so that is how we work through that process.

MR COCKS: Until relatively recently that Thursday after hours service was not advertised as a restricted service. On the website it was categorised exactly the same as any other day. Checking a version from October last year, it was just longer hours on a Thursday. What was the purpose of the change, which it seems is a restriction? Was it to cut the resources required?

Ms McKinnon: Staff were regularly working overtime on a Thursday to do the full suite of inspections. A normal vehicle can go to an authorised inspection station any time, including on Saturday or Sunday. After consultation with the staff, we decided to trial every second Thursday. The two types of vehicle inspections there I think are heavy vehicles and modified vehicles, which cannot be done at an authorised inspection station. It is early into that. I think we are about three months into that pilot, and what it has shown, Mr Cocks, is that the waiting time has not changed for any of the categories; it is around five days.

MR COCKS: Whose decision was it to cut the hours? It sounds like the decision was around cutting overtime hours.

Ms McKinnon: The decision was around the service offering. It was my decision, after consultation with the staff.

MR COCKS: Minister, were you consulted on the decision to cut those hours?

Ms Cheyne: I was given caveat briefs about it, yes, but ultimately it is an operational decision, not a ministerial one.

MR COCKS: Did staff or staff representatives at any time raise concerns with your

office or with you about the cut to overtime or the impact on customer service?

Ms Cheyne: Not that I am aware of, Mr Cocks. I will check the record, but I do not recall that. I do recall being comprehensively briefed by Access Canberra on numerous occasions while they were considering the management of this. I would just note for the record that overtime and Thursday later nights are still available for that specialised service that cannot be done anywhere else. As you have heard, there has not been an increase in wait times. So, it does still exist, and Access Canberra did undertake consultation with staff about what the impacts would be for them, positively or negatively, as well as engage with the relevant unions.

MR COCKS: Did staff or staff representatives at any time raise concerns with their department about the cut to overtime and the impact on customer service?

Ms McKinnon: Different staff had different views, but the consultation was genuine, and the solution arrived at was suggested by staff. It also raised another issue I had not been aware of, which was what I call no-shows. I think one in 12 appointments are a no-show at the Hume, so we have two fairly highly qualified mechanics with nothing to do. We are looking at that in a similar way to a restaurant: “Give me a deposit and it will come off your fee.” If we can reduce the no-shows, it frees the team up to go and do more on-road inspections. It was a genuine consultation. I think we got an outcome with no negative impact on the customers and, in fact, more suggestions for business improvement.

MR COCKS: In terms of that restricted service offering, those other hours, how are those people who would otherwise have used this service and cannot get to your facility during the limited times it is now open expected to access this facility?

Ms McKinnon: The services that are now not offered on Thursday night are available at an authorised inspection service station. Ms Cubin, do you want to talk about how many there are? They are open on weekends and at night.

Ms Cubin: The authorised inspection stations?

Ms McKinnon: Yes.

Ms Cubin: That is another component, because they offer vehicle registration services, so people who need an inspection can utilise their authorised inspection stations. Whilst there is a restricted offering at Hume for those key aspects—and I will talk in technical terms—when lanes become free that opens up booking opportunities for people who are coming through our contact centre for a booking and then we can look to slot people in when, where or if we need it. We are flexible on what we can provide.

MR COCKS: Compared with the authorised inspection stations, is there a cost difference for people?

Ms Cubin: I will have to take on notice our booking fee and the authorised inspection station.

MR COCKS: Thank you.

MS CASTLEY: I have some questions about the Better Regulation Taskforce budgeting and business interaction. I want to start with page 21 of budget statements B, output 1.1, table 4. It outlines that the total cost of the 2023-24 estimated outcomes for the government policy and reform was \$56 million. However, this year it is only budgeted at \$49.6 million, which is a reduction of 12.5 per cent.

My understanding, if I am correct—and I am happy to be told I am wrong—is that, of the \$56 million in 2023-24, \$27 million was recurrent and the rest was for other things. In 2024-25, \$26.6 million is recurrent. In the non-recurrent funding there was a drop between last budget and this one. I am just wondering if you can let me know what that means in real terms.

Ms Cheyne: Ms Castley, output 1.1 is not just the Better Regulation Taskforce.

MS CASTLEY: I understand. I am just wondering if you can tell me that, and then I would like to know what the current funding for the Better Regulation Taskforce is.

Ms Cheyne: Sure. I will see if Ms Blount has the detail, noting her responsibilities across the directory.

Ms Blount: Thank you, Ms Castley. Yes, I do. It is actually a very small proportion of that. If you wanted to understand what it was in 2023-24, the total budget of \$1.464 million was made up of salaries and wages of \$864,000 and an additional \$125,000 in salaries and wages. So, \$864,000 is the base staffing that we had when we started the Better Regulation Taskforce with four FTE and then there was a SOGC that was added, so that was an additional \$125,000. Supplies and services were \$475,000 of that \$1.464 million.

It has dropped slightly in 2024-25 to \$1.3 million, largely as a result of the supplies and services dropping away. In the 2023-24 financial year it went up a little bit because we had a rollover. It is ostensibly the same salaries and wages, with indexation. It is \$885,000 for our base salary and then \$172,000 for our SOGC, which in that 2024-25 year will be for the full financial year. It had a part impact in the 2023-24 financial year for our SOGC.

MS CASTLEY: I will go to some comments that the Business Chamber have made in their 2024-25 budget submission. On page 2, the submission states that business is not fulfilling its potential and is being held back by regulatory settings which make it more difficult to do business in the ACT compared to other states. Is this evidence from the sector that the Better Regulation Taskforce has failed a certain element or area of business? They are still saying that regulatory burden is higher. What are your thoughts on that?

Ms Cheyne: I would not agree that the Better Regulation Taskforce has failed anyone. It established an agenda based on what we heard were the priority business needs at the time. We have been able to make some serious progress in a number of areas. I would note that, since that initial consultation was undertaken, there have been some significant reforms or changes in other areas of government that were not necessarily on anyone's radar initially, at the time, such as the planning reforms and the amount

that industry has had to learn or relearn through those, as well as things like the Urban Forest Act.

There was a construction industry round table in May, and I held an additional one a few weeks ago to have a more targeted discussion around some areas that intersect with my portfolios, like the Urban Forest Act, and the Better Regulation Taskforce had a presence there. We have identified some further areas of work from legislation that has come about that we can look to assist, and look to see whether there have been some unintended consequences that we might be able to address through regulation.

I believe Ms Blount is setting up a meeting imminently with the MBA and any other interested parties to identify where there is duplication in legislation or slightly different requirements in different portfolio legislation, so that we can streamline that and talk with one voice.

MS CASTLEY: On page 27 of the Better Regulation Taskforce document, it notes that an evaluation strategy for each measure will be established. It further notes “the development of a measure of regulatory burden, which will give a baseline measure of the current burden of regulation on business in the ACT”. Is that a body of work or a report? I could not find anything about that. I am wondering whether I have missed it or whether you are able to share something.

Ms Blount: That work is ongoing at the moment. We have been undertaking a regulatory value and burden research project, along with the ANU. The ANU is working with us on that. Their School of Regulation and Global Governance will help us to develop options to better measure and benchmark regulatory value and burden. That project has involved quantitative and qualitative evaluation methods. We are looking to see whether they can help us to develop a tool to measure regulatory burden and regulatory values so that we can repeat that and use that ongoing.

It has been designed in coordination with the business sentiment survey. It has engaged with a range of night-time economy businesses as well. But it is not quite finished yet. The research closed on 30 June. It went for a little bit longer than we had anticipated because we were trying to make sure that we got a good spread of businesses that were providing feedback to us through that, and that there was a representative sample; so we have let that run for a little bit longer than we had originally anticipated. We were going to try to finish it in the first quarter of 2024. We are bringing it to a close now, and we hope to finish it in the third quarter of 2024.

MS CASTLEY: I understand that this has taken about two years. Is it a tool to measure? Is that what you said the aim was—producing a tool to measure?

Ms Blount: Yes.

MS CASTLEY: You have not heard anecdotally from businesses; there is no body of evidence from conversations with business, like the round table? Has that not been able to inform enough to produce the understanding of what regulatory burden there is and how to change it?

Ms Blount: Yes, we have had some conversations with business separate to that, but

there is some rich information from the work that the ANU has been doing. I might ask Ms Chesworth to talk a little bit about that work.

MS CASTLEY: I understand that the body of work will be very helpful, but, in the meantime, while the businesses are waiting, what impact or change has there been for them? Not much, other than that there is lots of impact from construction. I am wondering where the help finally comes for business from this work.

Ms Cheyne: From the Better Regulation Taskforce's work overall.

MS CASTLEY: The idea was that, for two years, we have been working with the ANU to understand the regulatory burden and give a baseline measure of the current burden of regulation. With understanding that burden, that has taken a long time. How quickly will that body of work make a difference to businesses on the ground once you understand this?

Ms Cheyne: The short answer is that the work that the Better Regulation Taskforce has been undertaking is already making a difference to businesses. It might be under the Agents Act. It might be through the night-time economy reforms. It might be through the supply to government procurement guide, as well as automatic mutual recognition. In terms of the measurement and being able to measure in a consistent way the overall regulatory burden, that is where we are looking to have a baseline measure and then measure in ensuing years.

THE CHAIR: Time is up for this question.

Ms Cheyne: Mr Cocks, I need to correct the record. My staff have advised me that the Australian Manufacturers Workers Union and the CPSU met with workers from the Hume motor vehicle inspection station on 19 March, and representatives of AMWU and CPSU then met with my office via phone on 20 March. Representations were made to my office in that form, but not directly to me.

MR COCKS: With improving building quality and safety building certification services, the measure provides \$6½ million to “strengthen building certification services, including introducing improved audit and assessment activities, and to progress the 10-year pathway to shift to world’s best practice on climate-ready and environmentally sustainable buildings”.

Ms Cheyne: Where are you quoting from, Mr Cocks?

Mr Cocks: That is from the measure description in the budget outlook. My first question is: precisely what is that \$6½ million being spent on?

Mr Lhuede: That funding goes to a number of things. The strengthening building certification will look to commence in 2025. With that funding comes four positions that will be made part of our class 2 auditing and compliance team that will enact the certification processes. That is building upon existing work undertaken by that team in assessing class 2 buildings before the COU is issued. I will ask Mr Mangeruca to give some further information on that.

As part of that 6.5, there was also funding for additional positions that had been funded in a previous budget, and that funding was for five positions. It was originally for two years, pending a review of the building levy. That review was undertaken and it was completed last year. Following that, those positions were made ongoing. I will ask Mr Mangeruca to discuss the class 2 building certification.

Mr Mangeruca: I have read and acknowledge the privilege statement. In terms of the work that the team currently undertake, they undertake minimum document assessments on all class 2 buildings. They proactively inspect class 2 buildings, and the target is two inspections per site, and they undertake COU document checks on all class 2 buildings. They also provide, given that they come with a range of expertise in engineering and other fields, advice to other teams within the branch.

MR COCKS: What exactly is the world's best practice standard that you are aiming to shift to, from the description of the measure?

Mr Mangeruca: In terms of the work undertaken by the team, we are looking at expanding the work that is currently being undertaken to ensure that all class 2 buildings are subjected to a level of rigour in terms of document checks at several points throughout the process. In terms of what that will look like, the regulations which will underpin those checks are yet to be notified, so what that will look like is yet to be determined.

Ms Cheyne: Again, this is an initiative that covers several things. Some are within Access Canberra and some are within EPSDD. That 10-year pathway, I believe, is the sustainable building road map that EPSDD has received funding to progress, and that comes under Minister Vassarotti.

MR COCKS: We have ended up with activities from multiple directorates included within a single measure. It sounds like there is not a great deal of overlap between them; is that correct?

Ms Cheyne: I would not say that at all. I would say that this is about the life cycle or the life of a building from building design to construction and then certification.

MR COCKS: What is the link between the 10-year pathway funding that is going to one directorate and the building certification services funding that is going to your directorate? Is there an inherent tie between the two?

Mr Lhuede: Yes, there is. To clarify, the reference to "world's best practice" does refer to the 10-year pathway and climate-ready construction. That is policy work that will be undertaken by EPSDD. With the linkage in that, that policy work, as it is developed, will lead to the construction standards, whether they are applied through the National Construction Code or through other documents in the ACT that will be applied to buildings in the ACT. It will fall upon Access Canberra, as the regulatory agency, to ensure that those standards are being met.

Where that flows on to in terms of the government certification service is that we are now looking at building greater capability within our teams in Access Canberra, which Mr Mangeruca described, to be able to, before the issue of the COU, supplement the

work already being undertaken through private certification and do a series of checks prior to issue of a COU. Probably one of the real strengths of the ACT regulatory system in building is that the registrar issues that certificate of occupancy and use. On the basis of advice provided by private certifiers, we will supplement that through the certification program that this initiative is funding. There is, clearly, a connection.

I will add one final comment. I referenced the five previous positions. A couple of those positions are already within that team looking at certification of class 2 buildings, so it is actually ongoing.

MR COCKS: That comes under the occupations registrar function?

Mr Lhuede: Yes.

MR COCKS: How do the powers under that function to investigate allegations of dodgy building practice compare with New South Wales? What are the practical differences in those systems?

Mr Mangeruca: Looking at it at a holistic level, the ACT is the only jurisdiction which, under its construction occupations legislation, utilises demerit points, so in many ways we are nation leading in that space. In terms of other tools or regulatory levers, there are consistent powers across the jurisdiction. We can issue rectification orders, and notices under section 62 of the act to undertake building work. With the exception of demerit points, they are broadly consistent.

MS ORR: Going back to the program of work that is informing this and the broader one that sits between EPSDD with responsibilities for Access Canberra and implementation, is this part of the longer reform that has been around for, I think, about six years now and is working towards getting better documentation of architectural designs? Is this the next step in a very long-term reform program?

Mr Lhuede: I think that actually categorises it very well. The minimum documentation standards that you are referring to in a way were the first plank of that very targeted compliance and audit that the team started looking at about two or three years ago. This is the next step, which is to do more detailed assessment, more site visits prior to the issue of COU. So, yes, it is part of a continuum of work to improve building quality.

MS ORR: Correct me if I am wrong—because this is testing the memory—but, as this is all part of the ACT's response to the Shergold-Weir report and the actions that have come through the various ministerial councils, is this all work that we have to do, in a sense?

Mr Lhuede: Yes, it is.

MR COCKS: Just to confirm: it sounded like you were saying that there is no difference in powers between the New South Wales Building Commissioner and the ACT Occupations Registrar.

Mr Mangeruca: I would caveat that with: under the ACT scheme, we have the ability to issue demerit points and—

MR COCKS: But that is the only difference?

Mr Mangeruca: Broadly speaking. I am not going to go into every power but, broadly speaking, they are broadly consistent schemes with broadly consistent powers. There are differences and idiosyncrasies to the legislation for both. I am not an expert on the New South Wales scheme, but, broadly speaking, yes.

Mr Lhuede: I would add that what is really important in the ACT and what we have had in effect for a long time, prior to the issue of a certificate of occupancy, is our capacity to issue stop notices on builds—and we do that quite regularly. Also, as Mr Mangeruca said, we can issue demerit points on builders and we can take occupational discipline on the basis of that. The flip side of that is that, after a building is occupied, we can undertake directions to the builder to rectify any defective works up to 10 years after the build. That is on top of existing statutory warranty processes that exist. Those powers have actually been in the ACT for quite some time and, in some cases, preceded what New South Wales had available.

MS ORR: Minister, I believe we had a bit of commentary and feedback at the beginning of the term about the wait times at service centres. Perhaps it was not the most flattering feedback, one could say, but I believe it has improved much more now. What do you attribute the improved wait times to?

Ms Cheyne: Many things. The work on moving the services and largely having them available online began towards the end of last term, but I think the benefits have really been realised over this term, particularly as we established the concierge function at the service centres. They, I think, are pivotal in both assisting people who come in with, for example, “What is the service that you are looking to do today? Do you have all of the paperwork that you might need to bring?” and “Do you know that you could do this online?” and assisting some customers to do this with the terminals that we have available at Access Canberra service centres. What they have done in terms of streamlining the service has been terrific.

I think the bookable appointments has also really suited some of our community. Some may prefer to rock up and to wait and chance their arm, but others may only have a very specific window available in a day or a week and bookable appointments particularly suit them. Ms Springett should really take the weight of the credit for reducing the service centre wait times. But you were right, Mr Orr: they had got quite lengthy in and around 2021. But now it is well under 10 minutes consistently.

Ms Springett: Thank you, Minister. I have read and acknowledge the privilege statement. On the average wait time across our service centres in the last financial year, we were down to four minutes and five seconds. I will also cover the contact centre here as well. In the last financial year, the average wait time was one minute and 44 seconds, which was down 65 per cent on the previous financial year. I would also like to acknowledge the significant number of customers that our teams serve so well each and every day across the ACT. In our service centres, we supported over 300,000 customers with close to 500,000 transactions in the last financial year, which is significant.

MS ORR: Can I just seek your assurance that, in improving the wait times, there has been no drop in customer service provision?

Ms Cheyne: No, I would say—probably underlying what Ms Springett has just said—that the numbers of customers assisted is significant. Rather than there being a reduction in the service, I think we are getting unprompted—and prompted—feedback regularly on the standard of service. Exploring more ways to assist the community and to be inclusive, whether it is through the Hidden Disabilities work or through speaking a person’s first language, has contributed to a good experience. We have invested heavily in the design of our service centres over recent years. I think Belconnen is the most recent to open. It is much better laid out and it gives people space—and space to wait as well. It is a more pleasant environment for everyone to be in. Overall, the feedback continues to be extremely positive.

Ms Springett: Just to build on that, we do measure customer satisfaction in a number of ways. One of the ways is the “Pedestal”. Immediately after a transaction, people can let us know their response to the service they have received. In the last financial year, it was 97.8 per cent positive. We have also recently published the 2024 customer satisfaction survey, which is on the Access Canberra website. I am pleased to advise that 90 per cent of respondents found it easy or very easy when dealing with our service centres.

The other thing to note is that we have invested a lot of time and a lot of focus on staff training. We know that, when a customer gets to the counter, if they are treated with empathy, if they have a knowledgeable staff member and if they can get their business done in the one transaction, that can mitigate anything else such as a wait time—not that the wait times have been long. We do know that our customers value having a really knowledgeable and empathic person who listens to them and helps them get their transaction done. That is a core part of our focus when we look at improving that element. As a consequence, our wait times have fallen. So we have invested in the training, we have invested in the support and our wait times have followed in terms of a reduction.

MISS NUTTALL: I want to go back to the change of name and sex markers in the Births, Deaths and Marriages Act that we discussed last Thursday. Understanding that accessing gender-affirming processes, like having key identity documents that reflect your name and sex, are pretty important and should not be subject to your income, have you had much feedback about the financial barriers faced by people changing their name and sex on their birth certificate?

Ms Cheyne: I am pleased to tell you that Access Canberra has a births, deaths and marriages financial hardship fee waiver policy to better support individuals accessing any and all certificates. Within that, all fees for young people regarding change of name registrations and young people change of sex registrations are waived. Additionally, the registrar-general has discretion to waive part or all of any fee on a case-by-case basis. I personally have not heard any feedback about there being barriers—and I would expect there are no barriers, at least financially, for young people, given the fee is waived—but I will see if Ms Cubin has anything to add on perhaps the genesis of the policy.

Ms Cubin: Thank you, Minister. I think you covered the question really well.

Obviously our team work with a lot of empathy and care when they are dealing with people who are seeking to change their certificates. The ability to be able to waive a fee is just one aspect that is, I think, beneficial, because it is for some people a barrier. Being able to do means ensures that that is not a barrier for people as they are going through that process.

MISS NUTTALL: That is really encouraging. What counts as a “young” person in this particular case for the waiver? Is it under 18, under 25 or—

Ms Cubin: Let me just check.

Ms Cheyne: I suspect it is going to be under 18.

THE CHAIR: You could take that on notice.

Ms Cheyne: We will take it on notice, and we will aim to get back to you before the end of the session.

Ms Cubin: I think it will actually be a young person from the age of 14, because obviously they can independently apply to change their registered sex and given name. I think the key aspect is that, when you are 14, your financial capability is not maybe as broad as other people. I think that is the benefit of the fee waiver—that they can move through that.

MISS NUTTALL: I think we are looking specifically for the upper limit rather than the lower limit as well.

Ms Cheyne: We will confirm that for you, Miss Nuttall.

MISS NUTTALL: Thank you very much. I appreciate that.

MR COCKS: Returning to the building certification services, as the appropriate official approaches, perhaps, Mr Lhuede, you may be able to answer this. I have heard concerns around the demerit point system in that it does not provide sufficient disincentive or penalty for those builders who are repeat offenders nor does it provide a particularly useful mechanism for people to determine whether a builder has been subject to issues in the past. Have you had complaints of that nature? Has the demerit point system been evaluated?

Mr Lhuede: I will go to two points on that, and I might answer the second part first. The demerit point system is not made public. It is an internal register whereby we track and maintain the number of points issued against a particular licensee. In a moment, I might hand over to Mr Mangeruca to give some of the numbers around that. It is an internal mechanism and, in that sense, that information is not publicly available. However, what demerits do lead to and are grounds for is potentially occupational discipline, and that is made public. That could be suspension or cancellation of a licence at the most extreme through to a range of other actions in terms of warnings, or even conditioning of licences.

On the basis of demerit points, we have undertaken occupational discipline against

licence holders. I believe last year two cancellations were issued but there was also other occupational discipline. So it definitely leads to action, and it has shown to be quite a useful tool for us because, instead of allowing matters to build up and the first response to a construction occupation, whether it be a builder, an electrician or a plumber, being occupationally disciplined, we are able to give them advice that they are up to a certain range of points and we can give warnings, reprimands and condition licences.

MR COCKS: Has an evaluation been undertaken?

Mr Lhuede: Not in the sense of a review of the demerit point system since it has been put in place.

MR COCKS: Thank you. You mentioned that some of this funding was going towards certifiers. How many qualified certifiers and how many qualified engineers are employed under the Occupations Registrar?

Mr Lhuede: At the moment, we have three positions that are designated, for want of a better term, for certifiers. There are other people with certification qualifications working within the various teams, but three of them are focused as certifiers.

MR COCKS: Are those three positions filled?

Mr Lhuede: Yes, and we have two structural engineer positions dedicated.

MR COCKS: How are private certifiers audited?

Mr Mangeruca: In terms of their works, we have a system of proactive compliance where, if there may be a complaint or any certification paperwork that has been provided, it is reviewed. If there are any issues that arise from that, we will undertake further investigation of that.

MR COCKS: How often are physical inspections undertaken?

Mr Mangeruca: In terms of?

MR COCKS: In terms of inspecting a job that a certifier has certified to ensure that what they have certified actually meets the requirements of the building code.

Mr Mangeruca: In terms of construction inspections, 847 construction inspections were undertaken last financial year. Across all the branch and all types of inspections—for example, electrical, plumbing, gas and construction—close to 60,000 inspections were undertaken.

MR COCKS: How many of those are undertaken by those qualified certifiers?

Mr Mangeruca: I would have to take that detail—

Mr Lhuede: I would add that the certification team are focused on our class 2 buildings. All documentation is assessed against minimum documentation standards at the BA

stage by that team, and the certifiers and engineers are part of it. So all of the minimum documentation is assessed. At the end of the process, all of the documentation around the certificate of occupation and use is also assessed.

MR COCKS: That is documentation. I am interested in the physical inspections.

Mr Lhuede: I understand the team aimed to do two site inspections for class 2 buildings over the course of their construction.

MR COCKS: What about other classes of buildings?

Mr Lhuede: The certifiers are working in a very targeted way for classes 2 to 9. We have our audit teams broken into classes 1 and 10A, which is single-dwelling—

MR COCKS: Are classes 1 and 10A being inspected?

Mr Lhuede: They are being inspected but not at that level of intensity. Those are the inspection numbers that Mr Mangeruca just reflected on. It is not a 100-per-cent-level audit as elements of the classes 2 to 9 buildings are. That program, to date, has been designed to reflect the level of risk.

Ms Cheyne: I think it is worth emphasising that this is taking a risk based approach, and the risk is in building classes 2 to 9.

THE CHAIR: I have a quick supplementary, and Ms Orr has too. You aim to do two inspections. How many are you actually achieving?

Mr Mangeruca: In terms of the actual number of inspections that were conducted by that team, I would have to take that aspect on notice.

THE CHAIR: If you are indicating that, what proportion of them is that? If you are aiming to do two inspections and there are 3,000 jobs to inspect, how many did you actually do, and what proportion is that?

Mr Mangeruca: As Mr Lhuede pointed out, we undertake a rate of 100 per cent. In relation to class 2 buildings, there is a 100 per cent review rate and the aim is to visit all those sites at least two times. In terms of how many inspections were actually undertaken, I will need to take that on notice.

THE CHAIR: That is the question I am after. Ms Orr.

MS ORR: Mr Lhuede, picking up on what you were saying around inspections, I believe Access Canberra has put an emphasis on electrical work inspections. Can you run me through some of the targeted work you have been doing on that?

Mr Lhuede: Yes. Interestingly, going back to one of the earlier questions, one of the things that differentiates the ACT is that we still undertake 100 per cent of government inspections on all new installations of electrical and plumbing work. I think it is somewhat the envy of some other jurisdictions at times. That work is around new installations. Where it is, for example, a new building, a new connection to a power

supply or a significant upgrade of an electrical installation, the team will do an assessment. Again, the number that Giuseppe was talking about—the tens of thousands per year—is the number of those electrical inspections. I will not endeavour to go into the detail of what those inspections are. That is definitely a very technical area of expertise. Likewise, for plumbing, for new installations we do a 100 per cent level of inspection at sites. For upgrades—for example, renovations, additions or alterations to existing electrical installations—we still do audits, but they are at a risk based level of 10 per cent.

MS ORR: Do you have, much likely the other ones, demerits or disciplinary aspects to the program? If people are not doing the right thing, is there some sort of—

Mr Lhuede: Yes; we do. Because electricians are in a construction occupation, the same process and mechanism of demerit points applies to electricians and plumbers as it does for certain kinds of builders.

MS ORR: As with other demerit points, are they not publicly displayed or are these ones public?

Mr Lhuede: No; they are not publicly displayed.

THE CHAIR: That is it. We are out of time. Ms Castley, do you have a substantive question?

MS CASTLEY: I do. I have one question and it goes to page 13 of budget statements B. We talked about Access Canberra and the ease of doing business. There is a table that shows we are not meeting it. We may have already talked about that earlier. Is there is a breakdown? The data from the general public and businesses doing business with Access Canberra seems to be merged. I am wondering whether there is a breakdown of what businesses say and what the general public say?

Ms McKinnon: Thank you, Ms Castley. We changed our accountability indicators. The purpose was to separate what an individual thought of the services in person and online and what businesses thought. We were supported in that by a Micromax survey—an outsourced survey of a selection of business clients who had interacted either in a licensing or regulatory sense and individuals. I am going to throw to Dr Vaile who will give you the headlines from that.

Dr Vaile: I have read and acknowledge the privilege statement. The simple answer is that we changed the methodology from last year. It is now done as a part of the customer service survey. We do it in two parts. We specifically target businesses who have had an interaction with Access Canberra. We go to, I believe, 600 entities who have interacted with Access Canberra. The results for the business section come from that survey. You are absolutely correct that there used to be mixed methodology. It is now much cleaner methodology. We have been very pleased to see the results that have come through from that.

MS CASTLEY: Will we see that breakdown in annual reports?

Dr Vaile: Yes.

MS CASTLEY: That's it from me. Thanks.

THE CHAIR: Mr Cocks, do you want my question?

MR COCKS: I am always happy to ask more questions. Going back to the digitisation issue we were talking about earlier today, I am looking at information on page 62. This is from the Chief Minister, Treasury and Economic Development Directorate's infrastructure program. There seems to have—

Ms Cheyne: Mr Cocks, do you mean the document or is that a heading? What do you mean?

MR COCKS: I believe that is the heading. It may be page 62 of the—

Ms Cheyne: It is in budget statements B.

MR COCKS: Yes. It looks like the budget has a completion date of June 2026, but, in the 2023-24 budget there were a couple of different dates—one in June 2024 and another in June 2026. I am trying to get these dates straight. Are there any delays in implementing any of the digitisation work that is underway through Access Canberra?

Ms Cheyne: There has been reprofiling for a variety of reasons. We can speak to that in some detail, if you would like.

MR COCKS: I would like to understand what has happened, noting that there is not a lot of time.

Mr Lhuede: There was reprofiling of a number of elements of our ICT program. One was a licensing system for professional engineers. Due to the delay in recruitment of some positions in that program, it delayed the start of the detailed design. Although the first part of that stage, which goes to professional engineers, has been completed, additional technical positions will be required to deliver the remaining 40 or so occupational licences over the coming year. A funding reprofile was required from 2023-24 to run that out to 2024-25 and 2025-26. That was a reprofile of 300 in 2024-25 and 1.3 in 2025-26. That is a really important program because it brings together a whole range of occupational licences, including construction, among others.

The other element of reprofiling is around the traffic camera expansion. That was originally funded to \$2.717 million over three financial years, from 2023-24. The implementation of that program for unregistered vehicles, uninsured vehicles and infringements through the traffic camera network was expected to occur on 1 July 2024; however, further work is required in terms of the technical requirements. Development by our digital services teams delayed the implementation and go live until later, in July or August 2024. There was a rollover of that amount.

MR COCKS: You mentioned recruitment. Are these projects being delivered by only ACT public service staff or are there contractors involved in the digitisation of the services?

Ms McKinnon: The bulk of employees are working on contract with the ACT government.

Ms Chan: Access Canberra receives funding for FTEs, but it is capital funding and, hence, there is capital reprofiling. Often these are staff that are contracted for a set period. It is project funding. It might be for one year or two years, depending on the role and depending on the funding. It has been quite challenging to attract digital talent. There is a lot of demand nationally but particularly across the ACT. It has been very challenging to recruit people. When we recruit them, there can sometimes be a little bit of a lag, as they get up to speed with our systems, our requirements and our operating environment, before they are fully up to speed. Some difficulty in recruiting suitably skilled digital staff has been the cause of a number of capital reprofiling.

MR COCKS: It sounds like these are labour hire type arrangements.

Ms Chan: Labour hire in the ACT government means that you go through a particular agency or give them the contract. Sometimes that is the case. Often we will advertise and recruit them as staff, rather than use an agency. We will recruit them as staff but for a set period—one year or two years, depending on the role and the funding.

MR COCKS: You mentioned that there are some barriers to that recruitment process. Are they new barriers? There seemed to be some difficulties in recruiting this sort of staff for some time.

Ms Chan: Since the pandemic period, when everybody had a lot of focus on digitising services, there has been a lot of emphasis on new ways of offering services. This was in all sectors. It has been more challenging to recruit. Digitally skilled staff were suddenly in a lot higher demand since that period. In Canberra, there are the ACT government rates, there is competition with the private sector and competition with the commonwealth government as an employers, so it is quite a challenging environment. It is not new—over the last year or so—but it is something that has been experienced over the last couple of years.

MR COCKS: Have you put in place any measures to overcome those barriers?

Ms Chan: When we advertise, we try to promote the purpose—that you are making a real difference to the community. We want to attract people for whom that is part of the value proposition. We have found that we have a really good culture. We have people who have turned down other offers or other employers because they like the culture and they like to do work where they can immediately see an impact for their community. That has been a quite big part of our role. Having said that, as I said, if it is capital funding, it is there for a year or two years. It has been a bit of a barrier in being able to offer permanent positions. We take a risk based approach to our staffing, but we very much attract people because of the types of roles we are able to offer them and the culture at work.

MR COCKS: One of the key workforce shortages in this space seems to be around IT information and data security. Are you experiencing problems in that space? Is this one of the particular areas that is contributing to the delays?

Ms Chan: Across government, DDTS has main carriage of response to cyber issues. We work very closely with the chief information security officer who is based in DDTS. We have a number of quite skilled staff in our records team and we have data security skills capability within our team. Those positions are filled currently and I hope we are able to keep them.

MR COCKS: Thank you.

THE CHAIR: Ms Orr, we will go to your substantive question.

MS ORR: You caught me off-guard. I did not realise where we were up to.

Ms Cheyne: If it pleases the committee, we might be able to respond to some of the questions we took on notice.

THE CHAIR: Thank you.

Ms McKinnon: Mr Cocks, we have a digital strategy and I am happy to provide an electronic copy.

MR COCKS: Wonderful.

Ms McKinnon: That goes back to our framework on prioritisation.

Ms Cheyne: We can table it now.

Ms McKinnon: Yes; I am happy to. In an earlier answer, when we were discussing depreciation, you asked for an explanation. I misspoke. It was actually \$692,000 and I said \$629,000. On vehicle inspections, for a light vehicle, which can be done either at the inspection station or at Hume, it is \$82.80. That fee is set. It is open to authorised inspection stations to charge less but not more than Hume charges. In terms of birth certificates, the ages are 14 to 18.

MS ORR: This has come up in some of the other sessions. I want to get an idea of what the EPA has done in terms of any engagement with the New South Wales planning department on the Wallaroo solar farm.

Ms Cheyne: I can speak to that at a high level, Ms Orr; I will then hand over to Mr Kamarul to speak about the finer details. This proposal has been mooted and then has evolved over some time. I believe there was originally a submission to the pre-environmental impact statement that EPSDD undertook with input from the EPA. During the conditions of consent stage, which is what has occurred recently—essentially, the final stages leading into the approval of the development—the EPA provided further comments, as did other elements of government, particularly as it related to where the proponent had undertaken their noise measurements from, and some issues regarding water run-off from some of the bushfire prevention response measures that they have.

As you know, because this development has had more than 50 objections, it met the threshold to be referred to the Independent Planning Commission in New South Wales.

That planning commission has undertaken essentially an inquiry, invited submissions and held a public meeting in Murrumbateman. Submissions were due to close last week. The Chief Minister had written to the New South Wales Premier and, as a result, there was an extension given, and now submissions close tomorrow afternoon. I believe that takes us to the EPA making some further representations through this opportunity because the responses given at the conditions of consent stage did not appear to answer all of the questions that the EPA had asked. That is my take; Mr Kamarul will correct me if that is an incorrect characterisation.

Mr Kamarul: It is not incorrect at all, Minister. Thank you, Ms Orr, for the question. The EPA did provide comment on 5 June through EPSDD in relation to the proposed solar farm development. With the two key issues that were raised, the first was noise, as the minister has raised. The noise assessment conducted by the proponent assessed noise at the nearest residential receiver. For the ACT, their compliance points were situated in Dunlop and Macgregor, at existing residences. However, the Ginninderry future urban area allows for zoning with high density residential at about 300 metres from the proposed solar farm.

The ACT EPA's first request and comment was for a further noise assessment to be conducted to ensure that the noise levels generated by the proposed solar farm would meet the noise zone limits in the ACT of 45 and 35 decibels dBA and dBC, which I will not go into too much detail about, for the operational phase of the development.

The second issue that was raised was that the proponent had not conducted a complete assessment of water run-off from fire extinguishing activities, in case of onsite fires. Given the close proximity of the site to both Ginninderry Creek and the Murrumbidgee River, there is a risk that contaminated water can be dispersed into those waterways during and after firefighting activities. The request in the EPA's initial comment was for more information and/or conditions on how the proponent would manage that issue, both through the construction period and after that. An example of how it might be addressed is through the creation of a retention point that would allow any of the firefighting contaminants to be dealt with in that pond.

In the second phase, now that the matter has been referred to the Independent Planning Commission, the EPA has lodged a further submission formally reiterating those same comments, and expanding in some detail in relation to the concerns or the issues that might be posed by the development if those issues are not properly addressed by the proponent moving forward.

MS ORR: It is now with the independent planning authority in New South Wales. They will have a review. If the concerns you have raised are not taken on board, or if you do not feel that the response is adequate, is there any further advocacy that the EPA can conduct?

Mr Kamarul: The EPA is limited to making comments within its statutory remit, Ms Orr. Certainly, in speculating as to whether the IPC were to offer the opportunity for further submissions, with the stages that the IPC take, they may call for public hearings. There is always the opportunity for the EPA to consider seeking to appear, if the issues that have been raised in its submission were not sufficiently addressed by the proponent.

MISS NUTTALL: Could I confirm that, in this particular case, you were made aware of it because of the public complaints rather than the proactive compliance measures?

Mr Kamarul: The EPA was made aware through EPSDD's response. It was not through the public. ACT government entities were provided with the opportunity to make comment in the first stage, which is what the EPA did on 5 June 2024. It has made that further submission last Friday, 26 July.

MISS NUTTALL: I have a question for the Gambling and Racing Commission. Looking at your monthly statistics on poker machine numbers, the impression that I have is that it is the smaller licence holders who have fewer machines to begin with who have been more responsible for reductions in machine numbers over the last few years. Would that be a fair interpretation of the data?

Ms Chan: I will get those figures in front of me.

Ms Cheyne: Could you say that again, Miss Nuttall? Is what a fair interpretation of the data?

MISS NUTTALL: That the smaller licence holders, those who have fewer machines to begin with, are the ones who have been more responsible for reductions in machine numbers over the last few years.

Ms Chan: There has been a lot of emphasis over the last couple of years, particularly, on diversification, and a lot of support and focus on that for licensees who choose to reduce the proportion of their revenue that comes from gambling, and in some cases some licensees have decided they want to change their strategy and move out of that space altogether. I do not have a time series in front of me, but I am aware that there are a number of licensees who have decided that reduction is in their interest, so they have chosen that pathway.

MISS NUTTALL: Is the data disaggregated by relative size of the—

Ms Chan: That is not something we have at the moment. That would be manual processing, if we did that.

MR COCKS: I am interested in the operational cost of Access Canberra websites. What is the number of servers and domains owned by Access Canberra and related websites?

Ms McKinnon: Ms Springett will give you the top-level answer. I am not sure about servers.

Ms Springett: In terms of the Access Canberra website, that would be better directed to CMTEDD more broadly. We would have to take that on notice.

Ms McKinnon: We will take that on notice.

MR COCKS: Possibly, you will have to take this question on notice, too: what are the costs of maintaining all of the servers and domains owned by Access Canberra?

Ms Springett: Again, that is the broader CMTEDD, communications and engagement. Yes, that will be taken on notice.

MR COCKS: How many different ACT government owned or branded applications are being managed through Access Canberra?

Ms McKinnon: Could you elaborate on what you are seeking?

MR COCKS: I am trying to find out whether there are different apps or online—

Ms Springett: No, there is not.

Ms McKinnon: We nest under CMTEDD corporate and comms.

MR COCKS: That is fine. Are there any brands other than Access Canberra within the same portfolio responsibility?

Ms McKinnon: The website is branded, and the correspondence is branded, Access Canberra. Occasionally, for example, Ms Cubin will sign it off as the delegate of the road transport authority within Access Canberra; so it is a different position. I am fairly confident that Access Canberra is the front door.

THE CHAIR: Do you mean Fix My Street? Is that what you mean?

MR COCKS: Yes.

Ms McKinnon: Fix My Street is a subset.

MR COCKS: As an example.

Ms McKinnon: It is a subset.

Ms Springett: Fix My Street is hosted on the Access Canberra website in terms of us being the front door to government. The community can go to our website and log a job through Fix My Street. Access Canberra utilises the ACT government digital account, which sits with DDTs. In terms of our main platform, that is the Access Canberra website. We do not have an Access Canberra app. We use the digital account.

MR COCKS: Is that Fix My Street website owned and operated by Access Canberra or City Services?

Ms Cheyne: The website is hosted on the Access Canberra parent URL. No matter how you get to Fix My Street, it will say accesscanberra.act.gov/fixmystreet.

MR COCKS: Are there any administrative processes between someone lodging an issue on Fix My Street and it reaching City Services from Access Canberra?

Ms Cheyne: There have been.

MR COCKS: There have been?

Ms Cheyne: Yes.

MR COCKS: Are there currently administrative processes? What happens between someone lodging an issue and it ending up with City Services?

Ms Cheyne: We have been undertaking a significant body of work in recent times so that the transition of the receipt of the request through Fix My Street goes not only to City Services but to the right area within City Services. This is not just about being on different platforms; it can be work flows or where an issue might not technically fit within the categories that we have available, and something else is selected, or perhaps user error. All of that has been a significant investment of time by Access Canberra and City Services in the last seven months. I believe there is a fortnightly working group to work through these issues. I believe that any challenges that had been identified about the flow of information through the systems have been rectified.

MR COCKS: It sounds like there is no manual handling anymore; it just flows straight through to City Services?

Ms Springett: It would depend on how it has been lodged. People can still ring, through 13 22 81, our contact centre, to log a Fix My Street job. In an instance where somebody might not have access to digital services, for example, our team would then log that and it would go through to the relevant area of City Services. It is manual in that regard. In terms of other manual elements, it would depend on the nature of what is being logged. For example, it may require a particular redirect to get to a team. Where we can make it as efficient as possible, we do so, to speed up the response.

Ms Cheyne: I might answer your question from earlier today, Ms Lawder, if that assists the committee. This relates to the operational days for the phytocapping between the March and June letters. There were works that the landfill operator, Remondis, was undertaking as part of the phytocap trial for 18 days, from 13 March to 4 May. However, it has taken longer than expected overall, for a variety of reasons, including the inclement weather. This has meant there have been those additional 20 days that we were talking about, since the work resumed in June, and that is additional to those 18 operational days on which work occurred from March to May.

THE CHAIR: Thank you. On behalf of the committee, I would like to thank all of our witnesses for their attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*.

On behalf of the committee, I would like to thank all of our witnesses who have assisted the committee through their experience and knowledge throughout the day today. We also thank broadcasting and Hansard for their support. If members wish to ask questions on notice, please upload them to the parliament portal as soon as practicable and no later than three business days after the hearing. The hearing is now adjourned.

The committee adjourned at 5.33 pm.