



**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

THURSDAY, 1 AUGUST 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

ACT Electoral Commission	960
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Amended 20 May 2013

The committee met at 9.00 am

Office of the Director of Public Prosecutions

Engel SC, Ms Victoria, ACT Director of Public Prosecutions

Cantwell, Ms Katie, Head of Corporate

THE CHAIR: Good morning and welcome to the public hearings of the Select Committee on Estimates for its inquiry into Appropriation Bill 2024-2025 and Appropriation (Office of the Legislative Assembly) Bill 2024-2025. The committee will today hear from the Director for Public Prosecutions, the Minister for Heritage, the Public Trustee and Guardian, the Commissioner for Sustainability and the Environment, the ACT Electoral Commissioner, the Minister for Sport and Recreation, and the Minister for Education and Youth Affairs.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. The committee acknowledges and respects their continuing culture and the contribution they make to the life of the city and this region. We would also like to welcome and acknowledge any 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 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.

Firstly, we welcome Ms Victoria Engel SC, ACT Director of Public Prosecutions, and Ms Katie Cantwell, Head of Corporate. 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 you understand the implications of the privilege statement and that you agree to comply with it?

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

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

THE CHAIR: Thank you. We will proceed to questions. In the most recent ACT Office of the DPP annual report, the acting director noted that there was a 102 per cent increase in the 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 amount of sexual offences 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 come online over the next five years. All of this, the acting director said, was putting significant resourcing pressures on the office. How many additional staff did the acting director request to be funded by government and how many additional staff have in fact been funded by government?

Ms Engel: The specific request that was made by the acting director was, as I understand it, made as part of the budget process. I have been advised that I cannot give that information. But I can indicate that there was a request for additional prosecution staff and that request was not successful.

THE CHAIR: Were there no additional staff funded?

Ms Engel: Out of the budget, no there were not.

MR CAIN: Could you confirm that you have recently created a position to employ a media adviser at SOG A level?

Ms Engel: I have employed on a six-month contract a SOG A Media and Communications Adviser.

MR CAIN: On contract for how long?

Ms Engel: For six months, to meet an immediate and pressing need in my office.

MR CAIN: What are you hoping that media adviser assists with? What are the gaps you are hoping to fill?

Ms Engel: I can tell you what they have already been doing. They started six weeks ago. To date, they have dealt with approximately 65 media requests in that six-week period. They have already started work on the information we provide to witnesses and victims of violence. Our booklets and information were very outdated and that was creating an issue for our ability to service victims, witnesses and complainants in the ACT community. So the communication media role has already started that. They have started the Reconciliation Action Plan, which we did not have in place, and they have started the Disability Action Inclusion Plan, also which we did not have in place. They have been working to assist my role and the executive and also the staff with the intense media requests that come to the DPP.

MR CAIN: Would you say it is a bit of catch-up work?

Ms Engel: In part, yes definitely. That role did not exist when I commenced on 6 May. I had initially hoped to not need to bring in a media communications adviser, because I was conscious of the fact that it would take some resources away from frontline staff. However, it became very clear about three weeks in that that was a pressing and immediate need. After consultation with other senior staff, there was a consensus that that role was required. That was the reason I brought that position on.

MR CAIN: If you are satisfied with the catch-up, do you see this as an ongoing need or something that is just temporarily to get your office up to speed?

Ms Engel: The precise way in which a media communications function will be utilised is still being assessed. There certainly is catch-up at the moment. But, as I said, in that six-week period, in addition to catching up on some of that communications work, the media adviser has received and dealt with approximately 65 media requests. They are otherwise requests that would be going to my prosecutors, which they would

be attempting to deal with whilst also dealing with victims, witnesses and presenting matters to the court. So it is assisting their workload in that way. I cannot imagine that will dissipate completely. But precisely the need for the role is something I am evaluating over the next few months.

MR CAIN: Okay. How many of your Crown prosecutors are currently on leave?

Ms Engel: At the moment we have one Crown prosecutor on leave, one Crown prosecutor acting in the acting deputy-director role for the general practice—Mr Hickey—and one Crown prosecutor role that is advertised at the moment on a permanent basis. I believe that advertising period closes on 9 August.

MR CAIN: Is that prosecutor on leave for mental health reasons?

Ms Engel: I do not believe I can indicate that, for privacy reasons.

MR CAIN: Are you comfortable with the support your office is providing in a sometimes a very stressful job?

Ms Engel: It is certainly a difficult issue. My staff work exceptionally hard, often long hours, often not remunerator hours, in order to try to serve the community as best they can. There is a high risk of vicarious trauma in the work that we do, given the stress levels and the type of material that they are dealing with. Since I have commenced, I have implemented a range of measures to try to address that. In the second week of my tenure I organised vicarious trauma training for the staff. That was very well received. We have commenced offering team debriefings after particularly difficult and complex matters. We are working on a range of measures. We have sought volunteers for a working group to address issues such as overtime and flex time, to try to ensure that our staff are better remunerated for the hours that they are working. It is certainly not perfect, Mr Cain, but we are actively working on trying to address those issues.

MR CAIN: Thank you.

MISS NUTTALL: I think you have already touched on this, but would you be able to tell us more about your approach as the new DPP to running the office? What issues have been your main focus? What changes have you made?

Ms Engel: Probably the most pressing thing that I noticed when I commenced on 6 May, the most immediate need, was that we have a very depleted witness assistance service. When I commenced, we had three witness assistance service roles. That role is utilised, in my experience, in two other jurisdictions, to provide support to witnesses, victims and complainants. That role is really the front-facing role for those people involved in the criminal justice system—breaking down legal concepts, supporting them through court, sitting in legal conferences and making sure that terms that are explained by lawyers are understood by people who otherwise have not had any encounter with the criminal justice system.

In other jurisdictions that service is far more robustly funded. In New South Wales, for example—obviously a much bigger jurisdiction—there are 64 witness assistance

service officers, in the Northern Territory, which is a similar sized jurisdiction, there are 14. The numbers vary, but the ACT has only three, as I indicated. I immediately noticed that and I immediately noticed the effect on the capacity for my office to be able to properly service victims and witnesses in the community. So I made a fairly quick request to JACS and to the Attorney-General, and I have recently received part of what I asked for. Out of that CoCA funding I received funding for three additional witness assistance officers. Those roles have been advertised, and I hope to fill those very quickly.

Beyond that, one of the main focuses, as I have indicated, is the vicarious trauma issue that Mr Cain raised. That is a significant concern of mine and of my executive, and that all DPPs face, in ensuring that our staff are well supported to be able to provide the best service to the ACT community. In addition, we overhauled our recruitment practices, I believe about a month into my tenure. So that process has changed. We have also implemented monthly staff meetings and fortnightly legal staff meetings to ensure that the legal education, upskilling and sharing of information is where it needs to be. I have engaged significantly with external stakeholders to ensure that not only is the DPP working as best as it can but also that we are working with victim-survivor agencies, with the courts, with the police and with every external support agency that we need to to provide the best service.

MISS NUTTALL: Thank you.

MR CAIN: One of the actions flowing from the board of inquiry, the Sofronoff inquiry, was the establishment of an embedded prosecutor within the sexual offence and child abuse team at the Winchester Police Centre. My understanding is that that role is to provide advice to that team's investigators, including pre-charge advice and strengthening of the relationship between Policing and DPP. The Attorney has recently announced it will release funds from the confiscation of criminal assets to help pay for the continuation of this. Is it your intention to continue this embedded role?

Ms Engel: We received funding out of the Criminal Confiscations Asset Fund, which actually comes from the work that the DPP does, which is not that well known. We received funding for an additional six months for that role. So that will continue until the end of the year. One of the things that was identified from, I believe, the Sexual Assault Oversight Review Committee, which I also sit on, was that the level of that role could be higher. So the proposal going forward after that six months is to continue that liaison and continue that advice giving, which is very important, in particular, in that sexual assault space, to police but to continue it within the office, with our Crown advocates and our Crown prosecutors, and I have made some funding request around that.

MR CAIN: When you say to continue that role within the office, do you mean to keep the role at the Winchester centre?

Ms Engel: Sorry; no—to continue the function of that role, which is to provide advice on sexual assault matters.

MR CAIN: Will that position remain at the police centre?

Ms Engel: Not after the end of the year. It has been funded for a further six months, and then that function will continue but from within the office.

MR CAIN: What reason do you feel there was to change the location? Obviously the location is significant in terms of someone being there as immediate support for the police.

Ms Engel: One of the things that I perceived—and from the feedback that we were receiving—is that it is not necessarily immediate feedback even with the role embedded there, because there are certain procedures that need to be undertaken. That role provides advice that then filters through either a senior Crown prosecutor or me to ensure the robustness of the information that is being provided to the SACAT police, given the historical issues that emerged from the review. Part of the intention going forward is to ensure that the people providing that advice to SACAT—which is often, difficult and complex advice—are also experienced trial advocates who have contemporary knowledge of trial issues. They will continue to have a trial practice. Sexual assault prosecution is an area that is always evolving, and it is essential that the people giving that advice have that contemporary knowledge.

MR CAIN: So why not leave the role at the Winchester centre? At the very, very least, it is a semblance of a strong connection between DPP and Policing and a strong sense of support for Policing in their early roles of instituting a charge?

Ms Engel: Going forward, it will be Crown prosecutors and Crown advocates. It will not be one person; it will be multiple people. The people doing that role, as I have already said, Mr Cain, will be also conducting trials to ensure they have that contemporary knowledge and understanding. It would not be possible for them to be running trials and also still the collocated. There are issues of disclosure and sensitivities between the police and the DPP that would not make it possible for those roles to be permanently collocated.

MR CAIN: Did that embedded prosecutor also run cases?

Ms Engel: In that role, no, they were not. In the next six months they all start to run some work and take some files back. But the way that that role was funded historically was for what we call a Prosecutor Level 3. That is not a trial level role. So I am effectively upgrading the seniority of the advice the police will be giving following, in particular, the review that was released in, I think, late April- early May. In my view, with the concerns that were raised in that, it is necessary that the advice given in sexual assault matters be at the highest level possible.

MR CAIN: Thank you.

MISS NUTTALL: I would be really interested to hear more about the outcomes that you have seen from having the prosecutor embedded at SACAT. Would you be able to tell us a little bit more about what you are seeing and the feedback you are receiving?

Ms Engel: Yes; definitely. It has been very positive overall over the last seven months.

It has ensured that relations between the two organisations are where they need to be. In my view, it has also resulted in those relations being at a level where I am confident that the SACAT police will come to our office when they need to without the need for that collocation any more.

MISS NUTTALL: Thank you.

MR CAIN: Ms Engel, can you confirm whether there has been a significant increase in the rate at which the office is briefing private counsel to run trials?

Ms Engel: Yes; certainly. Since I commenced, because there were a number of roles that required filling and a number of those roles are currently advertised, and because I implemented a robust recruitment system with lengthy advertising periods to ensure we could hopefully attract excellent candidates from across the country, including having an external person on each recruitment panel, which historically was not the case, there has been a gap insofar as having to fill those roles whilst that robust recruitment process takes place. In the meantime, I have been briefing, where necessary, where there have not been available internal prosecutors. That has been two-fold: to cover for the recruitment action, to try to relieve some pressure from the workload of my staff and to protect them against the risks of vicarious trauma.

MR CAIN: The funding of that private counsel comes out of your budget, doesn't it?

Ms Engel: Yes, it does.

MR CAIN: Of the private counsel that have been briefed, how many previously shared chambers with you in the Northern Territory or were otherwise colleagues of yours in the Territory?

Ms Engel: I believe there was one recently who was briefed in a trial. That person was briefed after I went to the local Bar and after we went to about a dozen barristers in New South Wales and nobody was available. That person happened to be one of the only people available at short notice. That was a matter that was briefed internally, but then the prosecutor had to hand it back due to workload issues.

MR CAIN: Do you actually seek to brief the local Bar where they have the capacity and competency?

Ms Engel: Certainly that has been my instruction. We are going to the ACT Bar first. If not, we then attempt to go to New South Wales, because they are close, and then we have been going to Victoria and to South Australia and we have been going to the Northern Territory as well.

MR CAIN: It is my understanding that, previously, Mr Drumgold and Mr Williamson would brief junior barristers at a rate of \$2,200 per hour. Is it the case that you have cut the rate of pay for junior barristers?

THE CHAIR: Per hour or per day?

MR CAIN: Per day. Is it the case that you have cut the rate of pay for junior barristers

to \$1,500 per day?

Ms Engel: I am not sure precisely what the rate was under either Mr Drumgold or Mr Williamson. There was no standardised process. I think that was because the office historically did not brief very much. That does differ. Most other DPPs do brief where necessary to relieve workload. I have anecdotally heard that Mr Drumgold briefed, I believe, at \$1,800 a day and that Mr Williamson briefed at \$2,000 a day. But that is only anecdotal information, because, as I said, there was no formal policy.

Once I commenced and I realised there was a need to brief privately, at least in the short term, to cover workload issues, I conducted a review of the briefing rates across the country, including the New South Wales DPP, Northern Territory DPP, ACT Legal Aid and all other government institutions that have publicly available information about their briefing rates. Following that, I reached the view that \$1,500 a day plus GST was an appropriate rate for junior counsel. Since instituting that rate and that uniformity, I have had many local barristers accept our work.

MR CAIN: You said anecdotally you thought the rates were \$1,800 under Mr Drumgold and \$2,000 under Mr Williamson. Why would you need anecdotes about that? Surely your records would show what was paid to junior counsel.

Ms Engel: There was very limited briefing historically. As I understand it, there were no briefing letters that were provided to those counselled. So there were no records that were able to be ascertained. I did seek that information, Mr Cain, but I was not able to obtain that.

MR CAIN: Are you saying that there was no information on the pay rate for junior barristers?

Ms Engel: There was the overall rate that was paid—the invoice that was paid at the end of the day but not a briefing letter, which usually would include the daily rate.

MR CAIN: Is that something you think needs rectifying?

Ms Engel: I immediately rectified it, yes. Anybody that I have briefed since I have been here has received a briefing letter with their rate explicitly stated.

MISS NUTTALL: Are you seeing any particular trends that you think need attention—for example, in types of prosecutions? Do you think there is anything that we should be looking into more?

Ms Engel: Obviously, the significant focus in my office, because of the numbers, are prosecutions in relation to family violence. We are currently compiling our data for this year's annual report. But last year, for example, we had 604 family violence matters that were commenced and we had 628 family violence matters that were completed. That is a significant number, given that I have about 50 or so legal staff.

We are unique in the ACT in that we are one of the few, if not only, DPPs that prosecute all of the criminal matters. Many other DPPs only prosecute the indictable matters and they have police prosecution services that service the local or the

magistrates courts. Many family violence matters are routinely finalised in the Magistrates Court. So my officers' attention and care in prosecuting those matters is something that is of particular interest to me. When matters are prosecuted, in some matters there will be a need for expert evidence about family violence dynamics, coercive control and issues of that nature. So my office is actively working with other agencies and attempting to ensure that that sort of information is put before the tribunal of fact.

MR CAIN: Have you changed any protocols in relation to the giving of urgent pre-charge advice to ACT Policing—I know you touched on this earlier—in relation to homicide and other serious offence matters?

Ms Engel: I do not know that I have changed protocol. The formal protocol remains the same. I understand that there had been an ad hoc relaxing of that protocol in some matters. It is a little bit difficult for me to answer because the formal processes have not been changed at all. But I have anecdotally heard that some processes had changed under Mr Williamson, and I have reverted to the formal official policies on all of that.

MR CAIN: Are you preserving those changes that were previously made?

Ms Engel: I am adhering to the policy that I think was set up under Mr Drumgold.

MR CAIN: Regarding the ability to prosecute minors, has the DPP adjusted its practice to accommodate for the recent changes to the minimum age of criminal responsibility?

Ms Engel: Any prosecution that we conduct involves a two-stage test. One is: are there reasonable prospects of conviction? The second issue that any prosecution involves looking at is: is there a public interest in prosecuting a person where there is a pending change to the age of criminal responsibility? It may be that sometimes that comes into account in the public interest test, but not necessarily. So there is no policy that has been implemented; we are still prosecuting young people for whom eventually the age will be raised in relation to, but it is being assessed on a case-by-case basis.

MR CAIN: Is there any lack of clarity at all about prosecuting, say, a 13-year-old for a serious assault?

Ms Engel: I do not believe so. The status quo is that they would be prosecuted. But if there are particular factors that would weigh against the public interest in prosecuting them in light of the fact that the age will be or has been raised has been raised, that is being assessed on a case-by-case basis. But certainly my office does not have a uniform policy of not prosecuting those people.

MR CAIN: Within that 12 to 14 cohort, how many additional prosecutions are you able to say have actually been implemented because of the raising of the age from 10 to 12?

Ms Engel: I would have to take that question on those.

MR CAIN: Okay. The *Canberra Times* recently reported—I think it was 4 July—improper staffing, sexual assault and bullying within the office. Noting that investigations have now begun, can you please provide the committee with an update on these matters that were raised in that article?

Ms Engel: Those matters were referred for external investigation. Given the nature of the allegations and that they related to staff members, it was appropriate, in my view, that they be dealt with externally for a proper scrutiny. So I am not able to find an update. Once there is an update, I hope to receive that, but they have been handled externally and kept at arms-legged for me for what I consider to be good reasons.

MR CAIN: When do you expect that review to be completed?

Ms Engel: I do not have that information, I am afraid.

MR CAIN: When did that review actually commence?

Ms Engel: I became aware of information after my appointment was announced and before I commenced as the DPP. Just prior to my commencement on 6 May, I sought assurances from JACS that those matters had been referred for external investigation. As to when those investigations will be complete, it will be up to those external bodies. I do not have that information, I am afraid, Mr Cain.

MR CAIN: Obviously, you would be consulted as part of such an investigation.

Ms Engel: I expect so, yes.

MR CAIN: But that has not happened yet?

Ms Engel: No.

MR CAIN: And you do not have any timeline at all from the Attorney-General's office about how long this is taking, what procedures there are and what processes—

Ms Engel: I will let the Attorney answer for himself, but I expect that he also would not have that information given that it is been sent for external scrutiny to external agencies. So I am not sure that he would have that information.

MR CAIN: Do you know who is conducting this externally?

Ms Engel: I know who they have been referred to but—

MR CAIN: Are you able to say to this committee?

Ms Engel: I do not believe I can say who they have been referred to.

THE CHAIR: Can I just point out that, if you are claiming confidentiality—

Ms Engel: Yes.

THE CHAIR: Parliamentary privilege overrides the claim of confidentiality. We have a continuing resolution 8B that uses a public interest test. So is your view that it is in the public interest to withhold that information?

Ms Engel: No; it is not. I probably can answer it in light of that. I understand that it is been referred to the Integrity Commission and also to the Professional Standards Unit.

MR CAIN: Thank you, Chair.

THE CHAIR: I would like to thank you very much for your attendance today. Have you taken any questions on notice?

Ms Engel: Yes, one, I believe.

THE CHAIR: If you have, please provide your answers to the committee secretariat within three business days of receiving the uncorrected proof *Hansard*. Thank you again for your attendance today.

Short suspension

The committee met at 9.32 am

Appearances:

Vassarotti, Ms Rebecca, Minister for the Environment, Parks and Land Management, Minister for Heritage, Minister for Homelessness and Housing Services, Minister for Sustainable Building and Construction

Environment, Planning and Sustainable Development Directorate

Ponton, Mr Ben, Director-General

Rutledge, Mr Geoffrey, Deputy Director-General, Environment, Water and Emissions Reduction

Burkevics, Mr Bren, Executive Group Manager, Environment, Heritage and Parks

Moore, Ms Fiona, Senior Director, ACT Heritage, Environment, Heritage and Parks

Russell, Ms Meaghan, Director, Approvals and Advice, ACT Heritage, Environment, Heritage and Parks

THE CHAIR: We welcome Ms Rebecca Vassarotti MLA, Minister for Heritage, and officials. We have many witnesses for this session. 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 you understand the implications of the statement and you agree to comply with it.

Ms Moore: I acknowledge the statement.

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

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

Mr Rutledge I have read and acknowledge the privilege statement.

Ms Russell: I have read and acknowledge the statement.

THE CHAIR: Minister, we have had some significant challenges in the heritage area over the past couple of years which led to the dismissal of the previous Heritage Council and a number of reviews which recommended changes and reforms. Can you provide an update on the extent to which this budget allocation for heritage will help address those longstanding problems and help to implement the recommended reforms?

Ms Vassarotti: Thanks, Ms Lawder, for the question. It is a really important one. As you note, there have been challenges within the heritage area, but I think in the last two years, particularly since we have had the reviews running, there is a really good trajectory. Certainly this budget provides some solid support to support that journey. You would note there are a number of positions that have been funded to enhance the resource space of the unit, and that is really important in terms of supporting a much heavier workload, particularly as we are in a situation where we have an evolving city,

and so the workload that is coming in to the council is quite significant.

The other key element that has been supported is around the work to progress the database, which was a really important process both to enhance the operations of the team internally, and also to support the community in understanding what things are on our heritage register and some of the key elements in relation to that. I think it would be really useful at some point—I am not sure if we want to do it now or in a future question—to provide a bit of an update particularly around the database. I think there has been some really good progress made. It does not sound like a big piece of work, but it is, including engaging with some of the issues in terms of the sheer volume of things that need to be digitised, as well as some of the key elements, particularly to recognise the First Nations elements of ensuring we have good processes around the data especially around First Nations heritage. So it would be great to have the opportunity to provide an update at some point within the hearing.

THE CHAIR: Just to make sure I am clear, can you explain exactly how that funding, the budget initiatives, will help to prevent some of the issues arising in the future that occurred in the past? I do not really know what those issues were because they were redacted in the report that I received, so it is hard for me to make that jump from one to another.

Ms Vassarotti: Sure. The budget is one tool in terms of responding to some of those issues. I think we were actually really transparent in terms of some of the issues, particularly some of the cultural issues that had developed within the context of a difficult period with high volumes of work, as well as the COVID period and stuff like that. So we have tried to be really transparent. One of the key issues that came through with that review was the issue of the volume of work and the fact that the resource space had not reflected that increase of work. So the budget directly deals with that by providing additional resources to support positions to respond to that issue. The other issues were in terms of the community interface, the operations and things such as ensuring our processes are supported. The register and the database are key elements of that. These are the things the budget directly speaks to in terms of responding to some of the issues that came through the review, but the budget is not going to be the only way that we respond to the issues of the review.

There has been a lot of work that has occurred with the new council. I have to say, I am pleased with the way the new council has jumped to enter the challenge of some of the work that we have needed to do in relation to heritage and ensuring heritage is a positive part of our planning system and of our community. I am pleased with the work they have done in responding to the statement of expectations that I put forward for the new council, which was again in response to the review about having those clear expectations on the kinds of things that we needed to do. The council has been working positively with their taskforce meetings and their council meetings. The processes around the decision-making they have been doing have been really positive.

There is a lot of work that has been done internally in terms of looking at the governance framework, the operational procedures and looking at how we develop the policy and public guidance. We have had legislative changes introduced into the Assembly, which has been another way that we have reviewed. We have really looked at a whole range of things. So the budget is part of that, but it is by no means the end

of it. The budget initiatives have specifically responded to some of the issues of the review. I will look to officials if there are any additional things that they wanted to add, particularly around the budget.

Mr Rutledge: In this year's budget we have seen increased support for staffing—and this is I suppose one of the challenges that we do have. We are trying to imagine heritage of the future, or the way the heritage team will work, but also dealing with a large amount of workload coming through.

We are talking about the heritage database, but really we have done a business system review of how we handle our information, and that will end up becoming a new ICT capability in the future. We do not know how much that will cost, but we have had support from government to get the feasibility right and get the tech specs right before we go to market for the actual software. There is an \$8.8 million capital expenditure to help us deliver that.

Also, we have a Senior Officer Grade B which we brought on last year. We have had funding to continue them, particularly to manage the ICT program works, which is a very different skillset than the rest of the team in heritage. Then to deal with the current pressures, we have continued a SOG B, two SOG Cs and an ASO 6, which are really working on approvals and the backlog and advice.

One thing that I think is unique to Canberra right now is, I will say, a skill shortage in heritage. We have seen the commonwealth government largely increase their heritage unit and they are a direct competitor for exactly the same skills that we are looking for. So we have had some challenges recruiting to those positions and that has been an interesting challenge for us. At the moment, not quite all of those positions are filled, but it is not for a want of going out and seeking those.

Then the final bit of new funding is an additional SOG C, or Senior Officer Grade C, to focus on supporting the Heritage Council making their decisions. When it comes to heritage registrations, we have seen the current council probably put in better effort and quicker turnaround on some of those registrations. Decisions are either yes or no, but the decision-making has been, I think, probably clearer and more timely.

The other interesting one, which is probably one we have been low on in the past, is how we handle our Indigenous data or data of an Aboriginal and Torres Strait Islander nature. That is again a skillset that we do not have. So we have been provided \$369,000 over the next three years to work out how we extract meaningfully and appropriately the data that we already hold, and then going forward, to work out how we will collect that data so we can support the Heritage Council make solid decisions when dealing with Aboriginal and Torres Strait Islander cultural heritage decisions.

We are also looking at whether or not we can bolster the executive leadership. So we have some senior positions, senior officer grade positions, and we have some funding to try and work out whether or not we can piece together, somewhere in the broader portfolio, an additional executive position. We have not quite landed on that, about how we best shape that, but we know as we go through this change to what the Heritage Unit will look like in the future, we might need some time limited executive support.

THE CHAIR: With the database, has that been tendered out or is it being developed internally?

Mr Rutledge: The design has been tendered out, but we are waiting—I suppose, the scoping of it has been tendered and we are working through that. In the next financial year’s budget we hope to have a good request for tender and a good scope of what the database will look like. Then we will go back to government to seek funding for the purchase of that system.

THE CHAIR: At this point, you do not have an indication of when the database would be up and running.

Ms Vassarotti: No. As a major IT issue we have been making sure we do really good work up front to identify what the scope is and what the best technical answer is. We were quite hopeful that potentially some of the approaches taken by other jurisdictions might have been helpful and that we could have joined with other jurisdictions. That would have made a lot of sense. Unfortunately, when we looked at where some of those databases were at, in terms of end-of-life, et cetera, there was not a ready-made solution, which was unfortunate. We did take a bit of time to look at whether or not that was going to be a viable solution. Unfortunately, it was not. We want to get this project right. We are well aware of some of the challenges around IT projects, so we do not want to spend a whole lot of money for a solution that does not deliver what we need it to deliver.

THE CHAIR: Do you anticipate that database would be a standalone system or are there other systems within the directorate it needs to integrate with?

Ms Vassarotti: Look, that is such a good question, and it is one of the reasons we have been working really closely with our colleagues in CMTEDD and the Digital—

Mr Rutledge: Yes, Digital, Data and Technology Solutions, yes.

Ms Vassarotti: Data and Technology Solutions to see if there are opportunities to link in with other systems that the directorate or the government more broadly uses for whichever solution we take. Again, I might look to officials in terms of where that conversation has got to.

Mr Rutledge: There is not a lot more to add than as the minister has outlined. We are really still in that scoping stage. I think there is a nervousness because it will be multi-millions. I expect somewhere like \$5 to \$10 million of ICT. So if we are going to ask the government or the community to invest in that sort of thing, we want to make sure it is 100 per cent right.

Does it need to interface with other systems? We are still looking through that. Clearly our mapping systems and identification, ACTmapi and some of the key business tools that we use in other parts of the directorate are important tools. We are still working through whether that needs a direct interface, or they just need to talk to each other.

Then also, as part of the planning system review and reform project, we are looking at modernising the business systems in planning and if there are interactions with that, whether they are required as well. I am certain the scope of works when we finalise it, will be very, very detailed and ready for market to respond to. And then hopefully, it will be quick to implement. But I would rather spend more time on prep and then go to market, than go to market early and then learn by doing, in this case.

MS ORR: How will the processing times for applications improve with the implementation?

Ms Vassarotti: I think there has been a lot of focus on the processing time. We were very aware of the fact that the processing times were far from optimal. We have continued to see a high volume of work. Ms Russell, are you able to provide some detail in terms of where we are at with—

Ms Russell: I can very much provide some detail. So we have been particularly conscious from the outset of the impact of extended time frames on private owners. We have been tracking that as a particular category. I am pleased to advise that last year we issued 77 per cent of advice on private owner submissions within a three-month period, and that was up from 72 per cent at the same time last year. Some owners are still experiencing extended delays. We do have some complex submissions that do require more time. We still have a very high volume of submissions, but we have been able to make some positive progress with the additional resources.

MS ORR: Great. Can you just repeat the numbers? It was—

Ms Russell: So 77 per cent of private owner's advice was issued within three months, up from 72 per cent the previous year.

THE CHAIR: Can I just check, are you talking about nominations to be listed or are you also including applications for renovations and extensions and—

Ms Russell: Those numbers relate only to planning and development applications—

THE CHAIR: Yes.

Ms Russell: My apologies. I will refer questions about registration and nomination assessments to another.

Ms Vassarotti: Did you want information on that?

THE CHAIR: Yes.

Ms Vassarotti: Yes. Are we able to provide information on—

Ms Russell: I might throw it to Fiona.

Ms Moore: Are you specifically looking for information with regards to applications received or decisions made?

THE CHAIR: In respect to—

Ms Moore: A heritage registration.

THE CHAIR: Yes, actually I was more interested in the building renovation part of it, but I was trying to work out what were you after, the registrations in the first place or building renovations?

MS ORR: You finish yours and then I can—I wanted a good overview, so I am happy to hear both.

Ms Vassarotti: Okay.

THE CHAIR: Yes. Well, I will just continue. I have heard from some constituents about delays when they are trying to do building work and I guess I am concerned about what that may mean for our building industry, for example, when things just go on and on and on. I have heard of people who have been told that one way they can expedite the approval was to prepare the response themselves to send to the Heritage Unit so that the work was quicker for them.

Ms Vassarotti: There are actually two pathways; people can go down a statutory pathway or a non-statutory pathway. Megan, it might be useful to talk about those two processes. I think the reality of the situation is that there is a high volume and there is a level of complexity, particularly for some developments. So there will necessarily be some applications that will require additional time, which often does require a bit of going back and forth. Megan, if you were able to talk about the two pathways and some of the things that owners might need to do because they might look a little bit different within those two pathways.

Ms Russell: Yes. Absolutely. Heritage management is subject to the provisions of both the Heritage Act and the Planning Act. Under the Planning Act the two pathways are development approval from the Territory Planning Authority, or potentially an exempt development pathway, where owners are responsible for making sure work complies with criteria, potentially seeking building approval through that process.

When an owner makes a development application they must include a heritage statement which describes the consistency of their proposal with the heritage requirements, and that certainly is something that can expedite planning assessment and heritage assessment. When owners decide to make a direct submission to the Heritage Council, we encourage them to also include a heritage statement to articulate how they have addressed those heritage requirements in their approach.

Something that we are also working on at the moment as part of the reform suite is improved policy to provide better guidance to owners and applicants. Part of that will be mapping out in more detail the type of documentation that owners need to submit to the Heritage Council to seek an endorsement. That will provide clarity and improve guidance to owners, but it will also help us expedite assessment behind the scenes.

THE CHAIR: Okay. One of the examples that I have is from an architect who does

quite a bit of work in this space. They are saying they have been waiting for six months and they have had much correspondence back and forth with no resolution. They had a builder waiting who has now moved on to other projects. In this particular instance I have in front of me, it was something like a 24 square-metre extension, screened from the street, at the back of the house, and actually in a heritage area, not a heritage listed house. They are very perplexed about the length of time it is taking to get approval. Do you have any explanation?

Mr Rutledge: Yes. Ms Lawder, we can look into that individually if you want to share that with the minister outside of the hearing. I think there are a couple of ways that people can go down this path and, particularly as you described, where it is a heritage precinct and it is the back of the house, I think sometimes there is a level of “It should not matter,” from the proponent. So every day that this seems to be a non-approval is a frustrating day. These are normally in older suburbs. I am guessing older suburbs with a heritage overlay, and there is an extension at the back and the street frontage is probably what they think is of value. I do not doubt that the owner and the proponent are frustrated. As I said, we can look into it.

What we do, and what we always encourage—be it the skilled architect who is used to this, or an owner-builder—is the Heritage Advisory Service which we have and which we fund. In this year’s budget, we directly fund it and we have created new funding to directly support the Heritage Advisory Service. It is run by Philip Leeson Architects and that advisory service does exactly that: talks about, I suppose, the hot spots where the concerns might be raised, where the heritage value is and how to put those forward.

It is probably, I am guessing, in the situation that you raise, an exempt development except for the heritage overlay. So that again, I think, leads to a level of frustration at the home owner level, probably greater than it needs to be, because they see it as only heritage holding them up. I think when you look at our heritage precincts in the inner suburbs, I think the broader community, but particularly the neighbours in that area, buy into those areas because of the heritage values, live in those areas and try to reflect the heritage values of those areas. So getting it wrong has consequence not just for the owner but the rest of the street. That is why it would probably take a bit more time.

THE CHAIR: I think the owners of the house certainly bought into the area because of those values too. So they are very sympathetic to that. I was talking in this particular instance of a very experienced architect who has been trying to progress it, not the home owner themselves, but I appreciate your insight.

Ms Vassarotti: Yes, and, again, we are really happy to have a look into it. Sometimes things get missed or things go wrong. I think particularly some of the backend work that is being done, with the advisory service, with the development of more policy and guidance information, is an attempt to try and streamline that as much as possible. While recognising the bespoke nature, particularly when we are operating in the heritage precincts, there is a variety of perspectives, even within the neighbourhood in terms of what the values are that we are trying to capture.

MS ORR: My understanding is under the new legislation the Heritage Council could

also decide not to accept a nomination.

Ms Vassarotti: A nomination for a heritage registration?

MS ORR: Yes.

Ms Vassarotti: I think this is different. This is really around registration rather than the development application process. I think that is two different issues. Yes, they are able—

MS ORR: I just wanted to know what the figures are around it.

Ms Vassarotti: Yes. Ms Moore.

Ms Moore: Under the Heritage Act, yes, the council can dismiss an application or nomination for the heritage register. That has been in effect since this piece of legislation came into effect in 2004. In this financial year, there have been two dismissals of nomination applications that have been considered by the council.

Ms Vassarotti: You are actually asking about not accepting the application though; was that it?

THE CHAIR: Dismissing a nomination.

MS ORR: Dismissing it, yes. Essentially using that provision under the act, so yes. Ms Moore, are you able to provide any of the reasons why they were dismissed? Was it incomplete?

Ms Moore: I would have to take that on notice and provide the council's position.

MS ORR: Yes, given if it is a new function that is available to them.

Ms Moore: It is not a new function; it has always been under the Heritage Act. Heritage registration is a three-step process: nomination, provisional registration and registration. The first step in that is the consideration of a nomination and it goes one of two ways: either the nomination is accepted, or the nomination is dismissed. Then council must provide grounds for dismissal. That is a public document, and it is available on the website and on the legislation register. I am happy to take that on notice and provide those decisions to you.

MS ORR: Yes, if you do not mind.

THE CHAIR: If I could just clarify because I did not write down the figure that you provided when Ms Orr asked. For the development application side of things, what is the average time to approve? Do you have that information? How many may have taken more than three months or more than six months?

Ms Moore: I might have to take that question on notice and come back to you.

Ms Vassarotti: Yes. You said 77 per cent is within three months, so we can certainly

say 23 per cent were not.

MISS NUTTALL: We hear from heritage property owners that there are restrictions on them making modifications to the home, such as adding solar panels, things that ultimately might be better for the climate, for example. How do we manage these processes?

Ms Vassarotti: This is actually one of the most hotly contested issues. I know that it came up quite significantly in the parliamentary inquiry as well. Looking at it, there is a perception and potentially a reality, at some point, in terms of a conflict between some of our aspirations around environmental action and responding to climate change and our aspirations around heritage. I think solar panels has been one of those ones that I think has been a good expression of that. I know the council has been doing quite a lot of work in this area in terms of really engaging with the issue and providing advice to home owners. I know of at least a couple of long-standing issues where there has been significant discussion with the council where there has been approval for that modification to homes. I might look to Ms Moore to provide a bit more detail in terms of the work of the council and where we are now, particularly around some of those environment provisions, such as being able to secure solar panels on heritage buildings, particularly in heritage precincts.

Ms Moore: The council is very supportive of sustainability in heritage properties. As a fundamental, we want people in these heritage properties. It is what keeps them alive and keeps them with us in perpetuity. So they are supportive of all the ways to enable people to live and live comfortably in these homes; solar panels being one. They are working on a new solar panel policy at the moment. They have one in their heritage precinct guidelines at the moment, but as time goes on, technology changes. So it is time for that policy to be brought up to speed with current technology because there are a lot more options available to home owners now than there were when these precincts were registered quite a few moons ago.

The other thing the council is very supportive of is double glazing. These older homes have very specific windows, double hung timber, and they really help home owners identify and source the correct pieces they need to protect the heritage values but ensure sustainability of those buildings. Another way the council really supports sustainability, in the garden city precincts particularly, is with the percentage of vegetation it requires around these properties. It requires a 40 per cent landscaping around the heritage properties, which really contributes significantly to the tree canopy of the ACT.

MISS NUTTALL: Just zoning in on the double glazing and those kinds of more passive elements that help you remain sustainable. Is it a fairly niche market for that in the ACT? Do we have, I guess, partnerships with community providers, or people who can provide the right sort of technology, something that you would be able to retrofit into a heritage house?

Ms Moore: It is surprisingly not overly niche, particularly with windows. I mean window providers these days are pretty creative and there is lots of technology around it. Where it probably is a bit more niche is in things where we encourage people to reuse materials, such as our Canberra red bricks and stuff like that. We have a list of

suppliers or people out there that we know that work in this space and that can help our architects and our home owners. This is where the advisory service really comes to the fore. They are a great conduit for applicants in the development space accessing heritage suppliers and consultants.

Ms Vassarotti: Just to pick up on that, Miss Nuttall, I think this is probably the hidden positive story about the complementarity of heritage and environment, in protecting and modifying buildings, rather than tearing them down, particularly around the reuse of materials in terms of the issues around embodied carbon in waste. This is a key area where there is already good work happening, and, again, really good opportunities. I referred in my opening statement to the statement of expectations, and it is a key challenge I have put to the council: how do we embed those sustainability elements and get away from this perception that we need to choose either heritage or environment. There are a whole lot of areas where the aspirations can come together really well and support each other.

THE CHAIR: Can I ask about any potential involvement of the heritage area in the Forrest demonstration housing?

Ms Vassarotti: Are you talking about the manor house proposal?

THE CHAIR: I think so, yes.

Ms Russell: Yes, I could probably speak quite broadly to the matter. I know redevelopment of that block is a proposal that has been considered by the Heritage Council previously. It certainly is an opportunity for the ACT government to look at some of those ageing-in-place opportunities within a heritage precinct. The Heritage Council certainly considered that the redevelopment was compatible with the heritage values of the precinct. I think there is an ongoing process where that is seeking development approval. I understand that is not in place at this time.

THE CHAIR: I know that project has been going for about seven years. I had heard there was a recent meeting that no-one from heritage went to, and I think that people involved were a bit disappointed.

Ms Russell: I can speak to that. There was a pre-application meeting organised by the Planning Authority. People from the heritage team were not available on the day, but we provided written comments to inform that discussion. So certainly, we did provide input and commentary.

MISS NUTTALL: We heard during a recent parliamentary committee inquiry that our heritage and planning systems did not always have the measures in place needed to protect cultural heritage. Is there any new funding in the budget to protect cultural heritage? Are there any law or system changes we need to make to protect cultural heritage?

Ms Vassarotti: In relation to the last 12 months we have been doing quite a bit of legislative reform with some amendments through an amendment act and some additional amendments to the heritage system. As we work through the reform process we expect there will be additional work that does need to occur from a

legislative point of view.

I think the really exciting piece of work, that will take some time, is responding to the second theme of the review, which looked at how we elevate and provide the opportunity for traditional owners and custodians to be in control of their own decision-making around Aboriginal cultural heritage. That is an exciting piece of work, but it is a piece of work that will take considerable time, and we need to ensure that it is community-led work. So, we really need to be working with local traditional custodians and communities around that work. It sits in the context of a range of other processes that are going on in terms of the reflection around the role of the Elected Body; a reflection in terms of our aspirations around treaty and the need to deal with truth-telling as well.

So that will result in legislative change at some point. Again, we want to make sure we do the process right, that it is community-led and it is not dictated by government as to what we think should happen. As we work through that process we will need to think about some of the mechanisms we have in place, such as registered Aboriginal organisations, their role within the system and how that might work in the reformed system, and that will require legislative changes.

MISS NUTTALL: Have you been hearing anything from parts of the First Nations community? Have you had feedback so far on that second thing?

Ms Vassarotti: Yes, there is an ongoing conversation. I think it is one that, again, we are trying to create a really safe environment for for some of those conversations. Some of the recent discussions you would be aware of. We have an amendment before the Assembly in terms of expanding the Heritage Council to enable more than one First Nations person on the council.

A number of the conversations that have happened, and will happen, in the context of the fact that we do not have traditional custodians currently represented on the council, is something that is a deep concern of mine. I really hope that, if that amendment is successful, we are able to go out and create an environment that is safe and that will have good representation on the council. On an ongoing basis, discussions with our community and with the registered Aboriginal organisations, continues.

THE CHAIR: Just briefly, I presume asking about any potential restoration works of the creek at Tuggeranong Homestead would go to either Water or—

Ms Vassarotti: Yes, I think that is best dealt with by them because they are leading that project. It is an exciting project and has really fantastic cultural outcomes and benefits, but it is being led through the Office of Water.

THE CHAIR: I will just pop back to the heritage database. I notice that last year's estimates committee recommended that the Heritage Council website and database be finalised this financial year, the one we have just finished, and the government response said they would progress a statement of requirements, undertake a market testing exercise and develop a budget business case. Did all of that take place?

Mr Rutledge: Yes, Ms Lawder, all of that did take place and that is where we are at

the moment, which is additional funding to get the scope 100 per cent right. The market testing took a couple of forms. For one, as the minister described, we visited a number of other jurisdictions to see how it was working on the ground. I think probably we hoped we would be able to just take Sydney City Council's, or somebody's, but unfortunately, we could not find that, so now we have the scope. As I said earlier, we will get that organised and then we will go back to government early in the next calendar year.

THE CHAIR: Just finally, is it an intention or a possibility that the database will have a portal that is accessible to the public? Is that the intention?

Ms Vassarotti: Yes, absolutely. That is a core element of it. We are well aware of the limitations of the current interface with the community around understanding the register, so that is absolutely a core component. We also recognise that better backend systems will also deliver significant increased efficiency for the staff as well.

MISS NUTTALL: Both the heritage jurisdictional review and the Assembly committee inquiry made recommendations on how the ACT's heritage system can be improved. What is the progress against implementing those recommendations?

Ms Vassarotti: I would say that we have progressed well in relation to that. There is quite a lot of detail in terms of the work that has happened. Obviously, we have talked about things such as the statement of expectation, the work that we have done around the database and the work that we have been doing with the council. I have extended members of the council for two or three years so that is no longer an interim council. We have a full council in place.

There is a lot of work that has been done in terms of reviewing our systems and processes and developing the public guidance that we have talked about. We have talked about the legislative changes that have been made. We have also noted the important work that has happened around supporting that aspiration around Aboriginal decision-making.

I think probably the third area was really around ensuring heritage is understood and valued. I would like to shout out and really thank the new council, particularly the council chair, Duncan Marshall, who has been doing a really great job in becoming much more accessible and much more visible. I think at some points in our history, the Heritage Council has sort of been this faceless group of people that people did not really know about, and he has done fantastic work in getting out and about.

We are really proud of the Heritage Festival, and I hope everyone has gone along. We love our grants programs and things such as the tracks signage, which is a really important way of making heritage really accessible and mean something to people. People can just stumble upon some of our heritage in a way and then learn a little bit more. Then when they get their phones out they can have a look at some of our augmented reality or other information through the QR codes.

I think the other thing to note, and again this is a real testament to the team, is trying to engage better across ACT government. The links between heritage and planning for instance—they are so complementary, and so the work that has been done with

connecting with planning, with SLA, with TCCS has been a real testament, particularly given the high level of work that this team is carrying.

THE CHAIR: We are out of time. On behalf of the committee, I would like to thank all of our witnesses for your attendance today. If you have taken any questions on notice, please provide them to the committee secretary within three business days of receiving the uncorrected proof *Hansard*. The committee will now suspend proceedings and we reconvene at 10.30 am. Thank you.

Short suspension

Appearances:

Public Trustee and Guardian

Hughes, Mr Aaron, Public Trustee and Guardian for the ACT

Hughes, Mr Callum, Senior Director, Finance Unit

Lacey, Ms Danae, Senior Director, Wills, Estates and Trusts Unit

THE CHAIR: We welcome Mr Aaron Hughes, Public Trustee and Guardian for the ACT; Ms Danae Lacey, Senior Director, Wills, Estates and Trusts Unit; and Mr Callum Hughes, Senior Director, Finance Unit. 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 information 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.

Ms Lacey: I confirm I have read the privilege statement.

Mr A Hughes: I understand and agree with the statement.

Mr C Hughes: I agree with the privilege statement

THE CHAIR: Thank you. We will proceed with questions. I have heard the Public Trustee and Guardian is currently looking to relocate offices from 221 London Circuit to a new site. Could you give me an update on your relocation progress?

Mr A Hughes: Thank you, Chair. Yes. The current lease arrangements that the Public Trustee and Guardian has at 221 London Circuit go through to 2027. However, there have been a number of issues with the current location. We have two tenancies: level 9 and the ground floor at the current location. Last year, we experienced a significant flooding incident at the location. There have been a number of pieces of feedback from staff about the dislocation that exists between the two floors. We have been there for a number of years. We have had quite a lot of assistance from the ACT Property Group, who coordinate that for ACT government agencies. They have sourced a new location for us. It will effectively be our head office. We are already working very flexibly across the territory. We use the government's FlexiSpaces in a number of locations now already, and of course our people work in a flexible way, remotely from home and other locations, as they are approved, from time to time.

The new head office is going to be located in Gungahlin. That will be an office space that our clients will be able to access and other people will be able to access. There will be a cost saving involved over time in relation to that move as well. We are working through that and are awaiting further advice from the ACT Property Group about timing.

THE CHAIR: Is it correct that, in your office in the city, your rent for the premise is three times as high as the per staff average for the ACT public service?

Mr A Hughes: I would have to check the exact data and come back to you on notice on that, but my understanding is that it is higher than the per staff average.

THE CHAIR: You will take that on notice?

Mr A Hughes: I am happy to do that.

THE CHAIR: Thank you. Is there a period before moving to Gungahlin when staff will be working somewhere else?

Mr A Hughes: The first step for us in working with the ACT Property Group was to vacate level 9 at 221 London Circuit, which we have done. Our staff at the moment are working from the ground floor space at 221 London Circuit, which is our front desk and client reception area, as well as office space. We are using that space as well as FlexiSpace and remote work arrangements for the time being. The plan is that the new property will be made ready and then we will have a date, likely later this year, when we will commence at that tenancy and vacate the ground floor at the current location.

THE CHAIR: Will some staff continue working from home?

Mr A Hughes: Yes; most of our staff. We have a small number of staff who are required, as part of their operational roles, to be in the office every day. All other staff access the ACT government flexible work arrangements, so they work from home for a number of days per week.

THE CHAIR: So, for example, if someone wanted to meet with their estate manager, your staff member would come into the—

Mr A Hughes: That is right. We have a whole range of work visits, client visits et cetera that occur. In some cases, it will be convenient for our clients to come into the office. In some cases, it will be convenient for us to visit our clients. Some of our clients reside in aged-care facilities. The people of the Public Trustee and Guardian attend ACAT, Civil and Administrative Tribunal, hearings in the city, but we also attend those at hospitals. Our people are out and about in the territory on any given day. That will continue.

THE CHAIR: We will move on to Ms Orr.

MS ORR: I am actually okay.

THE CHAIR: Miss Nuttall.

MISS NUTTALL: Yes. Can you tell me how many managers you examined in the past 12 months, or the recent period for which you keep records?

Mr A Hughes: Do you mean private managers?

MISS NUTTALL: Yes.

Mr A Hughes: When ACAT appoints a private citizen as a financial manager for an individual who has lost decision-making capacity, the Public Trustee and Guardian

has a role in reviewing, on an annual basis, the accounts and the financials in relation to what we call a private manager. That is estimated, in the budget statements, to reach about the 585 mark. I am pretty sure, from memory, that it is still where we estimate we will get to for the last financial year.

MISS NUTTALL: Is that information that you keep at hand? Is that information that you are able to share? Do you have the exact numbers?

Mr A Hughes: I do not have the exact numbers in relation to 30 June at hand. That will be part of the financial statements process and the annual report work that we do. But I am pretty confident that we are around that 585 mark that we put together for the budget.

MISS NUTTALL: Thank you so much. How many managers were there in total during this time? Were there any managers on your books that did not submit accounts for examination?

Mr A Hughes: It might be worthwhile that we take that question on notice because the number of managers is one number, but, for private managers, there is a three-year order issue by ACAT. A private manager will be appointed for three years. Sometimes managers are very diligent and they will provide us with their accounts and statements immediately and on time et cetera as part of that, and sometimes there is a delay—there could be a whole raft of reasons for that—and there can be changes in managers as well. I am happy to take on notice our understanding of the total number of managers at, say, 30 June, noting that ACAT appoint them, and could try to contextualise that with the number of examinations that occur, if that is okay.

MISS NUTTALL: Thank you very much. That is all that I have on this.

THE CHAIR: Mr Braddock, do you have a supplementary or a substantive?

MR BRADDOCK: A substantive, please, Chair. Mr Hughes, could I please have an update on the Business Transformation Program and what has been achieved since the annual report?

Mr A Hughes: The Business Transformation Program existed in the Public Trustee and Guardian from around 2016 through to 2022 or 2023. It predates me.

MR BRADDOCK: Fair enough.

Mr A Hughes: My commencement date was February 2023. The Business Transformation Program has certainly progressed to a number of activities. It was effectively put in place, as I understand it, for the merger of the guardian functions with the public trustee at the time, around 2016, and then a number of projects focused on IT and IT projects.

MR BRADDOCK: I will rephrase the question. What improvements have been made within the PTG's broader IT systems and processes and people in order to continue the upward trajectory which we have tracked over the past couple of years in hearings?

Mr A Hughes: In the annual report last year, we provided some information about IT projects and work that has happened in that space. I do not have at hand a set of information or a report in relation to the Business Transformation Program. From my point of view, I have treated the program as ceased from my commencement date. I can talk to you about what we have been doing in that space since February 2023, if that is what you would like me to do.

MR BRADDOCK: Please do.

Mr A Hughes: That has, of course, been informed by previous conversations with the JACS Legislative Assembly committee as well, in relation to the audit report on financial management services that was tabled last year. We have had an action item for the last 12 months focused on establishing a digital roadmap for the agency. You might recall that the agency has a number of software systems or ICT solutions. The main one of those is our trust and accounting system.

The more recent work on the Business Transformation Program was focused on deploying Microsoft Dynamics for a number of different functions that the Public Trustee and Guardian performs. It is fair to say the results of that work is mixed. It is certainly a success with the fact that we have Dynamics in the organisation. We have rolled it out and we have a number of our people using that tool, but has it improved every single process and function that we conduct? The answer to that is no. For a lot of the time, it has been referred to as a customer relationship management system, but one of the pieces that we have certainly formed a view on, and I have formed a view on since commencing in the role, is that we have not actually successfully implemented a customer relationship management system.

What we have implemented is the Microsoft Dynamics tool for a number of functions, workflows and activities that we conduct, such as private manager examinations. The roadmap work that we have been doing during the last period has involved a lot of engagement with areas like the JACS Chief Information Officer Branch and engaging with DDTS in the Chief Minister's directorate to understand the direction in which the ACT government is heading and which platforms are going to be supported and maintained. From our agency's point of view, being as small as we are, there is no point in us maintaining systems that are not supported more broadly, and therefore we do not leverage the synergies and expertise that exist across ACT government. Our ICT roadmap is coming together and we are working quite closely with a number of stakeholders to now craft and set the things that we need to do to stabilise the Dynamics platform.

I will talk about the Dynamics piece first. That will move us onto the path of using Dynamics as a customer relationship management solution. That means we will better collect data on our clients and the work that we have done for them. It is somewhat being done now, but it can be better. Then we will start to see the modules that have been developed, informed and better informed by that data and by other work that we need to do to, in some cases, redesign, but in other cases to actually deploy Dynamics for other solutions and services that we provide.

The second element of that ICT roadmap is focused on the trust accounting system. It

is a legacy system. It is called TACT. That solution is supported by an external provider, but we, like a number of jurisdictions—and we are talking to those jurisdictions—are very aware that that solution is quite old. It does need a future solution and some futureproofing. There are a number of other products in the market in that space that we are exploring at this stage, but we really need to craft the requirements, get the design right, and then find the best way to go out to market for that if, indeed, it is not already picked up by a broader ACT government solution.

MR BRADDOCK: Going to HR, I know that part of your remit when you came in was to build up the workforce in the PTG, so I would be interested in an update on that. Also, I believe that, in previous hearings, there were discussions about the level of qualifications, particularly amongst the financial advisers. I am keen for an update on that.

Mr A Hughes: The financial managers, as we call them in our organisation, are not required to be qualified in accounting or to be chartered accountants et cetera in that space. The work that they do is probably more akin to case management work. They certainly need an understanding of the legislation that we work within, and, over time in those roles, they build up skills in relation to taxation, income, expenses, budget management and those sorts of things. We have not set any mandatory qualifications in those spaces, although, of course, we would consider some qualifications in accounting desirable. We have continued on that path. It is true, though, that we have engaged providers, such as a range of taxation firms, who have been working with us on the more particular and expert area of taxation, to help us to craft that. That has certainly added some value to our workforce with learning opportunities and sessions in which they train our people in a particular area of taxation and those kinds of spaces. That is been working quite well.

Coming back to the workforce, our workforce has remained fairly stable. We have between 65 to 70 FTEs at any given time. In that space, we are currently working through what we call the structure initiative. That is designed to really craft our workforce and work with them to set career pathways. We have a clear client services focus in our organisation. It is the service delivery shop. That means that we have some more work to do to ensure that our teams are structured in a way that deliver those services. Examples in that space will be to put the focus more on things like decision-making and supported decision-making, under which guardianship and financial management functions that we perform would sit. It is to really bring out those principles and the primary goal of supporting people in those spaces and making sure that case management, if you like, for people who fall into those client spaces is supported in a consistent way and that our systems support that as well as we go forward.

The other part of our structure piece will be around enabling and supporting teams, which is a focus on ensuring that we are as efficient as we possibly can be—that we have adopted ACT government policies and frameworks as far as possible and are not duplicating those, and, indeed, that, where we can benefit from sitting within the JACS Directorate, we benefit from, take advantage of and leverage JACS policies and frameworks as well. That work continues. That will allow us to keep reviewing and revising what that structure looks like, making sure that we are putting structures and teams in place that can help solve problems, and that our enabling and supporting

teams support our client services teams to deliver for clients the outcomes that we want to achieve.

THE CHAIR: Ms Orr has a supplementary.

MS ORR: Mr Hughes, picking up on the comments you were making about supported decision-making and increasing the capacity of the commission, what are you actually looking at doing? How are you approaching it? What are the tangibles we are going to see from that?

Mr A Hughes: The work of the Public Trustee and Guardian, particularly in the guardianship and financial management space, is a substitute decision-making regime or scheme, if you like, but, of course, the legislation calls out supported decision-making principles that must be followed as part of that work. Our focus at the moment is on ensuring that the team structures are doing that in a consistent way. That is also going to include a level of training, education and other pieces that we see can be improved. That also involves connections with other parts of government where concerns about supported decision-making or decision-making might arise. In those areas, I am talking about the prevention of elder abuse and connections with disability sectors. There is a raft of things that we can do that are in our control. More broadly, there is the Disability Royal Commission, a broader set of legislative change and other bits and pieces that might occur that we would certainly be keen to contribute to.

MS ORR: Are you looking at this as continual improvement or is there a program time frame?

Mr A Hughes: It is continual improvement at this point in time. I suspect that we will clearly see the activities that will be needed, and we are seeing some of that from the Disability Royal Commission response and the national plan to prevent elder abuse. The Public Trustee and Guardian is also a member of the Australian Guardianship and Administration Council. That council has a number of programs and priorities in this space as well. Bringing that together, we are more likely to reflect that in our strategic plan and in our business plan.

THE CHAIR: I have another supplementary following up on your comments about the ICT program. I notice there is apparently an imminent Auditor-General's report into IT infrastructure and procurement at the Public Trustee and Guardian. Irrespective of that report, does the PTG rely on advice and guidance from Procurement ACT in IT systems implementations and purchases?

Mr A Hughes: The Public Trustee and Guardian sits within the JACS Directorate. In more recent times, we have certainly sought advice and guidance from the JACS Chief Information Officer Branch and DDTS in relation to procurement. JACS have a coordinated central procurement cell and have a community of practice across the directorate that we participate in. Procurement ACT advice could be sought in that space as well.

THE CHAIR: Have you received a copy of the audit report?

Mr A Hughes: I have received an embargoed copy of the report—yes.

THE CHAIR: Do you agree with the recommendations?

Mr A Hughes: The Public Trustee and Guardian welcomes audit reports and welcomes review that is conducted in a way that will assist us to improve the way we do our business.

MR CAIN: I have a supplementary, Chair. Procurement has been a systemic issue of vulnerability in the ACT, with deficiencies across the whole of government, not only for the Public Trustee and Guardian. Did you rely on the advice and guidance of Procurement ACT in implementing your IT systems?

Mr A Hughes: Mr Cain, that is a difficult question for me to answer because the decisions in relation to the Business Transformation Program and the ICT projects under that program in 2016 to 2022 and in early 2023 are not decisions that I was privy to or involved with. My tenure started in February 2023. I can tell you that, from here on, it is certainly our approach at the Public Trustee and Guardian that we will be compliant with the law and that we will be compliant with the policies of the ACT government in relation to procurement and IT procurement.

MR CAIN: Thank you.

THE CHAIR: Mr Braddock, do you have any supplementaries?

MR BRADDOCK: I have a supplementary to your question. What is the location in Gungahlin? Is it in Winyu House or somewhere else?

Mr A Hughes: Somewhere else: Fussell Lane.

MR CAIN: Two successive budgets since 2022-23 have forecast operating surpluses—page 90 going forward. Page 94 of 2024-25 budget statement D reflects this forecast was not met, with a \$241,000 deficit. What spending requirements prohibited you from meeting this forecasted figure?

Mr A Hughes: I think it is correct that, in the last financial year, we forecast a deficit in the budget. We have experienced higher expenses than expected in the last financial year, which will mean that that forecast deficit is higher than what has been published to date et cetera. The reasons for that largely go to changes in workforce numbers. We have recruited more people to work through backlogs and other bits and pieces that we have experienced in the last financial year and to make sure that we are meeting service requirements. There is also—and I might ask Mr Hughes to provide more detail if required—a significant amount of depreciation and property-related costs that will now reflect in our financial statements as a result of the move that we have discussed previously and answered questions to. Is there anything else you want to add?

Mr C Hughes: I think that is accurate.

MR CAIN: You have forecast operating surpluses of \$281,000 in 2024-25 and \$485,000 for 2025-26. How confident are you of meeting those forecasted figures?

Mr A Hughes: Operating surplus for where—sorry?

MR CAIN: Operating surpluses of \$281,000 for 2024-25 and \$485,000 for 2025-26. That is in the forecast.

Mr C Hughes: For 2024-25 we have an operating loss forecast of \$241,000.

MR CAIN: Okay; sorry about that. On page 95 of budget statement D, you forecast a strong fiscal outlook by 2028, with the Public Trustee and Guardian achieving a net surplus position. Where have you found the elements of restructuring your budget to produce this outcome?

Mr A Hughes: Again, I might ask Mr Hughes to go into more detail if required, but we recognised that running an operating deficit is not a good place for our organisation to be. Decisions that we are taking, such as decisions around property, around structure, expenditure on IT and leveraging more cost-effective solutions from across government where possible, is where we are expecting improvements in that financial position, along with other activities to focus on ensuring that the revenue that we are achieving is actually meeting and is appropriate to the expenses. For example, in the next financial year, the Public Trustee and Guardian has to and we are committed to reviewing fees and charges that we charge in relation to the services that we provide. That is going to give us an opportunity to look at exactly what we are charging and whether that is meeting the costs that are involved.

MR CAIN: I have a question regarding charitable funds and GreaterGood. How did GreaterGood perform in 2023-24?

Mr C Hughes: The total amount in GreaterGood is just over \$49 million between both the gift fund and the open fund, with the gift fund being approximately \$38 million of that. We are still working on financial statements for those funds. We have seen that there will be an operating surplus for those two funds for the year, and a big contributor to that is again investments. We are seeing quite a fair bit of growth in the financial markets over the last 12 months.

MR CAIN: In terms of distribution from the fund, what are your primary objectives and targets?

Mr C Hughes: The gift fund, of course, is governed by the Taxation Administration (Public Ancillary Fund) Guidelines 2022. We have to achieve a four per cent requirement distribution for that. For the 2023-24 financial year, I believe the amount was \$1.5 million for the year. We achieved that by distributing \$1.586 million, I think, but it may be slightly different. The open fund does not have the same kinds of guidelines, and we are distributing all income received on those accounts during the year. I cannot think of the amount off the top of my head for that one, sorry.

MR CAIN: And the gift fund? What is the criteria for where that money goes?

Mr A Hughes: The GreaterGood fund operates in a way where individuals or organisations will put in place a deed, effectively, with the Public Trustee and

Guardian and with the GreaterGood arrangements. Those deeds will quite often identify for that individual or the organisation the charity or the charitable organisation that they would like the distributions to go to in perpetuity. For the vast majority of funds, we have a range of charitable organisations—and they are published on the website—who receive funds each and every year. There are a small number of trust deeds where a purpose or a cause, but not necessarily an entity, is identified. That is where our board comes into play and provides me as trustee with advice on the charitable organisation or where those funds should be directed to.

THE CHAIR: On behalf of the committee, I would like to thank you for your attendance today. If you have taken any questions on notice, could you please provide your answers to the committee secretary within three business days of receiving the uncorrected proof *Hansard*.

Hearing suspended from 10:58 am to 11:15 am.

Commissioner for Sustainability and the Environment
Lewis, Dr Sophie, Commissioner for Sustainability and the Environment

Environment, Planning and Sustainable Development Directorate
Grimes, Mr Sean, Director, Sustainability, Environmental Assessments and
Reporting
White, Ms Emma, Assistant Director, Investigations

THE CHAIR: We now welcome Dr Sophie Lewis, Commissioner for Sustainability and the Environment, Mr Sean Grimes, Director, Sustainability Environmental Assessments and Reporting, and Ms Emma White, Assistant Director, Investigations. 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 you understand the implications of the privilege statement and you agree to comply with it?

Mr Grimes: I have read the privilege statement and, yes, I agree with it and will follow it.

Dr Lewis: I have read and accept the privilege statement.

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

THE CHAIR: We are starting questions with Miss Nuttall.

MISS NUTTALL: Thank you, Chair. I understand your legislation gives you the power to investigate complaints. Have there been any complaints that you have investigated? Are you able to talk about these in detail or are there any observations you would like to make?

Dr Lewis: Yes; thank you. As noted, we had one major complaint that was undertaken in the last financial year. That was a complaint that was raised with the commissioner's office by members of the community regarding the usage and management of environmental protections in the Majura Valley. This related to development at block 709 Majura. The investigation around this report was finalised by my team and my office in June of this year.

This report went into significant depth examining the response to complaints that had been raised by community members with aspects of the ACT government, including the EPA and also the EPSDD, regarding diligence around environmental management and usage of that block. If helpful, I would be happy to table this report—if that is something that is possible.

THE CHAIR: Thank you.

MISS NUTTALL: That is fine.

Dr Lewis: There is a lot of information in the report, and it does contain a lot of detail around information that was provided on request by various government entities to

my office in support of this investigation. There is a lot of complexity around the lease arrangements, compliance with the lease purpose, the land management agreement and the investigation of those concerns by the community members around significant noise, light, air and water pollution affecting the environment and the government's response to that. I will quickly go through some of the summary of findings.

MISS NUTTALL: Yes, please.

Dr Lewis: There were many aspects of this complaint that were investigated. But the main basis for the decision by me to conduct this investigation in full was that the community had perceived that the response from the ACT government to the initial complaints around environmental impacts of development on this block had been insufficient; that the use of the block was occurring under lease conditions that were not permitted under lease conditions, and that was environmentally damaging; and that there had been issues with rural lease transfer documentations and around the process by which an extension was granted to the lessee for the completion of the land management agreement.

The findings were that the current and historic ACT legislation had not afforded protection of the environment on that block; that there had been a discernible reduction in vegetation cover and an increase in impermeable surfaces over a significant period of time; and that the regulatory approaches used by the government had not afforded protection of the environment on that block, 709 Majura.

We found that it appeared that the lessee had been operating on an incorrect understanding of what was permitted under the lease transfer agreement, particularly around commercial rather than agricultural activities and that the purpose of the LMA, which is the land management agreement, was to establish appropriate and sustainable agricultural management practices and good farm biosecurity while maintaining ecological and cultural values and protecting the environment from harm. When investigating this matter, it appeared that the land management agreement for that block had not supported those outcomes.

There were numerous findings and recommendations made around those administrative processes and the degradation of the environment that occurred at that block over that period of time. As I said, I am happy to table that complaint report for the committee's review. I will just note, in having given that summary, that it is also noted in the report that we are not casting any aspersions on the actions of any specific official who was acting in those roles within the entities that I have named. This is more looking at those systemic issues and the broader legislation and regulatory approaches than the actions of any individual, who seemed to have behaved diligently in undertaking their duties.

MISS NUTTALL: Wonderful. Thank you.

MS CLAY: What are the next steps? That was a complaint-triggered investigation, and you chose to investigate that complaint. I know you receive a number of complaints, probably more than you have resources for. What are the next steps? You have completed that investigation. What happens now?

Dr Lewis: Just to be clear, it was not a commissioner-initiated investigation. So that was not undertaken under my own initiative. This was raised with me by a community member as a complaint under that function of my legislation. They are slightly different; so it is worth differentiating those, because they have different statutory roles.

This report has been finalised. It has been to and from government for various points of feedback and for opportunities to add detail and comment. This has now been finalised, which means it has been distributed to various ministers; the government directorates; and the complainant, who has been de-identified. That is the extent of the legislation. There being a non-statutory report, there is no requirement for a formal response or for this report to be addressed or responded to in any way.

In undertaking this investigation, as I said, this was not looking at specific actions. It did reveal issues of concern to my office regarding the current protections for the environment within the planning and development legislation that I noted. They will likely be part of the concurrent commissioner-initiated investigation into the impacts on the environment of the planning system in the ACT. That is one mechanism for continuing to explore these issues and, ideally, provide more productive and better environmental outcomes. But, in terms of compelling any response to this complaint report, there is no requirement under the legislation.

THE CHAIR: Do you know, from the process you went through, whether anyone had raised any issues beforehand, before your investigation, with the lessee of the block?

Dr Lewis: With the lessee? I am not sure about that. The investigation was really into the government management of the environment around that block, particularly regarding the land management agreement and the conditions of the lease. It was not regarding the lessee's actions.

MISS NUTTALL: Sorry if you have already covered this, but are you funded to investigate these complaints when you do so? Is that additional funding capacity put in place or—

Dr Lewis: No, we do not have any additional funding for specific investigations. That is all covered under our single revenue stream. If we received an investigation that we were unable to pursue because of financial constraints—which has not occurred before, I should note—there would be other mechanisms for us to fulfil that requirement under the legislation to investigate complaints raised where they do fit within the requirements of the legislation, including discussion with our administering minister or directorate. But that has not been an issue before.

MISS NUTTALL: That is great to know. Thank you.

MS CLAY: Commissioner, this is quite a timely question to ask on the back of the last conversation. In your *State of the environment* report, you made quite a lot of environmental governance recommendations. Since then we have also had the PEG review into governance in the planning system. There is one strand of that that is a bit

similar in both, and I wanted to have a bit of a chat to you about where you felt they sat.

The recommendation in particular that I am looking at is the one where you recommended that the Conservator should be a standalone, independent role that sits outside of the directorates. The PEG review said that the Conservator should not report to the Chief Planner. The government has partially implemented that now, because the Conservator no longer reports to the Chief Planner; the Conservator reports to the head of EPSDD, who is no longer the Chief Planner. Having made that recommendation and watched that unfold, do you think that is the end of the story, or do you think the Conservator should still be an independent, statutory officeholder who is not part of the directorate?

Dr Lewis: There are two facets to my response to that question. One is that, more broadly, I do not think that should be the end of the story. That recommendation, recommendation 5, in the *State of the Environment* report around environmental governance—which came from an auxiliary report that was undertaken for the office and is public on our website around environmental governance structures in the ACT—was designed to strengthen the environmental governance around the statutory positions in the ACT. A big part of that was around the Conservator of Flora and Fauna and the arrangements regarding that role—again, not the specific individual holding that role at any one time. In that auxiliary review, we see that that recommendation or that concern about independence has been made over a significant period of time. I do not think in that sense that the story ends there.

But, in terms of your connection to the recommendation made in the *State of the environment* report, I would say, sadly, it seems so, because the response that was tabled by government in June was that that would be noted and, in consideration of the Conservator of Flora and Fauna, there was a note that the government will consider options, rather than any commitment to reform in that space. So, in that sense, I do not think that there was a huge appetite for considering some of those structural reforms that would increase the robustness of governance and environmental management.

MS CLAY: You stated the same concern with the EPA and with the Conservator in that we would get different outcomes if they were independent. Can you explain to me how the world might look different if we had a genuinely, structurally independent EPA and a structurally independent Conservator in our system rather than the current arrangements?

Dr Lewis: That is a really good question. It is not necessarily clear how the space would look different for the ACT if those two entities that you have discussed—those statutory positions—were fully independent. In one sense, the reason why it is so important to explore and interrogate the arrangements around those roles is to make them as robust as possible, so that, regardless of who fulfils which roles—whether it is the head of any particular directorate or one of those positions or any specific administering minister—they function independently and provide that frank, fearless advice, that they can operate and provide strong referral entity advice, regardless of who else is fulfilling those roles, and we are never in a position where we have any concern about the way they are conducted.

It is more about safeguarding those roles, in addition to also strengthening their capacity to undertake the work. For example, what you have mentioned about the EPA would be bringing in line with what we see in many other jurisdictions and what has been noted in many broad reports, such as that of the Environmental Defenders Office into EPAs.

MS CLAY: Which is that independent EPAs provide a better role in the governance of our planning and development?

Dr Lewis: Yes, and in particular that that often occurs through having, for example, an independent governing board.

MS CLAY: There would be resource implications from these decisions. You obviously think they are resource decisions that are worth making.

Dr Lewis: That is a really good point that. What we are talking about is not necessarily just legislative or governance change; often it is structural change that requires more resourcing, particularly if we are talking about some of the changes you have indicated might be helpful for the EPA. If I return more broadly to your reference to the *State of the environment* report, what that report highlighted was that we have observed through this structured, systematic, comprehensive report that occurs every four years that our environment is in a state of decline and what we are doing time and time again through policies and programs is not sufficient for protecting the environment. So we have to do something different, and that requires more resources.

If I can connect this to a submission that the office made to the statutory review of the Nature Conservation Act: in 2023-24 and 2024-25 ACT budgets, only three per cent of the total spending was allocated to the environment, sustainable development and climate change. This is the lowest proportion of budget allocation to any of the 11 identified areas apart from one. At the moment, the environment, from a budgetary sense, is not a priority. Part of the outcome of that is that we see, through many indicators, that our environment is in a state of precarity and a state of decline. So, if we want a different outcome for our environment, clearly we have to do something different.

MS ORR: Commissioner, in recommendation 5, environmental governance, there are four components. The first three I read as being quite clear recommendations for future action. The fourth one, though, calls on an inquiry to consider things that my read of it says are covered in the three recommendations that say, “These are the actions you should take.” I want to get a clearer understanding from you as to how you see one to three interacting with four. I would have thought four informs the outcomes that are made in one to three. I am wanting you to step through how it all fits together so that I have a better understanding.

Dr Lewis: That is right. The first three are really more specific actions to that recommendation. The fourth is that the inquiry system of the Assembly, in particular, is a potentially useful mechanism for exploring the ACT’s environmental statutory positions as a whole and for more comprehensive investigation and interrogation of

those roles and of how independence can best be achieved.

MS ORR: Bear with me. I might just labour the same sort of—

Dr Lewis: I would say there are three things that we should do, and there are probably more we should do and one way to do that would be point 4.

MS ORR: Quite often we have an inquiry to consider the three things that you said we should do. So I guess my question is: is the proposal for an inquiry redundant, given that there are three very clear courses of action? I am not seeing how they do not overlap.

Dr Lewis: They certainly do overlap. Point 4 is because we needed to be doing more than the first three points. The first three points are: “Here are three tangible, concrete things that we could be doing, but they are not sufficient to deliver us the most robust governance arrangements and best practice we could have.”

MS ORR: Would it not then be better to consider everything, including those three points? I guess the question is how you arrived at the decision that those three things have to be done without question but further consideration needs to be given? If further consideration is given, how can we be confident that the three things you said need to be done, would not, under further consideration, perhaps cause there be a different course of action?

Dr Lewis: The best way to view this recommendation perhaps would be to just focus on the first part of it. We need to reform environmental statutory positions to strengthen independence and accountability. I do not really know how to answer your question; I am sorry.

What I would say is that, in undertaking this *State of the Environment Report*, the office came to the conclusion that these arrangements are not best practice. These positions are not fully independent and require reform. We made that recommendation. But the government response has this as “noted” in its response. In fact, none of the 30 recommendations of the *State of the Environment Report* were agreed in full. So, as to whether points 1 to 3 can emerge from point 4, or whether point 4 is redundant, seems to me to be redundant because this has not been agreed to.

MS ORR: Take a step back from that. My question was not so much within the context of what the government had or had not said. It was more trying to understand how the recommendations you made interacted, so that I had a clearer understanding of not only the objective but the outcomes that you think would be coming from that. In my mind it is actually quite separate to what the government does or does not say.

Dr Lewis: Okay.

MS ORR: In the interests of time, I am happy to move on. If there is anything you wish to add later, maybe we can come back to it.

THE CHAIR: I note that there is a reduction in the budget of the Commissioner for Sustainability and the Environment. Does that reflect solely the time frame for the

State of the Environment Report or will it have any other impact on your investigations or handling of complaints?

Dr Lewis: That is right. The budget allocation to the commissioner's office occurs, I think, on a four-year cycle, tied to the *State of the Environment Report*. The budget allocation is lowest in the year after delivery of the *State of the Environment Report* and then increases through to delivery. That is because of the greater expense that occurs in production of the report. Even with the tremendously hard work and in-house expertise we have in the team, it is still significant spending for the office. We do have a lower budget, as expected. That is unlikely to impact any of our ability to deliver on our functions. Typically, and not by intent, the office underspends in most financial years and I do not expect that to be different this year. The limitation for our office in undertaking the work required under our legislation is not from the budget perspective.

THE CHAIR: Given that you have a ramping up relating to the *State of the Environment Report*, do you find it difficult to get staff or resources to achieve that? There is no certainty of ongoing work for people. You bring in more resources, I presume, in the years when you have the *State of the Environment Report*. Do you find it difficult to recruit people to those roles?

Dr Lewis: No, we typically do not find it difficult to recruit people into the office. We do not tend to have an issue with resourcing from the personnel perspective around the *State of the Environment Report*. The most significant difficulty we have, if we think about resourcing more broadly, is not from budget and it is not from personnel. It is something that I have mentioned previously, and that is really with regard to time spent seeking information from government directorates. The major sink of time and energy within the office is the huge amount of time that we spend making information requests and then following up on those. For example, with the *State of the Environment Report* Mr Grimes may have details on the amount of time.

Mr Grimes: Yes. Typically we talk to directorates very early in the process. We have meetings and we look to seek and obtain data in March and April for calendar year data, and July for financial year. We often get delays and we are getting data in October. That is where resources or time lines become tight. It is not necessarily a resources thing; it is just that we would like six months or more to write and perfect what we are writing and do extra things that we can. But we often find ourselves really racing against time to deliver it to the minister by December.

Dr Lewis: On those time frames that Sean just outlined, I believe we delivered the report to Minister Vassarotti on 19 December 2023 and the last tranche of data underpinning that report came in from government in mid-October.

THE CHAIR: Okay. Thanks.

MS ORR: Commissioner, I want to go to what I think it is fair to characterise as perhaps one of the more not controversial but notable recommendations within the report. It is a big topic that has been put on the agenda previously, and that is the urban growth boundary. Urban growth boundaries are not all the same. They can be applied in different ways. It can be a hard boundary around an area and that is it; there

is no growth around that. Other boundaries will take in future greenfield land for a period of time. Some boundaries can be changed; there is provisions to change them over the years, with mechanisms for what can be considered. My point is that they can be quite different in how they are done. I was not clear from your report, when you mentioned an urban growth boundary, if you were referring to a particular model or if you had a particular model in mind.

Dr Lewis: Without being impertinent, I do not understand the basis for the question when the recommendation has been noted. If the recommendation has not been agreed to in part or in principle then the mechanism by which it would be achieved seems irrelevant. I can speak to urban growth boundaries in general. We know that there are many other jurisdictions and cities in Australia that have in place quite firm growth boundaries, which is more of the former legislative mechanism for preserving the natural environment around a city. There are other examples that I can talk through internationally about how that is being done. But I do not understand fully what sort of information you are asking about the specific mechanisms if there is no intent to implement that recommendation.

MS ORR: I do not quite understand. You have made a recommendation in a report and I would like to ask some questions about it. I appreciate that the government has taken a particular position. This committee is not the government, though.

Dr Lewis: Yes; absolutely. I appreciate that.

MS ORR: It is our job just to scrutinise and to question. What I am trying to do is get a better understanding of what you have proposed and the context within which to read it. Irrespective of what the government has or has not said, I would hope and I assume that you had something in mind when you were writing this as to what you considered an appropriate urban growth boundary and the model that you would like to see applied. Perhaps it was that the current footprint stays the current footprint or that there is a footprint that can allow for greenfield development but to a certain extent. That is the sort of detail I am looking for so that I can read this in the context of what you were suggesting.

Dr Lewis: Absolutely. In making recommendations I am intentionally not highly prescriptive about the mechanism or the approach that should be implemented because it tends to not be particularly useful. There are so many considerations that go into the legislation and policymaking, and that includes so many other considerations. In my experience, where a recommendation is overly prescriptive then it is more likely that there will be less willingness to accept that recommendation because of the mechanism that is proposed.

This report, as I said, highlights the environmental decline, through numerous indicators, over decades and decades and decades. The main realm in which, in my opinion, the ACT could improve our interaction with and outcomes for the environment is around the expansion of our urban footprint. The context for this environment being in decline is the biodiversity crisis and the climate emergency. Those are two large-scale, decades-long trends that are occurring outside of the control of the ACT government and outside of the control of the territory but that are placing tremendous pressure on the territory.

While there are interventions that we can make that can remedy some of the impacts of those broader trends, those mega trends, there is very little that I could make a recommendation on that would immediately assist in those areas. In terms of assisting our environment in that context, the most effective intervention, in my opinion, is to reduce the impact of urban growth on our natural environments, knowing that Canberra is expanding its footprint rapidly and that is placing a lot of pressure on the environments around our city. So that is where that recommendation came from. As I said, it was intentional not to prescribe where that growth boundary should be. In my opinion, if I had suggested that then it was unlikely that that would be where anyone else would suggest that growth boundary should be. That is the basis for the context of that recommendation.

In terms of your question more broadly, we know that there is an urban growth boundary that has been established around Melbourne. It was set in 2002, after a significant period of consultation. While that consultation was occurring, an interim urban growth boundary was established. That is permanent. There are modifications allowed only in designated growth areas, but that is following rigorous assessment. That has been quite effective, in many assessments and reviews, in containing Melbourne as a compact city, compared to where it would have been otherwise.

There has been an urban growth boundary in Adelaide for 30 years, and in various other areas. Portland and Vancouver are highlighted in the *State of the Environment Report* accompanying website as retaining identified green spaces. As you said, there are all sorts of different ways of doing this. Urban growth boundaries are a mandatory requirement in all Chinese city master and detailed plans. They have been piloted in 14 cities, so there are lots of examples of where very firm urban growth boundaries have been very effective in requiring intentionality in urban design and preserving the footprint of cities.

MS ORR: Okay. I completely understand and empathise with your desire not to make a suggestion—whether the suggestion is good or bad—and to keep to the substantive issue. Everyone on the committee has probably made recommendations in the reports we make along those lines and with those thoughts in mind.

I think, though, what I am still trying to grapple with is what this would look like. From what you have just said, it sounds like it is not necessarily a hard boundary, saying that there must be no further greenfield development; there could be developments within areas that would not necessarily currently have development, with caveats, if they are done with some of the requirements you have just said there. You are not wedded to a particular model, I guess is what I am thinking, and there is scope there.

Let me rephrase the question, because I am not being particularly clear, and I do not want to confuse it. I think when you throw out a proposition like an urban growth boundary—and it is not just here; this happens everywhere that this proposal gets put forward—you will have people who just go straight to the extreme and say, “We can never develop outside the existing footprint! This is terrible. This is bad.” In place of having a model there, it is hard to know which one it is and what you are actually responding to. The question I have is: are you saying there should be no further

greenfield development in the ACT or are you saying we need to get better at how we do it from an environmental perspective?

Dr Lewis: I think there perhaps has been a misunderstanding, and there is a requirement to clarify the language around this. This is saying that we legislate an urban growth boundary. That is not the same as retaining the existing footprint. An urban growth boundary is where we delineate where future growth will occur.

MS ORR: Yes, but some models would say that there is no future growth. That is what I am trying to get at. What are you actually suggesting here? Is it that we do not expand any further, or that we look—

THE CHAIR: Or is it up to government to determine what that is?

Dr Lewis: Yes; absolutely. That is why the recommendation was that we legislate an urban growth boundary to contain urban expansion. It is not to restrict urban expansion to where it is in 2024. That was not the intention of the recommendation. If that had been, that would have been the recommendation that I have made.

You can see in the expanded recommendations that this would be about identifying areas that are most ideal for residential or various other uses, and those which have high conservation values and should not be built in. This is about delineating those areas and containing them now, rather than permitting continual growth of greenfield developments through all non-reserve areas. I think it is really clear that we focus on the urban growth boundary, rather than on the idea of that being the current city footprint.

MS ORR: That is the answer to essentially the first question I was asking, so I think we got there.

Dr Lewis: Yes.

MS ORR: Throughout the report, I thought it was quite implicit—I want to check that my takeaway is actually the one that was intended, and I am going to paraphrase, so if you do not agree with it, feel free to correct me—that there was scepticism that the current environmental regulations, federal as well as state and territory, were not quite working to preserve and conserve the qualities of the environment that you are hoping to achieve. How much of that criticism of the conservation regulation feeds into this idea that we need to start looking at how we better preserve land, say, through the land management program or through an urban growth boundary proposal?

Dr Lewis: I think they are unrelated issues. We are not going to remedy issues with our environmental protection laws through limiting the expansion of the city to a particular size, whatever that might be, and we are not going to be able to address that urban expansion through current environmental laws. These are essentially two disconnected issues. Emma, do you have anything that you would like to add on the environmental protections more broadly?

Ms White: Yes. We have got the review of the commonwealth legislation around the environment and the review of the Nature Conservation Act, and both of those

provide an opportunity to strengthen the protections that we have for the environment. There is quite a lot of reliance on offsets as a way to protect the environment, instead of mitigating impact from the start. If we are looking at the urban boundary and identifying those areas of higher conservation value, increased protection through revised legislation will prevent those sorts of impacts.

Dr Lewis: I think we need both. I think it is really important to note that, when we talk about this urban growth boundary, those listings of other jurisdictions or other cities that I mentioned that have done this really illuminate that this is not an unusual idea. This is quite a common mechanism and approach to balancing all of those considerations that go into a city, including our natural environment and conservation values and the requirement for people to live here and the future expansion of Canberra's population. This is not an unusual idea. I think it is a really useful approach for us to understand where are the best places for us to build houses and where are the best places for us to be really investing in protecting that environment that we see is being pressured in so many different ways.

MS ORR: Great. I probably could have had another 45 minutes exploring that, but thank you.

MS CLAY: Commissioner, do you think that setting an urban growth boundary, wherever that boundary might be set, is the single most important thing the ACT government could do in the face of a climate emergency and biodiversity crisis?

Dr Lewis: It is such a tough question.

THE CHAIR: In one minute.

MS CLAY: Or is it one of the most important things we could do?

Dr Lewis: Yes.

MS CLAY: You have got a lot of information in your *State of the Environment Report* about the environmental damage of greenfield—

THE CHAIR: That is another question.

MS ORR: If I got one down, I think everyone else should be able to too.

THE CHAIR: All right. Another quick and one-minute answer.

MS CLAY: You have got a lot of information in your report about the damage of greenfield development. Do you think greenfield development is causing significant environmental harm?

Dr Lewis: I think it can. I think we highlight ways that it has. Ideally, that assists in us understanding ways that we can do it better, where we are going to do that. Where are we doing it and how do we do it—we can do those better.

MS CLAY: Thank you.

THE CHAIR: Thank you. We will call it quits there because we have to change over for our next witnesses. On behalf of the committee, thank you very much for your 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*. I thank you again for your time.

Short suspension

Appearances:

ACT Electoral Commission

Cantwell, Mr Damian AM CSC, Electoral Commissioner

Spence, Mr Rohan, Deputy Electoral Commissioner

Hickey, Mr Scott, Chief Finance Officer

THE CHAIR: We welcome Mr Damian Cantwell AM CSC, Electoral Commissioner, Mr Rohan Spence, Deputy Electoral Commissioner, and Mr Scott Hickey, Chief Finance Officer. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement, the pink sheet that is on the table. 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. Please confirm that you understand the implications of the statement and that you agree to comply with it?

Mr Spence: I understand.

Mr Cantwell: I understand and agree with the privilege statement.

Mr Hickey: I have read the statement, and agree and understand.

THE CHAIR: We will move directly to questions, starting with Miss Nuttall.

MISS NUTTALL: In the past we have had discussions—or my colleagues have—about expanding the voting franchise specifically to 16-year-olds. If my recollection is correct, one of the central reasons why you have objected to such a reform is that it would result in the need to establish or maintain a secondary electoral roll for people eligible to vote in ACT elections but not in federal elections. Would that be a fair summary?

Mr Cantwell: There is a range of issues associated with such proposed legislation. The commission has made submissions on this matter previously. There is an issue around roll management.

MISS NUTTALL: Going along that line, with this argument and the cost of administering it, have you developed any indicative estimates of how much such a system would cost, if we did implement it?

Mr Cantwell: No.

MISS NUTTALL: If the Assembly were to decide that such costs were worth it, would you be comfortable with proceeding to implement such a new system, or are there still peripheral arguments?

Mr Cantwell: The commission, as I said, has made a number of submissions around such a proposal in inquiries by committees previously. The commission's position on that is unchanged at this time. You can refer back to those submissions in detail, if you wish. Essentially, there is a range of concerns that we would see that would not

warrant the undertaking in terms of the outcome. We have raised those previously. It is not just a case of the costs.

MISS NUTTALL: I understand that. When we look at costs, how would you find out that information? At what point do you consider the feasibility of a system like that, when you do run the financial argument?

Mr Cantwell: It would be subject to such proposals, or a draft bill being drafted. As you know, one of the commission's roles is to provide advice to the Assembly and MLAs about electoral matters. We would be engaged in that process, as we have been previously, and indeed for any other electoral legislative matter. At that point of discussion or consideration, and as that legislation might take shape, if it supports the commission's position, we would do all of the detailed costings that we thought were appropriate to substantiate our position on that.

MR CAIN: Regarding a ban on political donations, do you have a view on the constitutionality of the current ban on political donations by property developers, or relatives of property developers, in relation to the convention on implied freedom of political communication?

Mr Cantwell: I would not want to impart my view in a constitutional sense; rather, I would simply reiterate that the commission made submissions to the Assembly in consideration of that legislation. Ultimately, the Assembly has decided to go the way that it has. It has been the law for a while. We have sought additional funding for us to be able to enact that legislation, and we are getting on with the job.

MR CAIN: What in your submission was not adopted?

Mr Cantwell: I would have to go back to our submission. I might pause for a moment to collect my thoughts.

MR CAIN: You put a submission through on the proposed amendments to ban developer donations. Was there anything in your submission that was not agreed to or implemented? You can take it on notice, if you wish.

Mr Cantwell: I might correct my response because I have crossed my wires here. When you started talking about a property developers ban, I was thinking about other aspects of legislation. I might have to go back to how we approached the consideration or the input into that particular piece of legislation. We can take it on notice and provide further detail around how we responded to that.

MR CAIN: If you got any legal advice, to inform your view and your submission; are you able to take that on notice and provide it as well?

Mr Cantwell: I am not at liberty, nor do I wish, to provide detail of any legal advice we have received in our deliberations; rather, I would offer that it is our considered review of electoral legislation or other legislation relevant to that which is being proposed—

THE CHAIR: Mr Cantwell, you have just said you are not at liberty to provide that

information. Are you making a claim of confidentiality?

Mr Cantwell: Could you expand upon that particular aspect?

THE CHAIR: Parliamentary privilege overrides any claim of confidentiality. Continuing resolution 8B has been passed by the Assembly, which uses a public interest test. You could ask to withhold the information if, in your view, it is in the public interest to withhold that information.

Mr Cantwell: No. I am happy to take the question on notice. In doing so, I will also consider how I would respond to the aspect that Mr Cain raised about provision of legal advice. That is how I interpreted the question. I will take that on notice.

THE CHAIR: I just want to add, though—

Mr Cantwell: The answer is no; I am not making such a claim.

THE CHAIR: You will take that on notice?

Mr Cantwell: I will take it on notice; correct.

MR CAIN: Do you have a view on whether bans on political donations by unions would be unconstitutional or otherwise of concern to you, as commissioner?

Mr Cantwell: I do not hold a view on that at this point.

MR CAIN: If such a ban was introduced, what impact would that have on your operations?

Mr Cantwell: The question for us, as has been the case with the ban on property developers, and, indeed, the ban on donations by foreign entities, is how we can properly include that within our disclosure provisions, or how we enact that to the point where we can give credibility to our assessment of whether that ban has been breached or not. It is not so much the constitutional aspects of it that come into play in our considerations, if that came up; rather, it is how we would properly enact it.

THE CHAIR: I will move on to election day logistics. On page 5 of budget statements A, there is a \$7.238 million increase in payments to accommodate the 2024 October election. Can you give us an outline of the activity that these payments will fund, as part of organising the election?

Mr Cantwell: Sure. I might ask my CFO, Scott Hickey, to talk to that. In general, clearly, there is a raft of significant additional expenses incurred in delivery of the election, and in preparation for it. It includes funding to provide the administered funding for political parties, a fee collected for the AEC roll, and a whole raft of additional expenses which we would incur. I will ask Scott to detail some of those additional expenses.

THE CHAIR: If it is a very long list, perhaps you can table it.

Mr Hickey: Damian mentioned a number of the items. We have increased funding around political funding, for political parties. That is the fee which gets paid based on candidates achieving a certain percentage of the election votes. We have funding for the administration of the prohibited donor legislation. We have additional funding for cybersecurity matters. We also have short-term funding to support the commission with strategic HR advice through that period. They are the key items.

THE CHAIR: You do not expect particular changes to your staffing footprint for 2024-25?

Mr Cantwell: Yes, we ramp up significantly in terms of our permanent, temporary and casual workforce.

THE CHAIR: They are mostly casual?

Mr Cantwell: No. On the day, we will ramp up to about 600 or so, depending upon the number of voting centres that we lock down, to conduct the actual voting in the voting period. I ramp up the numbers of staff who are employed within the office, the core staff—temporary staff and additional positions. We recruited two, and we filled those. There are salaries and the like associated with that expense. As the years go by, and the election window concludes, we stand down on those tasks and the resultant staff required to fulfil those duties, so the staff overheads decrease.

You mentioned earlier the logistics aspects. Clearly, there is a whole raft of wherewithal to deliver the election—the provision of cardboard, ballot materials and so forth. There are also additional costs focused on the preparation for and assurance of integrity related to our ICT systems. As you know, we use electronic voting as well as paper ballots and other channels of voting here in the ACT. We spend a good deal of time and resources appropriate to the task to ensure the electoral integrity of our ICT systems. That is an ongoing process, but it is focused on a point of assurance as we step into the election window.

THE CHAIR: Historically, have you had much difficulty filling all of those positions?

Mr Cantwell: It is difficult. Some of them have become a bit difficult. It is a tight market. We have offered roles to people who have been successful in applying for roles; then they have chosen to go somewhere else, for various personal reasons. We have then had to work our way through the merit list to fill them. Yes, we do work hard to fill those positions. We scan across the market carefully to make sure we are getting the right people. It is a difficult, stressful job. Not everyone is appropriate for the role, and we need to screen our people carefully.

In terms of the bulk of the workforce for the election window itself and the voting period, casuals do a tremendous job. We are blessed here in the ACT in that we have a pretty steady cadre of casuals who like working in that space. They see it as a great community event and they want to take part in it. We remunerate them appropriately for their work.

MR CAIN: Have you noticed any new challenges and trends relating to dispensing

the 2024 election?

Mr Cantwell: Conducting the election?

MR CAIN: Yes, conducting it.

Mr Cantwell: Yes. There is a raft of increasing threats to electoral integrity and quality of our services. Indeed the commission identified risks around electoral integrity and continuation of expectations, meeting expectations, of high-quality services, our two key strategic risks. We have reported those in our annual report last year.

As a reflection of society's broader engagement in democratic circumstances, we have seen some challenges federally, and in states and territories in this respect. People will bring in ideas and thoughts around democracy which challenge the status quo. We need to be prepared for that. Just because we are a relatively small jurisdiction, we are not immune to such threats. Indeed, as I have said on the record a couple of times previously, if you were seeking to undermine democracy in the Australian context and you were a protagonist and well resourced to do so, you would think that targeting a smaller jurisdiction like the ACT would probably bring an easier return than perhaps targeting a larger jurisdiction, and perhaps the AEC.

We are guarded against such risks. It could be a range of actions. It could be something that is interfering with a polling location on the day or something more subtle in terms of seeking to undermine the integrity of our ICT systems, directly or indirectly. It could be a targeted cyberthreat—a whole raft of those sorts of things.

You asked about the trends. I think the trends are increasing. Not just in Australia but more generally across the globe, there are increasing risks to electoral integrity, outcomes and challenges, perhaps supercharged or amplified by the pervasiveness of social media in this space and the risk of misinformation and disinformation.

THE CHAIR: We are out of time. I would like to thank our witnesses for your attendance today; short and sweet. I am sure we could have talked for longer. With the questions you have taken 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 the proceedings for lunch.

Hearing suspended from 12.15 to 12.59 pm

Appearances:

Berry, Ms Yvette, Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for Women, Minister for the Prevention of Domestic and Family Violence, and Minister for Sport and Recreation

Chief Minister, Treasury and Economic Development Directorate
Arthy, Ms Kareena, Deputy Director-General, Economic Development
Kelley, Ms Rebecca, Executive Branch Manager, Sport and Recreation, Economic Development

Transport Canberra and City Services Directorate
Iglesias, Mr Daniel, Executive Branch Manager, City Presentation

THE CHAIR: Welcome back to the public hearings of 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 being 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 Ms Yvette Berry MLA, the Minister for Sport and Recreation, 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. Could you please confirm that you understand the implications of the privilege statement and that you agree to comply with it?

Ms Kelley: I have read, acknowledge and understand the privilege statement.

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

THE CHAIR: We will proceed to questions, starting with Ms Orr.

MS ORR: Minister, can you please provide an update on the Throsby Home of Football since Capital Football have pulled out of the project, and what the considerations for the project currently are?

Ms Berry: Thanks for the question. Yes, it has been a long time coming, in the words of Taylor Swift, and we are just about ready to commence that project. We were going to be doing that with Capital Football, over several years now. Originally, Capital Football were going to contribute \$4.5 million towards the construction of the Home of Football, a match centre, futsal court, stadium seating and other elements. Unfortunately, there has been a bit of a revolving door of CEOs with Capital Football and some financial instability. The current CEO has officially withdrawn their support and their financial commitment to the project at this time.

The original estate development plan was approved by the independent planning authority in mid-June this year. While Capital Football are out of the project now and into the foreseeable future, we will change the scope of the facility build. We are just considering that at the moment, and we will be able to put out some extra information within a couple of weeks.

We are finalising those final details, now that Capital Football have confirmed that they do not have the funding to be able to contribute to the project. We have also been working with them on the scope and what it looks like now. I think there will be a positive outcome for the community at the end of the day. Yes, it has been a long, torturous journey, I would say.

MS ORR: I know the community is quite keen to hear what is going on. In engaging with the community, there have been views ranging from, “The whole thing’s cancelled,” to, “Is it still happening in its entirety?” Your answer clarifies probably as much as we can at this point in time. The thing that has come through most in the feedback I have heard from the community is that they would still like to see some sort of community sporting facilities there. How will the consideration that government is giving to this re-scoped project meet the community’s desire for those community facilities?

Ms Berry: That is definitely what we are hearing as well. With the Home of Football, and some other elements to it, the focus will now be on providing community facilities across a number of fields, and facilities in that space. As I said, we are just going through a few government processes.

MS ORR: When my constituents ask me, I can say to them, with hand on heart, that it is not cancelled—

Ms Berry: No, it is not cancelled.

MS ORR: and the priority is making sure that the community has—

Ms Berry: It is definitely going ahead. It will start very soon. We just have to tie some bows. Is there anything else we can say on that one?

Ms Kelley: No, I think you have covered it all.

THE CHAIR: You have not broken ground yet. How feasible is the completion date of June 2026?

Ms Berry: I think it is pretty feasible. There is the weather, obviously, and all of the other things that are taken into account.

Ms Kelley: There will be a level of detailed design amendment that we will need to undertake, first and foremost, to inform whatever the decision is around the provision of community facilities. We would anticipate that, once that is in place, we will then be in a position to undertake a sod turn. At this stage that is the date that we are working towards.

MR MILLIGAN: You have in the estimates that you are spending \$500,000 in this financial year. What will that be spent on?

Ms Berry: I am sorry?

MR MILLIGAN: For the Home of Football. You have here \$500,000 for 2024-25. What will that be spent on?

Ms Kelley: As I just mentioned, noting the change in scope following Capital Football's withdrawal from the project, and assuming the government's decision is to progress with the change of scope, we will need to undertake further detailed design work to look at the changes that perhaps need to be made. That is what the funding will be allocated to.

MR MILLIGAN: In terms of the remedial earthworks that are required for that site, it was originally quoted at around \$9 million. Is that \$9 million part of the \$20 million total spend?

Ms Kelley: No. We have a total of \$29 million.

MR MILLIGAN: A third of it is just for earthworks. Because it is in low-lying swampland, you are spending a third of the budget just on doing that work. Has the government considered maybe looking at a new location so that you could save \$9 million and spend \$20 million on the project itself?

Ms Berry: The funding is spent because we have done the works, so it is ready to be built on now. I think there are not many pieces of land in the ACT now, particularly greenfield, that are not constrained in some way. This particular site had some constraints which needed to be managed to be built on, but that is the case for most areas of greenfield development. It is finite and it is constrained, environmentally, culturally, heritage-wise and just managing the lie of the land. All of those things unfortunately mean that we have to spend more money to get the site ready to be built on.

MR MILLIGAN: Did the government consider any other sites in the territory for the Home of Football officially, formally?

Ms Kelley: Initially, the commitment made by government was for the delivery of district playing fields in Throsby, with the opportunity surrounding that facility. At the time Capital Football made the approach to government with the concept of the Home of Football. That was subsequently considered by government and agreed to, and that was the change made for the Throsby site, noting that that then had a flow-on effect to amend the development of other facilities in Gungahlin as well. In answer to your question: no, there were no other sites looked at for the Home of Football at the time because it was very specifically around the Throsby development, noting the absolute need for sporting facilities in Gungahlin. That remains the priority.

MR MILLIGAN: Who made the decision for Throsby? Was it a government decision?

Ms Kelley: It was a government decision.

MS ORR: On the question of the earthworks, I know Mr Milligan made reference to site mitigation as part of the concern, but my understanding—and correct me if I am wrong—is that for sports fields you are always going to have to do quite a significant amount of earthworks because it needs to be a level playing field to stop trip hazards. Is that correct?

Ms Kelley: Yes. It is not just about trip hazards; it is also the preparation of the ground in terms of irrigation profiles and sustainability of the ground, moving forward. Probably my TCCS colleagues can talk better to this than I can. We know that we have a harsh environment in the Canberra climate, so the profiling that goes beneath the green bit that everyone sees is the critical part for quality and sustainability. That is where a lot of the site preparation is costly, as the minister has said. Where we have sites that are prone to flood and the like, a lot of engineering goes into ensuring that that does not have an impact on the future of the facility also.

MR MILLIGAN: If it was not in a swamp area, how much would it be? We all know that the swamp is there. Is it going to add further costs for the government?

Ms Berry: If you can find a piece of land that is suitable in Gungahlin then point it out to us and we might have a go. It is finite. There is not much left in Gungahlin. We know they need sports facilities, and it does come with its challenges. Even in older parts of Canberra, where we have done field refurbishments or upgrades, often they are sitting on floodways or aquifers and have different challenges around drainage as well. These are just par for the course in developing something on this scale and managing it so that it works for the community. One of the things that Gungahlin has been calling out for, for as long as I have been Minister for Sport, is for more sports facilities, so the decision was made for it to be in Gungahlin and Throsby was the site that was chosen.

THE CHAIR: Have you done or will you be doing any works to ensure that that corner of Mulligans Flat does not get flooded as a result?

Ms Kelley: With the initial earthworks at the site a significant part of the design has been looking at the implications for being adjacent to Mulligans Flat. With the flow, and even with the fencing and the lights, considerable work has gone into ensuring that it is not impacting the associated environment, noting the importance of Mulligans Flat.

THE CHAIR: Thanks.

MISS NUTTALL: We have been pushing for a comprehensive facilities management plan for a number of years now. It is something that we have heard a lot of support for from sports groups. In fact, the government's own sports and recreation grant program review summary paper, which I think was released back in 2022, seems to back that up. In the Capital Assistance Program Focus Group session snapshot, on page 10, when asked, "What do you need?" the focus group responded:

Strategic investment to address under supply and to upgrade and revitalise

private community club infrastructure.

When asked how they would know if they got it, they responded:

When we see a longer term, evidence-based ACT sport facility strategy in place, with shorter term priority projects identified and budget allocations attached to these; and when we see those projects being actioned.

The sport and recreation sector has shown appetite for us having a facility strategy and that we allocate that funding based on greatest need, which we could clearly identify. What are we doing to meet that obligation to the community?

Ms Berry: There has been a lot of work happening with the sport and recreation space around consultation and surveying the sector on their priorities for infrastructure in the ACT. As you can imagine, there are quite aspirational goals for some clubs and more achievable goals for other sports. We are putting together the results of that survey in a way that can be a bit more consumable, because it was quite a significant piece of work. That will be released shortly, I understand.

Ms Kelley: Just to add to that, in the order of 263 projects were detailed through that survey. It went to all peak bodies and a number of other organisations, and each organisation was offered the opportunity to detail up to 15 priority projects. We saw a great range of feedback within that. Some took the opportunity to put 15; others worked a little bit more strategically, noting that we put in a 10-year horizon, in alignment with the intent around a longer term plan. Some were quite strategic and said, “We know there will be a reality check around that, so maybe it is one or two.” They really zeroed in.

As Minister Berry referenced, a lot of data came in. Our team has certainly been working through that. A listening report will be coming out very shortly, which will give the story of what we have heard but also provide a public list of all the projects that were submitted. That will then inform future considerations for government in terms of forming that into a plan or other strategic documents to assist in managing the expectations of the sector.

MISS NUTTALL: Would something like the two-page road map that is currently available on the sports website be considered a strategic document? Would you consider that a sufficient strategic document for consultation like this?

Ms Kelley: As you referenced, it was raised that that was an immediate response that was able to be put to the sector around the current priorities within this term of government. All of the sport and recreation projects touch a number of areas of government, not just Sport and Recreation in CMTEDD, but TCCS sportsgrounds, education facilities and also Stromlo Forest Park. There is a lot of work, as we know, happening across all those spaces. Certainly, the capture of that and detailing that over a four-year period we consider strategic, noting that it manages that time frame.

Beyond that is the work that we undertook with the survey to start to inform so that we could work with the sector to understand their priorities in a little bit more detail. Our next move, and one of our priorities, is places and spaces. Within that, we talk

about the key priority being to have a shared understanding with the sector of what those priorities are. The survey was step one. The further work needs to go into “What does that look like and what is the next step?” That is the work that we will progress to.

MISS NUTTALL: I understand the survey closed on Friday, 28 April 2023, so it has been over a year. Will the survey proper be made available to the community? Will it be available to sports groups or is it condensed into the listening report and then disseminated?

Ms Kelley: The listening report is a summary of survey responses, if you like, noting the key themes that came out of it. I think it is fair to say that we can talk to the key theme being the need for indoor facilities. We certainly heard about the pressures on both indoor and outdoor facilities within Gungahlin, Woden and Molonglo—the growth corridor out there. That will be reflected in the listening report. What will be publicly available, aside from the listening report, is, as I said, the full list of projects that were submitted. That will be available on the Sport and Recreation website in the next week or two.

MISS NUTTALL: Excellent. Thank you. When we talk about the sports facilities and the submissions that people have made, how do you navigate that cross-comparison, for want of a better word, of the relative need levels of sport? You might have one group whose needs are very immediate—something like a roof caving in. For others their most immediate need, their number one priority, might be holes in the net or something that is less disruptive to the game at hand. How do you rank those projects? How do you find synergies? How do you make sure that we are tackling the ones that meet community need first?

Ms Kelley: It is a really good question. Therein lie the complexities of the data that we did receive. One thing that we have been able to do in working through the projects to inform future consideration and planning is look at what the opportunities for government support are around a number of the projects. A number of them are aspirational at this time and would require far greater detail and evidence for them to be progressed any further. Essentially, we have the Community Sport Facilities Program, through our Sport and Recreation Investment Scheme. That does provide an opportunity, with the injection of the additional \$1 million specifically for those outcomes into the grants budget to address projects that are eligible and that fit within the remit of that scheme.

We have, through TCCS, which manages and oversees all the ACT government assets, annual improvement funding to support projects that, again, fit within that remit. A range of them are in that multi-multimillion-dollar sphere, such as a Throsby or a Belconnen basketball expansion, as current examples, that would require due budget consideration by government, noting that specific appropriation would be needed simply by virtue of the size.

Beyond that there are partnering opportunities with sports. We have national sporting organisations and state sporting organisations bringing money to the table that might be able to fast-track a consideration by our government to say, “Yes, this is a good partnership opportunity because of the shared carrying of the load of the financial

liability in order to deliver that.”

They are all the balls in the area that we are trying to work with. As you say, somewhere there is some low-hanging fruit that we would be providing feedback on to encourage organisations to apply for grant funding. Then there are others that we would be suggesting need further work before they could come back for funding consideration.

MISS NUTTALL: From the survey results, have we been able to get a full map of the condition of sports facilities that are partially government owned within the ACT? Is that something that the survey was able to tell us?

Ms Kelley: That was not something that the survey was seeking specifically. It was more around what the sports viewed as their priorities. I will pass to Mr Iglesias in a moment to talk about the condition of ACT government facilities. Where there are privately owned facilities, we would be encouraging the respective organisation to commit to doing that work so that when they come to government seeking a grant application or wanting support they are coming well informed, with the evidence required for us to make an informed recommendation to government.

MISS NUTTALL: Thank you.

Mr Iglesias: I acknowledge the privilege statement. On the micro level, we in TCCS manage the 72 playing fields. There are a lot more playing ovals than that, but there are 72 established playing fields. We work closely with the clubs to understand the performance of those playing fields. We have different levels of engagement.

At the very micro level we enable the clubs to undertake basic repairs. It is not unusual for clubs, for example, to repair divots after a game. Then it scales up to annual treatments that we might roll out to playing fields. They are known to us, so we know that every year we have to apply fertiliser, we have to top dress, we have to address particular ovals that might have irrigation issues and that might require investment. We have a running program of maintenance.

At the next level up is something a little bit more strategic, where we prioritise safety issues that might come to our attention. Again, that is done from our own budget. The next level up might be that government might make some money available to us to upgrade facilities.

MISS NUTTALL: Thank you. The focus group also reflected that they needed a capital assistance program or equivalent “with a fair dinkum budget”. I think this is important to get on the record. When asked how they would know when they had got it, they said:

When the CAP funding is significantly larger and when politically driven sport facility election funding commitments are significantly decreased.

I think that is a pretty grim reflection of all of us, as politicians. I think we have all three sports spokes-ministers in the room. How do we ensure that sports and recreation groups, and the broader Canberra community, have oversight of our

funding and can trust that it is fair? How have we been able to do that without a facilities management plan? Do you think that plan will help?

Ms Kelley: It is a tricky landscape. They are all points well made. We do hear from the sports about the needs. We weigh everything up within the very limited resource bucket that we do have. A majority of our projects in the capital works space are increasingly escalating, and even what is achievable in terms of the maintenance of ACT government sportsgrounds.

The response specifically to that query is that it comes down to the data and the evidence base that is required. That always tells a story that allows government to say, “This is where we need to prioritise investment,” noting that there might be longevity left in that. Where sports are making claims around their levels of membership and their access, we discuss things with them such as: “What is the optimisation of your current facilities? Are they being used to the maximum capacity?”

I will use tennis as example. There are calls for greater tennis expansion across a number of clubs. We are currently looking at their usage data, through their report system, as an example, to say, “From the outset, your data is not telling us the story that it needs to.” They are going back and they are reviewing their data capture to support the story that they know is real but that they cannot yet provide to government for us to be able to confidently say, “Yes, this is a need over X, Y or Z at this point in time.”

Also we have collective voices from sports. We know indoor space is a big pressure at the moment. That is why it is great that government has committed to the expansion of Belconnen basketball stadium, as an example, because where there are pressures for basketball that then puts pressures on schools or other indoor court facilities, which then creates pressure for other groups, such as table tennis and others who rely on those spaces heavily. Everything has a flow-on effect. That is the consideration that we put behind the thinking.

MISS NUTTALL: Thank you very much.

MS ORR: I understand the appeal and the want of many groups to have a long-term lease that goes over a 20-year horizon because it gives them a level of certainty. But how do you then balance the natural uncertainty that comes with predicting the future? An example I can think of is pickleball. Twenty years ago pickleball was not a thing, but now pickleball is growing in my electorate and I get calls all the time from people saying, “Where is another place we can play this?” I tell them, “I will find out and I will come and join you because I cannot play tennis.” Walking netball is great. My knees are not what they used to be when we did not walk in netball. So, in putting forward this 20-year horizon, knowing that there are some constraints and we still need to stay adaptive, how do we manage setting in stone at one point in time while also making sure that we can adapt to future needs that we might not be able to anticipate—because no-one has invented the next pickleball yet?

Ms Kelley: I think you have hit the nail on the head in terms of the difficulty in long-term planning and managing expectations around that, which is why the approach has been a four-year roadmap. We can clearly understand the data and the priorities from

the sports at that point in time. Once we start to talk 10 or 20 years, you are exactly right: we do not know. The sports themselves are telling us that, since they put their priorities into the survey, their priorities have changed from what they put in 12 months ago. The longer-term planning really for us at the moment is reflecting on the themed-based things—whether that be indoor—and then mapping that with the areas where we know there is undersupply in Canberra. It might be that the certainty around priorities might be those top-tier things, noting that we have to maintain flexibility because we do not know what the future holds in terms of land availability, market escalation and a whole range of things that would impact on deliverables of things.

I think pickleball is a great example of an unknown. But it is also a sport that has such huge commercial interest that I think it is going to shine a light on facility development opportunities that perhaps we are not seeing at the moment because there might be commercial investments, land sales or a takeover of other facilities that are redeveloped. That is great, because it means that we are growing the asset base in the ACT. But it is not solely the government's responsibility to do so and respond to all those needs.

Ms Berry: I think there is more to that story of the growth in sports and the more inclusive nature of sports, where we are seeing a growth in wheelchair sports across pretty much every sport as opposed to some of the more niche supports that have not grown yet and might grow, like the pétanque and frisbee golf, which is kind of getting up there now—those sorts of more niche projects. Managing that is a challenge.

After the Olympics we will see blips in increases in participation in different sports, depending on how our athletes have performed over there, their stories or whatever people connect to. We saw that after COVID there was an increase in sports participation after everybody could get back outside and play sports. Sports themselves were trying to manage that change in participation as well. It was probably a little bit unexpected, given everything had been so quiet during COVID, and it came really quickly for some sports. That has been something to manage as well.

MR MILLIGAN: On better community infrastructure and expanding the Belconnen Basketball Stadium, we have \$938,000 to be spent this year. What is that to be spent on? For all further years' forecasts there is zero money allocated, and I would like to know why.

Ms Kelley: The funding for this year is to look at the initial work required to progress this project—that being a condition audit of the existing facility—and to then look at the planning and design for the expanded facility. Essentially that money is design work, noting that it would be the precursor to the government's consideration around allocation for construction funding. Where the capital provision is zero, there an NFP there, which is essentially the commercially sensitive element of this project so far, and is subject to further details that are yet to be settled surrounding the project—whether that be the costing that may come out of that, the governance requirements around this particular project and those types of things that would then lead into the government's consideration of what the construction allocation will be.

MR MILLIGAN: Is there any guarantee that this project will even go ahead, particularly if there is no money set aside? I know, through my discussions, that you

are looking at in excess of \$30 million. Where is the government going to get \$30 million from if it has not been budgeted or forecast yet?

Ms Arthy: Coming back to Ms Kelley's answer, it is an NFP; it is not a zero. There is a budget provisioned but it is of a commercially sensitive nature in terms of the quantum. We are working with every intention to have this development happen. It is just that the stage we are at at the moment is around the design phase, which will then inform the more detailed costings that will then become clearer in terms of the total costs once we are able to get through this next stage of negotiations.

MR MILLIGAN: You mentioned "sensitive" and "commercial" in nature and that is why you are not releasing the figures. But what are the elements of that that you cannot release?

Ms Arthy: This is fairly standard for infrastructure projects. When you are at this point and you are yet to go to market for construction, we tend not to signal ahead of time what the quantum is because that then potentially means that we do not get value for money for government. With any infrastructure project, once we have the design, we will be going to market for construction and at that point we do not particularly want to send signal that this is how much money the government has.

THE CHAIR: I want to ask about the development of the new ice sports facility in Tuggeranong. We have \$3 million this year. What is the \$3 million going towards exactly?

Ms Kelley: With the ice facility, assuming that we get to the point of expenditure, that would be to support the proponents with the associated design and moving towards construction of the facility. We are not quite at that point yet. Progress on this project has been, I guess, quite glacial to date, unfortunately, because we have been reliant on the formation of the joint venture between Cruachan and Pelligra, which are the two proponents that are joining together to work with us on this facility. We are working with them on the paperwork, and the legalities of this arrangement have been prepared. At the moment, Cruachan is working on design aspects of the site with a massing study in relation to the trees, and we are waiting for that to come back. There is a step-by-step process. So, at this point in time, there is not a specific timeframe as to when that \$3 million will be expended. But we are hopeful that we can work through that process so that that funding can actually be allocated for the purpose intended.

THE CHAIR: Do you have any vague completion date—next year, in four years time or six years time—for when the ice facility will be up and running?

Ms Kelley: It would probably be misleading to give you an indication at this time, because the uncertainties around the design and the timeframes that that will take are very much in the hands of Cruachan at the moment. But we would be hopeful that within three years would be the sort of timeframe, noting that design certainly takes 12 months or thereabouts and then there is the construction phase after that. That would probably be the best indicator we can give you at this time.

THE CHAIR: Is the intent for it to be a 365-day ice sport or will it be able to host other sports perhaps during the off-season, like rollerblading?

Ms Kelley: The proposal that Cruachan and Pelligra put to us in the first place certainly had capacity for multi-sport. So, whilst it is primarily a dual-rink design, there was capacity for one of the rinks to be covered, if you like, to allow conduct of other events that might benefit from the seating capacity that we anticipate will be in the facility, which will be niche for Tuggeranong—in fact for Canberra but certainly for the south side. It will feature a curling lane, which is very unique in terms of multi-sport, rock climbing and other recreational activities as well. We would certainly like to see greater functionality, but it also makes commercial sense for Cruachan and Pelligra to develop a facility that has that sort of sustainability and attractiveness for a whole range of community users.

MISS NUTTALL: I am sure you would have had many people asking you about the timeframe. The chair and I have had people asking us all the time, some not even from Tuggeranong, which is really exciting. Do we have mechanisms in place to ensure our joint venture partners keep to a specific timeframe? Are there any mechanisms that we are able to do use to, I guess, hurry the pace of change and things like that?

Ms Berry: This is the nature of these sort of agreements, unfortunately, when you are dealing with the private sector. In this particular case, when you are relying on two private entities to create a joint venture, you have to balance up whether it is in the long-term interest of the territory to try to force something to happen which might put a project at risk, for example. It is a continual balancing act at every point. In cases like this, all that we can do is make sure that the entities are continuing in good faith and know that, if we have any concerns, it is at that point that you look at what is available to you as government—and it can vary. It can vary from a straight “show cause” as to why they would not continue to a “walking away”. But we are not at that point in this case. We have every confidence that both parties are working in good faith with us. It is just a complicated deal for a unique facility.

MISS NUTTALL: Is there a point at which we would look to be more severe with the timeframe, given that right now it sounds like we cannot provide a timeframe for the facility. I think that is a revision from previous estimates, which were around mid-2025.

Ms Berry: It is a very difficult question to answer, because a lot of this relies on the commercial negotiations. I do not mean to sound vague on this. I am really trying to be helpful here. You can put a lot of pressure on companies to provide certainty and to give us deadlines. What we can do in government is just make sure that we hold them to the promises and the commitments they have made. I can assure the committee that, as soon as we have more certainty about the end date, we will certainly inform the committee. But at this stage, as Ms Kelley outlined earlier, the project is at a point where we just do not have certainty enough beyond, “We are working on a three-year horizon.”

Ms Kelley: We have invited Cruachan and Pelligra to the ACT to, I guess, look them in the eye and say, “Are we still on? Is this still a happening thing?” They have both confirmed that that is the case. I understand that, since then, work has progressed on their joint venture agreement. So, I guess, we take them at their word, know what they have done in other parts of the country and the world and just keep working with them.

MR MILLIGAN: You mentioned there was \$3 million towards the design. Is that right? Is that what the \$3 million is for out of this spend?

Ms Kelley: Once we get to the point of a binding agreement with them and agreement on the design, it is effectively a design and construct process from there on. The funding would be provided to Cruachan to progress the work in its entirety. So we could not say that it would be specifically for design, because that would be at their discretion.

Ms Berry: I think the important part here is that the government is making a contribution to the cost. There is a lot of private sector finance going into this as well. The nature of the agreement is that, at various milestones, the government will provide the additional support to be able to take it to the next stage.

MR MILLIGAN: Do we know what the split is between government and private investment into this project?

Ms Kelley: I guess similarly to the basketball project, the cost for delivery for Cruachan and Pelligra will be dependent on their design and the costings that then come out of that. We could not say at this point in time what the total cost of facility will be for delivery.

THE CHAIR: Have Cruachan successfully delivered another ice facility elsewhere in Australia?

Ms Kelley: Not to completion at this stage. They have two ice-related projects in South Australia currently that are at varying stages of progress. So, in short, no. But the expertise that they have around them and, as Minister Berry alluded to before, the scope of Pelligra's business interests certainly show diversity and capability and their keen interest in ice is certainly the basis of our understanding in terms of working with them but also what they're delivering in South Australia is all of common interest.

THE CHAIR: Of those two, the Marion Ice Rink I guess is one. Do you know what the other one is?

Ms Kelley: I would have to get back to you. I am sorry; I do not know off the top of my head. I cannot recall.

THE CHAIR: I think they had plans lodged, late 2023. Have they started any construction?

Ms Kelley: We would have to follow that up for you. I am not sure.

THE CHAIR: You will take that on notice?

Ms Kelley: We will take that on notice, yes.

Ms Berry: I am not sure that we would have any particular information that you

would not be able to get from Googling—and we are happy to Google now. We will certainly get back to you with an answer. I am just not sure that we have anything in particular that is not already on the public record.

MS ORR: Can I get a run-through on some of the sport and recreation grants that are being funded?

Ms Berry: I will start off and then maybe, Rebecca, you can provide some more detail on some of the other grants. It has been a really successful program. I think we had around 60 grant applications through this round. There is always something that is funded and there is always something else that needs more work—hence the popularity of these grants and some of the different funding or different kinds of grants that go out for some of those niche sports which I talked about before—for example, pétanque.

The Canberra Croquet Club, who are wanting to expand their facilities, have been provided some funding through this grant round to undertake some work to have a look at their facilities and whether they are experiencing growth and, if they are experiencing growth, what might a new facility look like for them. We cannot just build it, and they will come; we have to understand that it will be utilised and that the growth that certain sports say they have can be backed up with the data. They have received \$22,880. Abilities Unlimited Australia, again a different organisation providing different kinds of sport and recreation for our community, received \$425,000 to build an all abilities bike path in Evatt. ACT Men's and Mixed Netball, who run a planning workshop, received \$1,800.

So there is quite a diversity of grants going out to a range of different areas. You can see, even just within the grants rounds each time, there are a lot of balls in the air that need to be managed. There are lots of groups that might not get it in this grant round because it is not quite ready, but then Sport and Rec can work with them to finesse their application and what they need to do next. You cannot just go from zero to pavilion without having done some work in between.

Ms Kelley: In addition, it is probably worth highlighting that the most recent announcement of recipients, was the first time we have rolled out all four categories under the revised Sport and Recreation Investment Scheme. Amongst the recipients this time were also sports under our Industry Partnership Program, which I think is a really exciting part of what we are doing. They are multi-year agreements over three years to assist our peak organisations with what we have been through, putting the words of game changing around. As an example, we have five top-tier categorised organisations that received \$125,000 to work on projects such as looking at the operational structures of their organisations, what that means for volunteers and whether there is a way that volunteer management or clubs might operate differently in the future. It is really providing some focused opportunity that we have not had before for sports to step back and say, “Things are getting harder. How do we make sure that this is sustainable into the future and perhaps be less reliant on volunteers?”, to support them or whatever the outcomes of the work may be. So there is some target investment there.

We also have other organisations of a smaller nature that are funded over three years

to really zero in on some theme each year—for example, their digital and technology type aspects to help them with their operations that they would not currently have the resources to do. Other than that, there is the Club Enhancement Program, which Minister Berry provided a couple of examples from. There is such a range of diverse projects within that. The biggest spend we see outside of industry partnership is in the facilities space, where we have a couple of multi-year agreements; notably the Netball ACT roof. We know roofs in our indoor sports facilities are notoriously leaky. This will be one that will be fixed and solved through this funding.

MS ORR: By combining them all and doing it at the same time, from the feedback from clubs, what has been the benefit of doing that?

Ms Kelley: We certainly heard through the review process that grant applications can be arduous for organisations. Making them multi-year funding opportunities gives them some funding certainty but also allows that strategic focus for that work to be delivered. It also takes away that aspect of needing to do an application every year. By getting back to a regular anticipated grant timeframe, they can manage that within their workload. It generally falls mid-season for the winter sports, and we acknowledge that, but they can get all their grant applications focused and provide the resource to achieve that within a finite period, rather than spreading them out over the 12-month period.

MS ORR: Thank you.

MISS NUTTALL: I understand the ACT government has an ongoing partnership arrangement with the Brumbies. I understand that support for the women's Super W team was part of that partnership deal. With the Brumbies effectively on a new arrangement with the Rugby Australia, what guarantees are there that our women's team will continue to be supported at the same level by the Brumbies?

Ms Arthy: This actually falls under the Chief Minister, but I am happy to answer the question because it does crossover. As part of the change of ownership arrangement with the Brumbies, we have been given assurances from the Brumbies that the community and women's game will not be affected. We have certainly been talking to the Brumbies, who have said to us that that women's team will not be affected—community rugby will not be affected—and that this is just purely a change of ownership for the commercial arm of rugby.

MISS NUTTALL: Is that an assurance that is being shared with the players?

Ms Arthy: I cannot speak directly to that. All I can tell you is what the Brumbies have said to us. The Brumbies have said to us that they are keeping the community informed and that they are keeping the players informed. But, as to what was exactly said, we cannot comment because we are not part of those discussions.

MISS NUTTALL: Looking at community rugby union, like junior clubs, I understand they are now going to come under a separate board to the Rugby Australia, Brumbies board. With that in mind, what will the ACT government do to ensure that the cost of community rugby union does not increase with the possibility of greater separation between grassroots rugby and the super rugby game?

Ms Arthy: This is part of the ongoing negotiations with the Brumbies. As I have said, we have received assurances that nothing should change for community rugby as a result of this split. I cannot foreshadow what our negotiating position may or may not be. But, as a principle, support for community rugby and women's rugby is a non-negotiable when we are negotiating with elite sports. In every elite sporting partnership we have, we make sure that we have a commitment to community development and commitments to the women's game.

MISS NUTTALL: That is really encouraging to hear. Thank you.

MR MILLIGAN: If we take a look back at last year's financial budget, \$4 million was allocated to go towards upgrading Canberra's netball facilities and for this year, in last year's budget, there was \$3.4 million. I cannot seem to find that \$3.4 million in this year's budget. Is it in there or has it been dropped off?

Ms Kelley: It is definitely there. The commitment was \$7.425 million to upgrade netball facilities to be granted to Netball ACT to deliver that work. Under that work, we have had Lyneham and Stirling completed, but the upgrade works to Belconnen, Calwell and Deakin are yet to be undertaken. So that that funding has recently been transferred to netball. So it is definitely available.

MR MILLIGAN: When can the community expect to see all the different upgrades completed?

Ms Berry: A couple have been completed already, which we have talked about. Are they at Stirling and Arawang?

Ms Kelley: Yes.

Ms Berry: They have been completed. Some of the others have started, but there needs to be warmer weather to put the lining over the top of the asphalt surface of the netball court. So, when it gets warmer, we will be able to complete some of those projects that have already begun.

Ms Kelley: It is also probably important to point out that Netball ACT received a grant to do this, so they are managing their works. They are not works that government is delivering directly.

MR MILLIGAN: Thank you, Chair.

THE CHAIR: Would you like to take my substantive question, Mr Milligan?

MR MILLIGAN: Sure. That sounds good. Referring to the Phillip District Enclosed Oval's additional funding, \$1.7 million is to be spent in the next year. What is that money to be spent on? Is there any contribution from any other sporting code towards whatever you are doing with this \$1.7 million?

Ms Kelley: The \$1.7 million that has been appropriated through this budget is supplementation to the existing funds for the upgrade works at Phillip District

Enclosed Oval, to support the works being done in one tranche. Otherwise, it needed to be staged, noting the costs. Once we got the design done and we went to market, the budget was insufficient to deliver all the intended works there. That is what this funding is for. The minister turned a sod for that project on Monday, so it is all underway, with the pavilion construction being the first order of works, noting there are irrigation works, lining upgrades and a whole range of things that will be delivered on site.

MR MILLIGAN: Stadium irrigation—is that right? Were there any other particular works as part of that \$1.7 million?

Ms Berry: There is the pavilion upgrade, the grandstand upgrade, toilets, irrigation—

Ms Kelley: And additional car park spaces.

MR MILLIGAN: How many additional car parks are there, and where have they actually been located in the area?

Ms Kelley: It is within the existing footprint of the site, noting that the existing sheds will be demolished as part of the works, which is availing space for the additional car spaces. As to the exact number of spaces, I can take that on notice.

MR MILLIGAN: Yes. It is already pretty full there.

Ms Kelley: Yes; that is right.

MR MILLIGAN: Thank you very much. Thank you, Chair.

THE CHAIR: Ms Orr.

MS ORR: Could I get an update on the progress of the female-friendly upgrades at the pavilion and how you going through that project? What have you done and how are you continuing to roll out that project?

Ms Berry: That is a great question. Thank you. We are getting through our pavilions and we have a guide now for private development of female-friendly or more inclusive upgrades. Over a number of years, we have been working through all our older pavilions to bring them up to a certain standard so they can be more inclusive. We have 18 of our own pavilions to go, as I understand it, which is awesome. We will work our way through them. The upgrades include things like toilet doors—crazy—and lighting. Some have heating—

Mr Iglesias: And power points. They appear a lot more friendly for people to use the change rooms, as opposed to them being cold, dark and dingy spaces. They are now quite functional spaces. They are a lot more welcoming and people can actually use them. Minister, the latest two upgrades have been at Melba and Hackett. Those are the ones we have done most recently.

MS ORR: Did you say you have updated the guidelines?

Ms Berry: No. The guidelines are still the same, but I think they have been updated. They are available online. We did that in 2016, I think.

THE CHAIR: I have a supplementary on that. There are about 18 remaining. Does that include Gordon—the one that burnt down—or is that being treated separately?

Mr Iglesias: Gordon No 1 has been done.

Ms Berry: Yes; it has been done. It might have been one of the 18.

Mr Iglesias: Yes.

THE CHAIR: The one that burnt down?

Ms Berry: Yes.

THE CHAIR: That is finished?

Ms Berry: Nearly finished.

Mr Iglesias: Yes. The repairs to Gordon No 1 are expected literally within weeks. The work around the structural integrity of the building has been completed and we are in the final weeks of fitting out the structure. It is looking fantastic.

THE CHAIR: When do you expect it to be open for use?

Mr Iglesias: All things going well, we are looking at some time before the end of September—maybe a little earlier. We are in the final throws.

THE CHAIR: It had the male and female—

Mr Iglesias: Yes.

THE CHAIR: Great. Thank you. Miss Nuttall.

MISS NUTTALL: This is actually about Gordon too, funnily enough. A community member was wondering whether they could get a 20-foot shipping container. Apparently boys have a dedicated container for a change room, but the women do not. Is that something that is been—

Ms Berry: Was that temporary? That might have been a temporary one that was put in as a result of the fire.

Mr Iglesias: Yes; that is right. Temporary facilities were added to the site. It was only to get us across the period of the rebuild. Obviously, the rebuild will cater for males and females. My understanding was that it had change rooms for both sexes.

Ms Berry: Yes. I thought so too.

Mr Iglesias: I can confirm that for you. I will take it on notice.

MISS NUTTALL: That would be lovely. Thank you.

THE CHAIR: Miss Nuttall, do you have a quickish substantive question?

MISS NUTTALL: If it could be done in three minutes. Do you have any updates on the situation with Canberra United and how we are able to support our women's A league team here in Canberra?

Ms Berry: Not really. Sorry—no. That can be done very quickly. Not really, other than what we know, which is that they have assigned a coach and they have started signing up players, but there has been no further update on an A league in the ACT. The APL have said that they still want to have an A league in the ACT, so they have not changed their minds about that, and that will include support for the women as well. That is it, really.

Ms Kelley: They are in receipt of the additional funding that government provided. That has all been forwarded to Capital Football.

MISS NUTTALL: Thank you. I understand that Canberra Women's Football has also taken on part of coordinating that. I thought there was an organisation that had started partnering with Capital Football.

Ms Berry: I do not think that partnership has come to fruition.

Ms Kelley: There was a group that got together to raise funds some time ago and I think there were ambitions of a partnership, but I do not think that has actually come to fruition.

MISS NUTTALL: All right. Thank you very much.

MS ORR: Is this mostly stuff that Capital Football would be responsible for and government would not really have a role in? Unless they are telling you, you would not know.

Ms Berry: Unless we were into managing football teams and signing up coaches and players. That is not really our gig. Chair, it might be appropriate that I just declare a potential conflict of interest. My daughter plays basketball at Belconnen and plays rugby, and she has been in the Brumbies squad. I just want to make sure that is known.

THE CHAIR: Thank you. We might call it there. On behalf of the committee, I would like to thank 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*. Thank you again.

Hearing suspended from 1.59 pm to 2.15 pm.

Appearances:

Berry, Ms Yvette, Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for Women, Minister for the Prevention of Domestic and Family Violence, and Minister for Sport and Recreation

Education Directorate

Haire, Ms Katy, Director-General, Early Childhood Portfolio

Simmons, Ms Jane, Deputy Director-General

Efthymiades, Ms Deb, Deputy Director-General, System Policy and Reform

Spence, Ms Angela, Executive Group Manager, Service Design and Delivery

Matthews, Mr David, Executive Group Manager, People, Communications and Governance

Attridge, Ms Vanessa, Executive Group Manager, Finance and Infrastructure

Huxley, Mr Mark, Executive Group Manager, School Improvement

Turnbull, Mr Ian, Chief Finance Officer, Finance and Infrastructure

Brookes, Ms Clare, Acting Executive Branch Manager, Education and Care Regulation and Support

Atkins, Ms Jessie, Executive Branch Manager, Complex Behaviour Support and Work Health and Safety

Community Services Directorate

Rule, Ms Catherine, Director-General

THE CHAIR: We welcome back Minister Yvette Berry MLA, appearing in her capacity as Minister for Education and Youth Affairs, and officials. We have a number of witnesses in this session. 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 you understand the implications of the privilege statement and that you agree to comply with it.

Ms Rule: I have read and understand the privilege statement.

Ms Haire: I have read and understand the privilege statement.

Ms Simmons: I have read and understand the privilege statement.

THE CHAIR: Thank you. Members, we will try to speak to education in the first session to save people from coming and going from the table. We will move on to questions. I am happy to pass my first question to Ms Lee.

MS LEE: Thank you, Chair. Minister, I refer to page 123 of *Budget outlook*. It is in relation to the funding for the Strong Foundations initiative, which you announced after the report of the independent expert panel. When you announced the funding for it, you initially announced that it was going to be a \$24.9 million investment, and, when we look at the budget, it is actually only \$1.7 million of new money. I asked you a question in question time in the last sitting about the remaining \$23½ million

dollars and where that is coming from in the Education Directorate. At the time, you either refused or were not able to tell me where it was coming from. Can you please outline—

Ms Berry: I do not know that I would have refused, Ms Lee. I would not normally have refused, but we can definitely talk you through where the additional work areas would be provided from.

MS LEE: Perhaps you could let me finish the question. Could you please outline where the \$23½ million dollars is coming from and what is being cut, as it is coming from the existing Education budget?

Ms Berry: Nothing is being cut. We can take you through where that funding provision is going.

Ms Haire: I will hand directly to the deputy director-general, Ms Simmons.

Ms Simmons: Thank you for the question, Ms Lee. In relation to the \$23.14 million, that is over four years. That is the addition. As you can appreciate, there is no greater priority for us than teaching literacy and numeracy to our students. We have some other work going on. There is some strategic alignment with the work that we are undertaking in Strong Foundations. For example, we have set up an implementation team, and that is part of that existing resource as well. There is a shift in focus of the current literacy and numeracy curriculum team and coaches. That is equivalent to 5.5 FTEs. That is part of that as well. They are people who are currently doing work around literacy and numeracy. We are reprioritising the work that they are doing to be consistent with the work that needs to be undertaken under those eight recommendations.

There is also some work in preparation for the learning and data management system. There are five FTEs across a couple of years. That is to do some work—currently to support teachers from 2025, but also in preparation for what we might need to do down the track in terms of systems and data systems to support our work. There are also some resources that sit within our student-centred improvement team. That is part of the school improvement part of the organisation. There are a number of people, and they sit under Mr Huxley. They are working on the new Student-Centred Improvement Framework. There is also some work around leadership. That is all part of the team that is currently reorganising their work to be aligned with Strong Foundations.

MS LEE: Do you have a further breakdown in relation to the components that you explained that make up the \$23-odd million dollars?

Ms Simmons: I do not have all the specific detail with me, but we can provide that.

MS LEE: On notice?

Ms Simmons: Yes; we can take it on notice.

MS LEE: Am I right in saying that all the aspects that you have mentioned—I think

the word that you were using is “realignment”—are within the scope of methods and approaches to teaching literacy and numeracy?

Ms Simmons: I am not quite sure what you mean by “scope of literacy and numeracy”, so I might need some more information about what this—

MS LEE: In relation to the \$23-odd million dollars that has now gone into the Strong Foundations initiative, you have explained where a lot of that is coming from, especially for staffing. Are they all working on literacy and numeracy programs?

Ms Simmons: No; they were working on other things. As I said, I think five staff were previously working on literacy and numeracy. We will be realigning their work to be consistent with the Strong Foundations work. The team that sits under student-centred improvement has been working on the new Student-Centred Improvement Framework for a little over 12 months. A number of people sit under that, and the work that they are doing is particularly around skill improvement and working with schools on frameworks around how we improve student performance in schools. For the Strong Foundations work, the multi-tiered levels of support will be very closely aligned to the Student-Centred Improvement Framework. That has to be part of the work that they are doing if we are to improve the outcomes in schools.

Ms Berry: The short answer is that they are all working on responding to the recommendations.

MS LEE: I understand. So you are actually now taking that on and taking it in that direction?

Ms Simmons: Yes.

MS LEE: In the estimates hearing when the AEU appeared, they said:

I am significantly concerned that the budget papers have not properly resourced the implementation of Strong Foundations. They are dependent on us winning substantial funding through the commonwealth. We wait patiently for that, but it is a risk.

We also raised concerns about sufficient funding for Strong Foundations. There was an article—I think it was just this morning—about federal funding. Minister, do you agree with the statement that was made by the AEU last week? Are you relying on commonwealth funding to provide the bulk of the funding that is needed to implement Strong Foundations? And what is going to happen if that does not come through?

Ms Berry: There are a couple of things. First of all, with regard to the AEU’s comments about the funding, this is the first part of the funding for when we start implementing the program from next year. We have not fully developed the plan yet. This is about getting everything in place so that we can start responding, in that four-year time frame, to the Stronger Foundations recommendations around literacy and numeracy.

With regard to the federal government’s negotiations with the ACT, yes, we certainly

are dependent on commonwealth funding to our public schools more generally. The focus of the federal government's schools agreement is around pretty much identically aligned issues that have been identified in the Stronger Foundations response to the recommendations. That alignment means that it works perfectly well with the federal government's funding announcement and what they require for the funding that they will provide, once we get to that point, and what we are going to do with Stronger Foundations. Both of those programs are reliant on each other because they align with each other's commitments.

MS LEE: When do you expect to be able to secure and confirm the funding with the feds?

Ms Berry: It would be good if it were now or if we had it yesterday, but those negotiations are continuing. My expectation is that we will get the best possible deal from the federal government and the education minister, but we have not received that to date. I understand other states and territories are still sitting within that space as well. We will continue to negotiate with the federal government to get the best possible outcome for the ACT.

MS LEE: It has been estimated by some researchers in this space that it would probably cost closer to \$90 million for the full implementation of the Stronger Foundations program. Obviously, with the ACT government commitment of \$24.9 million, that falls well short of what is expected. I know that you have spoken about this being the first tranche, and you have said that before, but, given that in this budget the entire \$24.9 million is actually stretched out to all the forwards and there is no further funding anticipated or allocated, are you expecting that the remainder will be made up by federal funding, in its entirety?

Ms Berry: I think some of it will be, but not all of it.

MS LEE: Then where is the funding coming from, given that you have nothing further? The entirety of what you have over the next forwards is \$24,886,000.

Ms Berry: Because it is funding the start of the program, not the implementation phase.

MS LEE: Then why—

Ms Berry: Because we are developing a plan. It is so that we understand what the costs are and can then put in the funding to implement it.

MS LEE: So you are saying this is not an accurate amount?

Ms Berry: This is accurate according to the work that we can start—the work we have identified and is identified in the budget papers.

MS LEE: Then, maybe, I will take it one by one. In—

Ms Berry: When we get to the plan, which we do not have yet. We have agreed to all their recommendations and we will be implementing them. We have set up a group of

school principals to implement a plan as to how we will roll this out and phase in the recommendations, as per the recommendations of the expert panel, over a four-year period. Once we have that plan, we will be able to understand very well the different costs across the years as we work through the implementation plan. I am hoping to have that plan soon—

Ms Haire: Before the end of the year.

Ms Berry: I have said previously it will be before the end of the year—but sooner than that would be better—so that, when we start in January, we will have the funding available, we will know what it is going to cost, and we can go forward with the plan. If that is the case—and this is all hypothetical because we do not know whether the ACT government is going to achieve an agreement with the federal government before the implementation plan starts next year—we will have to go back to the budget and see what that looks like. At the moment, we have put funding into the first phase of the plan. The implementation starts in January, and that is when the funding will have to be provided for the next part of the program.

MS LEE: You have now confirmed what you have said previously, which is that the implementation will be before the end of the year. According to the budget—this is the total on page 123—in the 2024-25 fiscal year, you have \$7,393,000 in terms of this; in 2025-26, you have \$5,813,000; in 2026-27, you have \$5,758,000; and, in 2027-28, you have \$5,922,000. If the implementation is going to determine the funding that you are going to need, what is the \$5-odd million that is slated for 2025-26, 2026-27, and 2027-28 for?

Ms Haire: Ms Lee, the money in 2025-26, 2026-27 and 2027-28 represents the reprioritised resources that Ms Simmons described to you. The four teams that she described to you, whose work has been reprioritised and realigned to work on this program, will be doing that for the entirety of the implementation period.

MS LEE: In terms of the total amount that is going to be required to implement Strong Foundations, when will the AEU, school principals and the community know how much will be allocated?

Ms Berry: Once we have the implementation plan, we will be able to identify exactly how much we need to invest.

MS LEE: Thank you.

THE CHAIR: Ms Orr has a supplementary.

MS ORR: You touched on this a little bit with the subsequent questions from Ms Lee, but I just want to check that my understanding is correct. The commitment is there to fund the program. Determining exactly what the program looks like is still a work in progress, but, once that is done, the budget numbers will reflect the funding you are referring to. Is that correct? So it is not hiding it and it is not saying we are not costing it; it is just being worked through.

Ms Berry: We have absolutely committed to responding to all the recommendations

and implementing them. We have started the work, and we are working through what they will look like with the implementation panel, which includes all the school principals.

MS LEE: But, Minister, you can understand the concern that has been raised by the education union and also by a lot of others, like teachers and parents. The concern has been raised with me as well. You yourself have said that \$24.9 million is not going to be sufficient for the implementation of the whole thing—

Ms Berry: Absolutely, and so—

MS LEE: but when we have a look at the budget, across four years that is the only amount that has been committed. That starts to worry people. Where is all that money coming from? That is why there is the question: it is dependent solely on the ACT's negotiation with the feds on the Better and Fairer Schools Agreement?

Ms Berry: I have said no, it is not. It would be fantastic if we could get that agreement through and more funding flowing into the ACT. It is not there yet. So a suggestion that it might not come is not entirely true either—

MS LEE: I understand that.

Ms Berry: because we could, absolutely, get a fantastic funding deal from the federal government. Those negotiations are continuing. I hope that negotiation is completed before the end of the year and that funding can go towards this program. Because that is what the national agreement is providing for as well—

MS LEE: Yes. The purpose is—

Ms Berry: so it aligns well with the work that we are doing here. On Ms Simmons's comments about the realignment of the work that is being done in the education directorate by these particular staff, there is no point in having two groups of people working on the same thing and then going down different paths.

MS LEE: Yes. I understood that. That was fine; we got to that.

Ms Berry: They have just basically been going, "Oh, you are doing literacy and numeracy? Now we are going to do it over here."

MS LEE: Yes, and that was why I wrapped that question up. So just to—

Ms Berry: I just wanted to make sure that was clear—that were not just pulling somebody out of the education cleaning team and putting them into—

MS LEE: I understand that. That is why I asked that follow-up question. Just finally, I know that you are still negotiating with the feds in relation to the best deal that we can get for the ACT. I think I read that you were looking for \$25 million, but they are at \$22½ million at the moment. In the event that that does not come through—I assume that you are going to accept the best that you can get and there will be a shortfall—do I take it that the ACT government is committed to ensuring that Strong

Foundations is going to be fully funded?

Ms Berry: It will be fully funded, but what that looks like is hypothetical, because we are still in a situation of flux. We have had negotiations. We did attempt to reach an agreement with the federal government. We were not successful, so we have pulled out again, and we are back in with the pack of all the other bigger states and territories.

We are in this unique position where we already fund well above the School Resourcing Standard, but we do not think we should be punished because we fund above it. We are doing great work here in the ACT. We have a great strategy and a program of works through the expert panel's recommendations that align with the federal government's strategy and purpose. So we think we should be able to get as much opportunity as everybody else to showcase what we can do here in the ACT when those areas are specifically funded and aligning with the federal government's work.

MS ORR: Minister, I understand we are in the first stage of the Disability Inclusion Strategy and that the budget papers note there is funding for delivering on this strategy. Can I get an indication of what the funding will be going towards in the first—

Ms Berry: We can break a bit of that down for you. As you will know, we have already committed to providing nine inclusion coaches across our Tuggeranong schools to provide support for teachers, staff and families around inclusion—and also to young people—to develop plans and supports with families, making sure that teachers have what they need to be able to deliver a great education for kids who might learn differently or need some different wraparound supports. As far as I am aware, it has been very popular and really well received and is working really positively across our school systems and with our school principals. Who would like to start first?

Ms Efthymiades: I have read and acknowledged the privilege statement. I am happy to start, Minister. How much detail do you want? We have items from the 2023-24 budget. We also had, from the mid-year process, some further funds come through in February. All of those are wrapped into the work we are doing. There is nothing brand new in this particular budget, but those two are very new and fresh.

MS ORR: Do not feel that you need to go down to the last cent. What I would really like is a good indication of where we are up to in progressing that first action plan and the next steps that would come from that.

Ms Efthymiades: That will be a bit of a tandem act with Ms Spence, because we do the big shaping, and they do a lot of the heavy lifting and all the interactions in schools. The minister already referred to the inclusion coaches in Tuggeranong, and Ms Spence can go into some detail about exactly how that is rolling out. But I have to say, as someone who has been in education reform in multiple jurisdictions for my whole career, it is probably one of the most encouraging starts to an investment like that that I have ever seen. And it is not in my patch; I am giving credit elsewhere.

We have also a transitions and careers coach in that program, and Ms Spence can

speaking more to that. We are in the final stages of scoping the allied health review, which is really about how we can optimise those wraparound allied health staff that we have in various patches to bring together the best possible outcomes for children and young people with a disability.

We have a range of things in terms of workforce development. Universal Design for Learning is a really critical piece about how we improve learning, not only for children and young people with disability but pretty much for every student. We have both participated in a full day just recently on that, and I have to say it feels like a very important ingredient to Strong Foundations, the Student-Centred Improvement Framework and the inclusionary forms. Those are all starting to come together, which is really exciting.

We have a school partnerships model, which is where our specialist schools will be partnering with local schools. That is kicking off this term. We are just about to start that and look at how we can share expertise and also look for opportunities where children and young people can participate across multiple settings, if that is the best way forward.

A lot of the work is in the cultural shift, which is really the most critical starting point. That is led out through the Student-Centred Improvement Framework as well. There has been a lot of work done that Mr Huxley could speak to around the culture piece. And there is also, Minister—what is probably one of your favourites—Student Voice. We have already had a Student Voice forum, which was phenomenal. There is another one coming up late this month and there will be a third one this year. That is getting the voices of children and young people with disability to shape the things that we are doing, which is really powerful. With that, I might hand to you, Ms Spence.

Ms Spence: I acknowledge and understand the privileges statement. I will put it back to you: which one would you like to go into? There are lots—

MS ORR: Yes, there was a lot in that answer!

Ms Efthymiades: It is very cool stuff, though. Sorry, I will just go into the relationship with the specialist schools and our other schools. Some of our schools already have those partnerships, but they can be built on and made more accessible. For other schools, not just the schools that have partnerships, those learnings and experiences are really important. There is also the opportunity for all those kids to hang together and just be treated the same. That is really powerful too.

MS ORR: Thank you. Ms Spence, to answer your question about what to focus on, I am really keen to hear about the inclusion coaches. To put that into context, I get a number of constituent enquiries from people who have children with disabilities in schools, and it is about finding ways to navigate the system to get the supports they need. My experience is that everyone has good intentions; sometimes realising that is a bit of bureaucratic process, shall we say.

So I am really keen to see how we are shifting from that, in this supportive environment, to inclusion. How will things like the inclusion coaches and the other bits start to address that?

Ms Spence: Firstly, you are absolutely right. This is everybody's business, and so the inclusion coaches play a pretty significant role in supporting our school-based educators so that they can do the work with the families and with the students, because everybody needs to support the inclusion strategy and agenda that is moving forward.

At the moment we have eight inclusion coaches. Some are part-time. The eight inclusion coaches are going into our schools in the Tuggeranong region as part of a try, test and learn model. Each of those inclusion coaches are becoming experts in particular areas so that we are building expertise for the system. For nine days out of a ten-day school fortnight, they are based in school. They generally have about two schools that they are working with. They are working directly with teachers and also modelling the way in which you can adjust practice with Universally Design for Learning, UDL, which is what Deb talked about previously. They work with teachers and they work directly with students to support improvement in the way that we implement those practices in line with the inclusion strategy.

For example, at one of our schools they have developed an inclusive after-school sporting program. They are designing activities and tasks that remove barriers, so that every young person, regardless of their abilities, can engage successfully through that program. There are things in schools, in terms of practice, where we use social scripts to help young people engage more effectively in learning. In another particular school, they have really focused on the use of social scripts and how to develop social scripts with teachers, so that teachers can be implementing that with young people. It also involves working with families around how that helps improve those outcomes for those young people.

Another example in one particular school is what they call Talko Tuesday. They get the educators together, they work with the inclusion coach and they do professional learning every Tuesday in which they share experiences. They learn from one another, not just the coach, and the coach deliberately facilitates that. As part of the model, we know that we have to share the practice so that we can look at how it supports the broader system in the long run.

There are a few examples. I could keep going. There are such wonderful examples.

MS ORR: That is okay. I think the chair is going to cut me off after ten minutes, so I will jump in with my next question. What is the initial feedback you are getting, particularly with the Tuggeranong pilot, from the teachers on how this is supporting their work and their ability to teach?

Ms Spence: Obviously our teachers welcome any support they can get to improve their practice. But I think that because the model is based in the school setting, for so many days a week in that school, it is about the relationships and creating the environment so that they can engage on an ongoing basis. Sometimes some of the best ways for our educators to understand things better—I am a schoolie, so I can tell you—are those corridor conversations and the conversations that you have over break times in the staffroom. They are just as powerful as the conversations that you have more intentionally.

In terms of the model being based in schools and developing relationships over a period of time, the feedback we are hearing is that is really helping to not just have one offering; it is to build the understanding and have someone observe the practice and give you feedback, so that it can continue to improve. Another thing we are hearing is, "Give us more, give us more," because of the successful engagement.

With the expertise of some of the coaches, it was a very deliberate matching process based on the school's needs. We have had some situations where we have had to reassess that deliberate matching and shuffle around the coaches, because what a school needed in terms of expertise at a particular point in time required an adjustment as to the appropriate coach. So as part of the try, test, learn model we also need to continuously collect that feedback to make sure we have the right expertise supporting the school's needs. It is really important, from a teacher and school leader perspective, that we are doing that as we begin the rollout of this particular model.

MS ORR: I think it might have been Ms Efthymiades who said there was a specialisation for the coaches. When you say specialisation, what are the sorts of things we are talking about there?

Ms Spence: In order to serve the system better, each of the coaches, as part of their own professional learning and of building their expertise, have a particular thing that they are learning more about and becoming more expert in.

As an example of that, in one particular area one of the coaches is becoming an expert in multitiered systems of support and what that means in terms of developing a model for a school. There is a very direct link with our Strong Foundations work, so we can join those pieces of work together with experts in that field.

Another area would be a coach who is becoming an expert in Universal Design for Learning. That is about how teachers design learning that is actually removing barriers, so that everybody can access learning in a universal way. They are becoming an expert in that. Another one might be becoming an expert in making adjustments for young people who have dyslexia, for example.

The benefits of that system, with everyone having different expertise, is that they can learn from one another. They are not trying to be an expert in everything. This allows sharing opportunities more broadly across the system.

MS ORR: With the pilot, noting that it is in Tuggeranong schools, what are the next stages for the pilot? Jumping ahead, when will we see it in Gungahlin? That might be one for the minister.

Ms Berry: Those will be decisions for future governments to make. We started in Tuggeranong, because the schools have a demographic that needed this kind of support. We had a school principal cohort who were really keen to work with the coaches and include that as part of their schools. When you push things on people it does not always work, but, when you include people in whatever the project is, it makes it a whole lot more powerful. It has been going so well, has it not? It is going—

MS ORR: So the intention is keep going with the pilot?

Ms Berry: It is a pilot, and we are learning from it. The intention would be that it would expand out to other schools, but, again, those are future government budget decisions.

MISS NUTTALL: Zeroing in on the SCAN model in particular, I understand that has been quite a difficult element of inclusion; it tends to take quite a deficit-oriented approach. I have talked to students and parents who dread the process, and teachers as well. When will we see the SCAN model completely phased out, and what do we expect will take its place? I understand that we are designing the system so that, ultimately, the barriers just are not there in the first place. In terms of the support that we offer students, how are we doing that, if not through the SCAN model?

Ms Efthymiades: It is really good timing, as consultation on an adjustment-based funding model opened yesterday. It is open until 10 September. Essentially, that walks people through, and there are opportunities to engage in online things. We are recording things so that people can access those later, or engage directly, face to face, as well as through YourSay. There are a whole lot of mechanisms to get feedback on our proposal to shift to an adjustment-based funding model, which means no medical diagnosis is required.

The schools are supported with a tool that is called SAM, which is our student adjustment matrix. Using that tool, it is really illuminating for some people. They say, “Oh, that’s how I can do that.” There are very simple things that can be identified, through to really complex things that can be identified, through that shift.

That tool supports something that our schools already have to do every year, which is the nationally consistent collection of data, or NCCD. At the moment we have SCAN, which is tied to our funding, but our schools also have to do NCCD, because that is what the commonwealth bases their funding on. We move away from the deficit, from the medical model, to an adjustment. How do we move the barriers so that kids can have positive learning? A lot of that angst will go away.

In the consultation pack, there are some user journeys for families—what it has been like, what we see that it will be like et cetera. It is a very big focus of the consultation. We heard that so strongly in the original community engagement around the inclusion strategy, so that is now starting to come to life. If that goes well, we would anticipate that we would be starting to move to that in 2026. Obviously, it is quite a change. We are looking at how we consult.

The main consultation for our workforce is about what that would need, what support people would need to do it. That is the stage we are at now. Given that all the energy is pointing in that direction, we are hopeful, and 2026 is the current anticipated commencement, but we will be transitioning things to keep it as smooth as possible for everybody.

MISS NUTTALL: This relates particularly to the education equity fund. It is in budget statements F, pages 19 and 20. To the best of my knowledge, in the 2023 budget, it appeared to show \$1,887,000 in funding was rolled over to the 2023-24

financial year. In the 2024-25 budget, it seemed to show there was \$1,462,000 rolled over, but that seems to be to cover school meals, and an additional \$1 million was allocated to the fund in general. With the funding rollover, I am trying to wrap my head around how that works. Is that an extra million dollars on top of what is being rolled over for that particular scheme? Would you be able to talk me through that?

Ms Haire: Thank you, Miss Nuttall, for your question. The budget papers show that, in this financial year, there is an additional \$1 million going into the equity fund. That is part of the cost-of-living response and part of a suite of announcements. It also reflects that, due to greater socialisation and publicity, and opening the fund earlier this year and keeping it open for longer, we have been able to support more families, and we have had more applications. We envisage that that will happen into next year.

In relation to the movements in the previous years, our CFO, Mr Turnbull, can explain how that works. The starting point to your question is that, on top of the existing money, there is an additional \$1 million into the fund for this financial year.

MISS NUTTALL: \$1 million more than last year's?

Ms Haire: Yes.

Mr Turnbull: I have read and understood the privilege statement. In terms of the funding in relation to this fund, it is linked into our school year—calendar year—and financial year. We do find there are movements between the financial years to ensure that, when a family applies for this support, it is actually available throughout the year. We have one bucket. If it is really popular at the beginning of the year, more funds go in, in the first part of the year, and we move it throughout the year. That is the reason why you will see movements in each financial year, where funds are rolled over. It is for funds that we have not expended at that point, moving into the second half of the year.

MISS NUTTALL: With respect to the rollover from the last financial year, was there any rollover to this financial year for that education equity fund?

Mr Turnbull: I do not have the details in front of me, but I believe either the vast majority or all of it was utilised within that time.

THE CHAIR: Perhaps you could take that on notice.

Mr Turnbull: I am happy to take that on notice.

MS ORR: I know this is one of the measures for supporting families who are experiencing financial hardship, so that their kids can still engage with and access the education system. Ms Haire, I think you said there was a suite of measures in the budget. Can you run me through those? There is the equity fund and school meals. What comes under that banner of cost-of-living support?

Ms Haire: In relation to education, there are the two that you have mentioned.

Ms Berry: You could include the Chromebooks in that as well. It has become a

matter of course now; people just think this is the way things have always been, and it was not always the way things were. That has also created some equality within our schools, so that families do not have that financial pressure to purchase a device and compete with other kids for the best device or whatever. We provide it for them. That certainly saves funding for parents and families as well.

MS LEE: In terms of families experiencing hardship that access this fund, can you outline the eligibility criteria?

Ms Haire: I will hand over to Ms Spence for that, because she administers it.

Ms Spence: Applicants need to live in the ACT, as part of the eligibility. They need to have sole or shared parental responsibility for the dependent students. Those students can be in preschool through to year 12. Also, that covers public schools, Catholic schools and non-government schools.

They need to be financially responsible for the student and they need to be able to demonstrate low income status. Generally, that is through Health Care Cards—Centrelink cards. However, from time to time that is not always possible, so other forms of evidence can be provided. Often, we see ATO tax returns, or there may be other documentation, personal information, that we use to determine eligibility as to hardship, to be able to apply to the fund.

MS LEE: If it is other forms of evidence, is there a threshold, in terms of having to be under a certain amount in terms of salary? How is it determined?

Ms Spence: If they cannot demonstrate the salary aspect of that, a Health Care Card, for example, does not demonstrate salary, but you have to meet a threshold from the commonwealth government. With the other forms of evidence, if it is not salary linked, it is generally linked to applications, potentially—victims of domestic violence that have had to move house, for example, or that are in emergency residential care. Those are the kinds of things that would support that. There is a multistep process for authenticating information and verifying that, as part of the eligibility criteria. We do have an area where other forms of evidence can be applied, and there are multiple people that assess that.

MS LEE: How many applications have been received this year?

Ms Spence: As of 9 July, 2,901 applications have been received. Of those, 2,639 have been approved.

MS LEE: What is the average time that it takes to approve an application?

Ms Spence: 96 per cent of applications are processed within four weeks.

MS LEE: What about the four per cent? Are there reasons why they do not get processed within that time period?

Ms Spence: Often, the four per cent are what we call the complex applications, where the evidence, in terms of, say, a Centrelink payment or an ATO tax return, is not

provided. It is around our officers engaging in conversations with people and supporting them to provide the information necessary to assess the application. With that small proportion where the evidence is not there and the contact needs to be made to be able to get that, they generally fall within that four per cent.

MS LEE: After approval, how long does it take for a payment to be received by the family or the applicant?

Ms Spence: It is about the processing time. The four-week figure that I gave you, the 96 per cent in four weeks, generally includes the payment. The specific turnaround probably varies because it runs on a pay cycle, and it is shared services who execute that funding. We do batches of payments, and that might vary, depending on days. But payment is made within four weeks.

MS LEE: Finally, how do those numbers compare to last year?

Ms Spence: In 2023, for the entire round, for that academic year—and note that we are only in August; it is still open until November—the total amount of approved applications was 2,551.

MS LEE: So it has increased significantly?

Ms Spence: Yes.

Ms Haire: Chair, may I come back to Miss Nuttall's question, because Mr Turnbull can now clarify her rollover question?

THE CHAIR: Yes.

Mr Turnbull: In terms of the rollover of the 2023 funds, there were no funds rolled over. The full amount of the bursary fund was expended and provided to applicants in the community.

Ms Haire: If I may go back to Ms Orr's question, Ms Efthymiades wanted to make one clarification to the answer she just gave you.

Ms Efthymiades: I used YourSay because that was the path we thought we would be on, but we changed it to the Education website, primarily because that is where everyone has engaged with us on the whole inclusion strategy consultation, so it is their go-to place. I wanted to correct that, in case you went to YourSay and could not find it.

MS LEE: I want to go back to the Strong Foundations. Minister, noting that the government has accepted all of the recommendations, and has, as we have discussed, partial funding for it, can you please confirm whether it will be mandatory for all principals in ACT government schools to implement the evidence-based teaching practices in ACT government schools?

Ms Haire: I will hand over to Ms Simmons, the deputy director-general, to answer that.

Ms Simmons: Thank you for the question. All eight recommendations have been accepted. With the implementation actions on each of those recommendations, we are currently working through those in partnership with principals, but most of those will be accepted and will be implemented. There are some interdependencies between some and the other. Certainly, evidence-based practices are very much part of the systemised approach that we will take, moving forward.

Everything we do is based on evidence, but we want a systemised and consistent way of doing that. Centrally, we will take some—for want of a better word—control over what that looks like. We are currently, even today, working with principals in terms of getting their advice about what that looks like, moving forward. We will have a more centralised approach to be able to support that, and give advice to schools and direction about what the best practices will be and what will be, consistent with our positioning around literacy and numeracy, and consistent with the recommendations of the inquiry.

MS LEE: Will it be mandatory?

Ms Simmons: When we say there will be a consistent approach, there are some things that will be mandatory. We are using the word that it is “required”. For example, you will not have a year 1 phonics test occurring in a high school. Some things will be dependent on each school’s situation. The wording that we are using is “required”. Absolutely, it will be the expectation that that is what schools do, and it will be the directorate’s position that it is an evidence-based approach.

MS LEE: Leaving aside the obvious example of year 1 phonics tests not being conducted in high schools—no-one was arguing for that—once you have finished the implementation program, will it be mandatory for all school principals?

Ms Berry: I do not think that is the kind of language we would be using in this space. It will definitely be something that all of our schools need to do. All of our schools understand the recommendations. They are excited about the opportunities that they present for professional development. They are excited about the opportunities that are provided to school communities, to build on having even more confidence and value in our school system.

I do not think we need to use the kind of language that people will be “directed to or else”, or “mandated to or else”. We are part of a system that works really closely together. Part of the implementation plan is how we roll it out to the system to have a consistent delivery of literacy and numeracy across all of our schools, and having regard to the recommendations. The language of “required”, is probably the most appropriate language. I do not think it is something about which we would need to take a stick approach with our schools, because they are excited, and they want the opportunity to do this.

MS LEE: No-one else has used the words “or else”. That was your phrasing, Minister. Will the decodable readers be available in all ACT government schools?

Ms Berry: Yes.

MS LEE: When will they be purchased and available for use in schools?

Ms Berry: Some of them are already there.

Ms Simmons: Yes, some are already there. We are also in the process of working out and providing resources to schools, in readiness for 2025, for decodable readers to be available in schools.

MS LEE: Will other readers that do not fit the approach of what has been recommended and accepted for Strong Foundations be destroyed or removed?

Ms Berry: I do not think so. I think there is a variety of books and materials provided in libraries for school students.

MS LEE: Will materials and books that have been teaching literacy by way of a balanced literacy approach still be available in schools?

Ms Simmons: I will defer to Ms Spence.

Ms Spence: Are we talking about the concept of levelled readers? Is that what you are referring to?

MS LEE: With books and resources that have been available and taught using the balanced literacy method, as opposed to what is now being recommended under the Strong Foundations method, will they be removed? Once the decodables are in, will they be removed?

Ms Spence: The Australian curriculum outlines that we need to use decodable and authentic texts with students. There will be a range of reading materials that are considered authentic texts that will be kept in our schools, because the Australian curriculum requires us to engage in literature. We need quality literature to support that aspect of the Australian curriculum.

The decodable readers serve a specific purpose. There will be increased investment in decodable readers to support the early years in the explicit teaching of phonics, in that phased approach. As they get older, they phase out of using decodable readers.

In terms of levelled readers, levelled readers are very specifically designed readers that are aligned with age groups. There will be a plan to transition out of a levelled reader approach. That has already begun in some schools. But the texts may not be used in that way. Those texts can be used in other ways. It will not just be a matter of destroying them; it will be a matter of looking at how we can repurpose those, outside a specific levelled approach, so that it is more in line with the recommendations on the use of decodables.

MS LEE: In terms of the transition, Minister, you mentioned that the decodables are already starting to come into schools.

Ms Berry: I think they already existed, in many of our schools.

MS LEE: Do you have a record of which schools have them, which schools do not, and when will every school have them—age appropriately?

Ms Haire: In relation to your earlier question about the decodable readers, the panel's advice specifically about decodable readers was that they are the tool that should be used when you are embarking on the explicit teaching of phonics. In fact, they recognised explicitly that we should use other texts, and children should continue to be exposed and have access to a range of other texts. The approach that Ms Spence has just outlined is directly in line with what the panel had recommended.

In relation to the rollout of decodable readers, I will hand over to Ms Spence, but my latest understanding is that we are in the process of identifying exactly where and how to roll those out for 2025, noting that an element of the \$1.7 million that you identified earlier, Ms Lee, is specifically for that purpose, and that that money will be provided to schools, with support to purchase the readers, ahead of the start of the 2025 year. I think we are still in the process of working through that.

Ms Spence: That is correct. We do not have an audit of every single decodable reader in every school, but we are aware that many schools already have decodable readers. The investment that Strong Foundations is making is to help schools re-prioritise the purchase of decodable readers, should they need to have extra, to be able to support the implementation of the recommendations.

We are currently designing a process to quality assure the types of decodable readers that are available on the market and to provide that information to schools so that they can use the money in the funding that they currently have for literacy to be able to purchase the endorsed suite of decodables that are available, to be able to supplement what already exists in schools.

We do expect that some schools may need to buy more than others, and some schools might not need to purchase any, but they will be able to make that assessment based on what they already have in their schools.

MS LEE: Are you relying on the schools to come to you? How is the directorate administering it, to make sure that they will have decodables ready for the academic year next year?

Ms Spence: That is a process that we are currently designing. We will need to build in how they are acquitting the money that they have used, in line with the recommendations through that quality assurance process, and the recommended resources. Decodable readers are one of those things, but there are other things in the numeracy space that we will be recommending as well. That will be included in the way that we design that process. It has not been finalised at this stage.

MS LEE: Once that process is finalised, the aim is to make sure that all schools have the requisite decodables before the academic year next year?

Ms Spence: That is correct.

Ms Berry: That is the \$793,000 out of the \$1.74 million.

THE CHAIR: I want to ask about violence in schools. There is nothing that I can easily find in the budget. Last week, during the community day for estimates, the Australian Education Union said:

Our analysis of the budget identified significant gaps that must be addressed to ensure the quality of public education that our community deserves.

Were you surprised by that statement by the AEU?

Ms Berry: They are representing their members' interests. Last year's budget had funding to continue the Safe at Schools work, which is working towards making sure that our schools, as workplaces, are safe for teaching and school staff. Whilst the additional funding was not in this budget, there was funding provided in the previous year's budget to extend that work. Ms Atkins can talk to that.

Ms Haire: Just confirming, Ms Lawder, as the minister said, the funding last year was for both last year and this year, to continue the work of the Safe at Schools Task Force. The Safe at Schools Task Force work has a very strong focus on preventing occupational violence. One of the projects that has been worked on closely is working with the AEU on a new occupational violence policy, which Ms Atkins can speak to.

THE CHAIR: Can you point me to that budget item?

Ms Haire: I apologise; I do not have last year's budget with me.

THE CHAIR: Can you take that on notice and let me know?

Ms Haire: Yes, certainly.

Ms Berry: You might recall that last year we also made legislative reforms around suspensions in ACT public schools. That was to limit the length of suspensions to no more than 20 days, prevent concurrent suspensions and require that a suspended student must be given the materials and support needed to engage in their education during the suspension period. There was a range of different pieces of work, as part of this program of works. It will not end anytime soon. We are still working through it. It is a complex issue. But we are continuing with the Safe at Schools initiative with the AEU.

THE CHAIR: We saw the results from the Australian Principal Occupational Health, Safety and Wellbeing Survey earlier this year, which showed that ACT principals reported the highest rates of occupational violence in the country. It is not the first time that the ACT has had this disturbing result. In terms of leading the country, it is not something on which we want to be leading the country. Where is the prevention and management of occupational violence in ACT public schools review up to?

Ms Haire: I will ask Ms Atkins to provide you with some detail on how we are working through the review of occupational violence. I will make a few contextual points, to begin with. The ACT Education Directorate has had a very significant focus

on preventing and responding to occupational violence for more than seven years.

THE CHAIR: I do not want to interrupt you, but I think we are probably all pretty much aware of the background.

Ms Haire: I am sorry; that was by way of giving some context—

THE CHAIR: We have discussed this at length in the Assembly.

Ms Haire: Apologies. It is simply that we work very closely with our staff to make them very aware and to encourage and support the reporting of occupational violence. Awareness and understanding are one of the most important ways of moving towards prevention. That is by way of background context.

Ms Berry: This is reminding me of the work that we do with the ACT Principals Association. I meet with them regularly, and I know the Education Directorate meets with them as well. During my meetings with them last year, or maybe the year before, they wanted this to be part of the national conversation. I took it to the ministerial advisory council on education, asking that it be put on the agenda as a national conversation; and it was. It is now a national conversation that is being held by education ministers across the states and territories. I want to acknowledge the work of the ACT Principals Association and the ACT representative on the Primary Principals Association—

Ms Haire: Our former executive is now the head of the national—

Ms Berry: National, yes. He has been doing some amazing work in this space, which is good, because it has often fallen off the table. A national conversation around this is important. In the ACT, we are not saying we can fix all of the problems, Ms Lawder, at all. We have not fixed all of the problems at all. We are working more closely with school principals, understanding their concerns and providing them with the supports that they tell us they need. Particularly as we are seeing more and more newer and less experienced school principals taking up roles in our schools, we are making sure that they are supported with professional development, importantly, as well as support around the work we are doing with regard to our inclusion strategy.

We are also part of the ACT government's focus on work health and safety across the board—no violence in any workplace. We have been part of that program within our schools. We are getting the message out to families and others who are coming into our school spaces that any kind of violence is not acceptable, it will not be welcomed, it will be reported and, on some occasions, the police will be called. We are taking the situation very seriously. This is a societal issue that Education is not immune from, and our schools are not immune from. I think we are playing our part to make a difference in this space.

THE CHAIR: Where is the review up to? Has the review been completed? If not, what is the expected completion date, and will it be publicly available once it is complete?

Ms Haire: Ms Lawder, we are in phase 2 of the review of the occupational violence

policy. I will hand over to Ms Atkins to take you through the phases and the expected completion date, noting that we are doing this in collaboration with our workforce, and that is an important element of it.

Ms Atkins: I have read and understood the privilege statement. The occupational violence review has come out of the rapid review recommendations which we are currently still in the process of implementing. Phase 1 of the review is complete. It involved a listening report and a literature review. It was important for us to be able to hear the experiences of the people on the ground who have to implement the policies and processes, and who use our tools and resources on a daily basis. We have used that information to join up and enter into phase 2 of the review.

We have completed an initial part of that phase 2, which has included three workshops with other relevant areas of the directorate, including our people capability branch and representatives of the AEU and the CPSU. We have been able to take a more detailed look at existing policies, our procedures and our management plan. The view is that that piece of work will be completed by the end of 2024 for implementation during 2025.

THE CHAIR: Will the review be released publicly? What about phase 1, if it has been completed; is that available?

Ms Haire: I might have to take that on notice. I am not sure whether it is available at this point, Ms Lawder.

MS LEE: Going back to Ms Lawder's initial question on that, will phase 2, once it is completed, be made public?

Ms Haire: The outcome of phase 2 will be a new policy and procedures, and that will be made public on the Education Directorate website. There will be a range of training and other communications materials around that. That is the practical aspect of the outcome of the review.

MS LEE: Based on that, phase 2 is the final?

Ms Haire: Yes, that is right.

THE CHAIR: Phase 1 is completed; you are not sure if it is publicly available but you said it was a listening report and a literature review. Why wouldn't it be—

Ms Berry: We will get some advice and see whether we can get it out.

THE CHAIR: You will take that on notice?

Ms Berry: Yes. Ms Lawder, Andy Mison is the Australian Secondary Principals Association president. He was formerly a Hawker College and Harrison School principal in the ACT, so we are well represented nationally.

MISS NUTTALL: What are the Education Directorate's current policies for following up on reports of occupational violence within schools? What are their

requirements?

Ms Haire: I will ask Ms Atkins to answer that question. All reports of occupational violence go to her team. She has a team of people who assess and address those when they are received. She can explain that process to you.

Ms Atkins: When an incident report is made to the directorate, using the incident reporting management system, each one of those distinct reports is read and triaged by an incident report officer. Based on the triage risk rating, a case manager is allocated to each specific case involving a staff member and students. From that a range of supports are made available through our early intervention and wellbeing team, who provide direct wellbeing support to a staff member that may have been subject to an incidence of occupational violence.

Further, a team of senior allied health clinicians undertake a process whereby they assess the risk of occupational violence, develop an occupational violence risk assessment and identify controls to be able to be implemented in the classroom and at the school level. That might include things like modifications to the environment, it could include things like recommendations for training or professional learning, and it could include things like additional support to be provided within classrooms.

THE CHAIR: Are these policies available publicly?

Ms Atkins: The Occupational Violence Management Plan is an available policy.

THE CHAIR: The one that you referred to, about what happens when an incident is received, which you just explained to Miss Nuttall, is that available publicly, on the website?

Ms Atkins: Those processes are internally facing and are available to all directorate employees.

MISS NUTTALL: If you were, say, a staff member and you did experience occupational violence, how long would you expect to have to wait before you received that follow-up? How long do you expect to wait before you received, say, an email contact, support on the ground or whatever the support looks like?

Ms Atkins: The answer is multifaceted. Once an incident report is made, the principals and managers have a responsibility around responding to that in the first instance. Where an incident may meet the threshold for the development of an occupational violence risk assessment, that support is provided in a timely way, and usually within up to five days of the incident occurring.

MISS NUTTALL: What will you use to assess whether that risk management is required? Is that information publicly available?

Ms Atkins: It is a national standard risk assessment tool.

MISS NUTTALL: That would be available, if we did a bit of Googling?

Ms Berry: I expect so.

THE CHAIR: You said you would take on notice the phase 1 report. Can I give a reminder, if you are perhaps thinking of claiming confidentiality, that parliamentary privilege overrides that.

Ms Berry: No, we are not.

Ms Haire: Ms Lawder, in relation to the other question that I took on notice for you about the funding of Safe at Schools in last year's budget, I do now have that information, if that is helpful.

THE CHAIR: Lovely.

Ms Haire: In the 2023-24 budget, a total of \$2.95 million was allocated to Safe at Schools. That comprised \$1.431 million for the last financial year, \$955,000 for the current year, \$278,000 for the next financial year, 2025-26, and \$286,000 in 2026-27.

THE CHAIR: Great; thank you very much. Ms Orr?

MS ORR: I would like to go back to the inclusion strategy. I would like to pick up on the wraparound supports. I know you mentioned that, from the very early thinking, but I want to get whatever insight you can share as to how you are looking at managing that program.

Ms Efthymiades: The allied health review?

MS ORR: That is the one, yes. I think the comment was made that it was looking at how to better use those existing resources, and people and professionals.

Ms Spence: Part of the inclusion strategy commitment was to review the allied health workforce. We have a number of different allied health workforce teams in the Education Directorate, including our school psychologists, as part of that workforce that provides wraparound support or some kind of function when it comes to supporting students with a disability.

Part of this review will look at the workforce, the functions that they actually perform, those services that they provide, and consider whether that workforce is doing what we need it to do to support the implementation of the strategy and provide those wraparound supports in a timely and efficient manner.

We are an education directorate, so we are looking at how we can learn through the review to develop new models of care that are in line, not just with the inclusion strategy but some alignment with what we need for Strong Foundations in terms of multitiered systems of support and having our allied health workforce support our educators in intervening early. For example, with our speech therapists, a really good example of how we use them is when we are supporting dyslexia, and things like that.

That review is currently in the planning phase. Of course, with any review, we need to go through significant consultation with the workforce that goes across multiple

branches. From the literature review, from the evidence base and from understanding the workforce itself and analysing those gaps, we will consider what that means moving forward in terms of new models of care to address the wraparound services required.

Ms Efthymiades: I have a small bit to add, a connection back to the adjustment-based funding model consultation that commenced yesterday. There is a key piece in that around psychologists who we will be engaging with directly. At the moment psychologists almost completely spend their time undertaking assessments so that students are eligible for our SCAN and deficit medical-based funding model.

In shifting that to a different way of assessing and providing funding, it is anticipated that psychologists' load will shift to being able to work with children and young people much more often, and there will be a minimal amount, or a much reduced, at least, amount spent on assessments to support. There will still be some of that because some of our children and young people with more complex needs will still require some of that, but much less than is currently the case.

A very explicit part of the consultation process is with our school psychologists, to ensure they are really engaged with that. That, likewise, will feed into the broader allied health review—if that changes, what that means et cetera.

MS ORR: The review will come up with a model for how to go forward. What was the model? It was a test? It has been a long couple of weeks.

Ms Spence: Try, test and learn. This is about looking at how we redesign our service offer. Currently, we have teams of centralised psychologists, allied health, that perform functions centrally. We have a commitment in terms of increasing the amount of social workers and youth workers where we are trialling how to engage them in service models more directly in schools. We are looking at reviewing all of these different service models, thinking about what our needs are in terms of a centralised assessment, for example, for some functions.

We certainly know that, with the move out of SCAN, we will probably be freeing up time with our school psychologists. We need to consider those professional practice models again and look at how we redesign the service so that those kids that need the most support are getting what they need to be able to engage successfully in learning.

MISS NUTTALL: I recall that the AEU's budget submission called for a full-time psychologist in every school. Given how well this does seem to synergise with the direction that we are going, in terms of inclusive education, are we looking to dial up our numbers of school psychologists out of this review? Is it something that we would have the budget for, if we found that it was in fact a really good move?

Ms Berry: If we could find a psychologist in the first place.

Ms Haire: Miss Nuttall, we have 91 schools and we have 81 psychologists at the moment; and I note that schools are of all different sizes. As Ms Spence said, the outcome of the review will form the basis of further advice to government about the role, function and impact.

An important part of what Ms Spence has said is about how the different allied health professions complement each other and how we make sure that we use the appropriate skills of the profession for the appropriate task. Thinking about how youth workers, social workers, occupational therapists, psychologists et cetera work together to support a child to utilise the skills of each profession most effectively is, in summary, the purpose of the review. That would then form the basis of further advice, as the inclusion strategy sets out.

MS ORR: While it is still a work in progress to determine what it will look like, it is fair to say that this will look different in the future?

Ms Haire: Yes.

MISS NUTTALL: I have a question regarding the *It really stabs me* report into antiracism. Why has the ACT government not yet responded to the report from the Children and Young People Commissioner, Curijo and the Multicultural Hub Canberra, which discusses the experiences of young people encountering racism in the ACT? I understand that it is not compulsory to respond. There are no legislative requirements for us to do so, but given the amount of work that went into it, and the fairly serious implications of the findings, it would be useful to get a steer on what we are doing to respond to that report.

Ms Rule: We are having a look at that report across the whole of ACT government. All directorates are working together. You are right; it is not like an audit report or one of those kinds of reports where there is a compulsory need to respond. We have had some initial discussions with the Human Rights Commission. We are looking into it, but there is no requirement for, and I would not expect that there will be, a formal government response. Certainly, across government, we are looking at what the report said, what learnings might be in it and what things we might pick up. We do not have a fully formed response yet.

MISS NUTTALL: What is the ACT government actively doing currently to address reports of racism in schools?

Ms Haire: Miss Nuttall, I will hand over to Ms Spence for that. She will be able to set out for you how we address racism in schools. We have looked at how our current policies align with the advice that we have from the Human Rights Commission in the *It really stabs me* report. We have met with them about that report several times to understand what they heard about in schools and to ensure that we took that into account in the approach that we take to schools.

Ms Spence can give you the broad outline; then, if you wish, she can also talk about how we have looked at how what we currently do sits against some of that advice that came from the Human Rights Commission.

Ms Spence: Of course, we have mapped a lot of the work that we currently do. I will give you an overview and maybe map that back against those recommendations, to demonstrate that. One of the key areas across government is an addressing systemic racism framework, and Education plays a lead role in developing that framework. We

are very invested in supporting that. That is built into recommendations 1, 5 and 6 of the *It really stabs me* report and it continues to be a piece of work that we do across government. We co-chair that committee with CMTEDD, in leading that piece of work. That continues to grow.

Another one, which addresses recommendations 3 and 4, is around the ongoing cultural awareness and professional learning that we provide to all staff in the Education Directorate—not just our teachers and support staff in schools, but everybody—ESOs. We believe that it is everyone’s responsibility in terms of supporting cultural understanding.

We provide that professional learning for all staff. It includes things like unconscious bias, how we challenge our assumptions, identifying shared values and organisational change, and how we deal with really complex issues in relation to that. That is packaged up, as part of some of what we call Engoori training, which is about those beliefs. There is a pretty large investment in that.

The other thing that we have done is to analyse those aspects of the Australian curriculum that we are required to teach in our schools and ensure that we are providing appropriate resources and learning materials for our school-based staff to teach that as part of the curriculum. Those kinds of packages are around things like prejudice and stereotyping, and they are delivered through curriculum all the way from kindergarten through to year 10, and in age-appropriate ways, of course. That addresses recommendations 1, 2 and 3.

Another area that we are investing in is how we build really strong cultures of belonging in our schools. We engage in many events to celebrate diversity. In this space, many of our schools recognise National Sorry Day, Reconciliation Day and celebrate NAIDOC. We also engage in campaigns, such as “Racism. No way”. We engage in campaigns such as “Bullying. No way”. There is a whole suite of resources and support for our schools to work with our young people as part of those campaigns.

Another key area of work is around the way in which we use the student voice. This year we have established a student voice working group that supports the minister’s congress. One of the key themes that we are looking at is racism, as part of that student voice working group, so that we can hear the voices of young people and support future work that we need to do in this area to continue to address this—not just in response to the *It really stabs me* report, but as part of our obligations under our national Closing The Gap priorities.

We also have SASSCO officers in every school. They are safe and supportive schools officers. Every school is required to have two officers. Those officers support our young people when there is an incident of bullying that may be linked to racism. They have fairly comprehensive training to perform that role—five days of training. They are trained to support young people, both victims and perpetrators, to understand behaviours associated with any kind of bullying and harassment, what it means, provide education and support, and facilitate restorative conferences and ways to reconcile, when those things do occur, and in the way that we respond to that.

We analyse our negative incident data through our school administration system that

is aligned with bullying and harassment. Our PBL coaches, our positive behaviours for learning coaches, can analyse the free text part of that. When there are incidents of racism that are occurring over and over again, they will work with schools on how to understand that data and put strategies and practices in place and direct them to the appropriate resources to help them to educate young people and improve that culture of belonging in their schools.

THE CHAIR: We have two minutes.

MISS NUTTALL: I have a quick follow-up question. The report mentioned that 92 per cent of Aboriginal and Torres Strait Islander children and young people who were surveyed indicated that they had been victims of racism, with the other eight per cent or so declining to answer. Considering all four accountability indicators in this budget involving Aboriginal and Torres Strait Islander students were under target, some by as much as 20 per cent, what is being done to investigate the role racism plays in the education system, specifically towards our Aboriginal and Torres Strait Islander kids, and the role that might be playing in these poor outcomes?

Ms Haire: Miss Nuttall, may I make a brief comment about the indicators that you pointed to? We in the ACT have the only system in Australia where we measure the outcomes of our Aboriginal and Torres Strait Islander students to exactly the same standard as all students. Others have a lower target for the achievement of Aboriginal and Torres Strait Islander students. The education minister made a decision a number of years ago that the appropriate non-racist outcome was to have the same target for all students. What you see in those indicators is a pattern which has also been highlighted in the release of the Closing the Gap report today. As a result of history and systemic racism, a matter of grave concern to us, Aboriginal and Torres Strait Islander students continue to not attain the same levels as other children. However, we do not step back from our goal that they reach exactly the same outcomes as all children. In that context, that is our outcome. A number of the things that Ms Spence spoke about relate directly to the rest of your question.

THE CHAIR: We must move on. If you are able to provide a bit of info, perhaps you could provide it on notice, because it is a very interesting question. But we must move on. Ms Lee, do you have a question?

MS LEE: Thank you, Chair. Minister, does the directorate keep tabs on how many classrooms and/or learning spaces are not usable at any given time due to health and safety reasons?

Ms Haire: I will ask Ms Attridge to step up to the table. Ms Lee, your question relates to when a learning space is temporarily unavailable for health and safety reasons. What I can say about that—as Ms Attridge organises her papers—is that, at any time when an incident like that occurs and a learning space becomes unavailable, we have a process of reporting that. It comes through Ms Attridge’s area, and we also report it to the minister every time that occurs. Do you want to expand on anything about that, Ms Attridge?

Ms Attridge: Thank you, Director-General. I have read and understood the privilege statement. Ms Lawder, we do not collect that information at a central repository, but,

when facilities are taken offline for a period of time or are unavailable, we work with schools to ensure that they have the appropriate spaces that they need to be able to conduct learning safely.

MS LEE: If you do not keep that centrally, how do you make the assessment: “At certain schools, it happens all the time, and at other schools it doesn’t.” How do you make an assessment about further maintenance at a certain school?

Ms Attridge: Thank you, Ms Lee. We consider the needs of schools on a school-by-school basis because the facilities are unique to each of them and there can be changes to the status of their facilities at different times. Generally, we do that on a case-by-case basis, and we also work with our school facilities management teams to identify and plan for potential infrastructure needs that might arise at a school in the future, so that we can plan and respond to that.

MS LEE: In relation to Kingsford Smith School, a number of my colleagues and I also received some calls because there were some concerns in relation to toilets being closed and that obviously had an impact on teaching students. Has that all been rectified?

Ms Attridge: There are temporary bathroom facilities in place at Kingsford Smith School that are being used in the high school space in particular and will continue to be used for some period of time. That will allow some other infrastructure upgrades to happen in the established bathrooms in the school over the next few months.

MS LEE: How is that impacting on teaching and learning?

Ms Haire: I will introduce Mr Huxley to speak about that because he was supporting the school through last week, when we became aware of this issue.

Mr Huxley: Ms Lee, thanks for the question. I have read and understood the privilege statement. Kingsford Smith School has had all students on site and participating in learning since Monday this week. There was an impact on the three school days last week for students in years 7 through to 10, at the senior site. There were not a sufficient number of toilets available at that point in time due to the unavailability of the toilets late in the school holidays, when they had to be taken offline at short notice. That left us with a very small window to attempt to get replacement portable toilets on site. Every attempt was made and, unfortunately, it was late in the school holidays. The work health and safety risk assessment said that they were not yet ready to be released for student use, so we had to ask the students from years 7 to 10 to work from home for Wednesday, Thursday and Friday of the first week this term. The additional works were done and now the students roll back on site as of Monday. That allows for the further rectification work, which was referred to, to be undertaken at the school.

MS LEE: I want to go to heating and cooling, which I get a lot of concerns about from parents. Where is it up to, in terms of making sure that all our schools have appropriate heating and cooling?

Ms Attridge: All schools have slightly different and unique settings, as I mentioned before, in terms of heating and cooling. Again, we do not have a central repository of

specific facilities in every classroom space or learning space in every school. But we do have a program of work that is working through upgrades, particularly for HVAC systems, as part of the EoGGA program across government for the electrification of gas assets and also as part of energy efficiency upgrades funding provided over the last several years. That is delivering some energy efficiency upgrades at particular schools.

MS LEE: Where is the government up to in relation to the indoor air quality strategy? What is the status of that?

Ms Attridge: The indoor air quality strategy is in the process of being developed, and we should have more to share on that early next year.

MS LEE: That is the expected completion date?

Ms Attridge: Yes; I believe so.

MS LEE: In relation to heating and cooling, I note that you said that you do not keep a central repository. This is despite the fact that there was a recommendation made by the Assembly's Standing Committee on Education and Community Inclusion that said:

The committee recommends that the ACT Government develop and implement long term air quality plans and ensure adequate heating and cooling in ACT public schools.

Minister, you agreed to that in principle and said that it is being considered and identified through the directorate's ongoing focus on asset management, so I do not understand why a central repository is not being kept.

Ms Attridge: I apologise if my response was misleading on that. We do capture that information, but it is not necessarily so detailed that it is for every specific space within four walls at every single school. We do capture that information at a high level.

MS LEE: On a school-by-school basis?

Ms Attridge: Yes.

THE CHAIR: Our time is at an end, but we will be back.

Hearing suspended from 3.45 to 4.00 pm.

THE CHAIR: Welcome back, Ms Yvette Berry MLA, Minister for Education and Youth Affairs, and officials. Ms Lee has some brief supplementaries about school maintenance. We have two minutes.

MS LEE: Thank you, Chair. Minister, where are the Property Quality Standards up to? When is the expected completion date? And will it be tabled in the Assembly once it is done?

Ms Haire: Ms Lee, I will have to take that question on notice and come back to you.

MS LEE: All right. The government's response to the committee report in relation to infrastructure makes reference to the fact that, once the PQS has been finalised, the directorate will seek to review ACT public school assets against the PQS. What is the likely time frame for the review of all ACT public school assets?

Ms Attridge: Thank you for the question. I believe that relates to strategic asset management planning work, so it is likely that would be applied for each school in an incremental way rather than all at once. I would expect that, from 2025, from the beginning of the calendar year onwards, we would start to work through that process with each school.

MS LEE: Is there an end date for it?

Ms Attridge: We do not have a specific end date at this point in time, but we will have more information once a detailed program is developed in terms of strategic asset management planning, as to which schools it will occur in first and when other schools can expect it.

MS LEE: Finally, in terms of the implementation of it, concern has been raised that it may be an additional workload for principals. What is the government's expectation of the role of principals in managing this against the PQS?

Ms Attridge: I do not expect that there would be an impact related to it for principals, but I would have to check further to be completely sure.

MS LEE: That is not something you will take on notice; it is about when it will come out. Is that right?

Ms Attridge: Yes. That would be the best way to provide information about it, because all of that will be built into the plan for strategic asset management planning, rolling out from next year.

MS LEE: Just to clarify the question: is it the same as the asset condition auditing program or is that totally separate?

Ms Attridge: Asset condition auditing is part of strategic asset management planning.

MS LEE: All right. Thank you, Chair.

THE CHAIR: I want to ask about teacher shortages. Do you have details on vacancy versus capacity and location by school?

Ms Berry: I am not sure about the breakdown across schools. That might be a little bit about a point in time for each individual school, depending on what is happening on a certain day. But I can talk to the vacant positions we had across our ACT school system as at 29 July. There were 70 vacant positions across 91 ACT public schools. Forty-two of those vacancies are permanent and 28 are temporary vacancies. The periods vary from a one-term vacancy up to a 12-month vacancy. What I can also

share is that our vacancy rate has remained lower than it has been in previous years, or in at least the previous year, which is a good sign that we are staying on top of this and are able to recruit teachers to our school system, but it is still higher than we would prefer.

THE CHAIR: Thank you. Are there some schools that are more affected by vacancies than others?

Ms Berry: Sometimes there might be a—

THE CHAIR: This goes to the general trend rather than a day-by-day thing. Do some schools have more trouble getting teachers?

Ms Haire: I am going to hand to Mr Matthews to take you through that, Ms Lawder. We make a distinction between vacancies and daily staff availability.

THE CHAIR: I did ask about vacancies.

Ms Haire: You are asking about vacancies—yes. Thank you.

Mr Matthews: I have read and understood the privilege statement. The minister reported that we had 70 current vacancies as at Monday. On that same day, 61 schools reported no vacancies, so those vacancies occur in the remaining 30 schools. It really goes to your point, Ms Lawder, that the level of vacancies is not uniform. It varies across individual schools for a range of reasons.

THE CHAIR: I understand that Ms Haire has written to ACT government school parents and carers about the continuing impact of illness and the possible measures that may have to be taken to deal with a possible teacher shortage, including changes to timetables, a reduction in extra curricula activities, including camps and excursions, and periods of larger group or supervised independent learning. So, given we have been talking in the Assembly about a teacher shortage for some time—it is a not a new issue—could you outline where we are up to with steps to ensure ACT government schools are adequately staffed?

Ms Haire: In relation to the letter that I sent out to parents at the start of this term, it relates to the issue of staff availability and the impact of seasonal illnesses. As you know, we had a recent spike in COVID here in the ACT. We have also had RSV flu et cetera. The letter that I wrote is about letting parents know that we were envisaging that there would be periods where staff availability would be much lower, and, if that then affected their school, their school principal would let them know of any changes to the learning environment. So that was not about ongoing vacancies. That was about the impact.

As you know, since the pandemic we have had much stricter protocols around staff not coming to work when they have any kind of symptom. Also, many of our teachers are also parents, and, with parents not sending their children to school, the parents themselves need to stay at home as carers. Education, like all other industries, has been affected by those changes in society that we have all had.

That is the staff availability issue. I will hand to Mr Matthews, because we do have the Teacher Shortage Taskforce plan, which was tabled in the Assembly. That is our approach to the attraction and retention of teachers in the ACT, which we have been working through now for the last year and a bit. Mr Matthews can update you on where we are with that.

Mr Matthews: I think Ms Haire has already gone to the number of vacancies. Then there is the question of availability. We are definitely seeing higher rates of unplanned leave, for the reasons that have been outlined. That is not just restricted to schools, as we know.

From our point of view, what we want to do is make sure that all of our children and young people are getting the best possible education every day. Therefore, those strategies that Ms Haire has talked to are the things that we need to introduce on a day-by-day basis to deal with some of those fluctuations.

We also, obviously, want to look generally at how we can support our teachers and the work that they do. So the Teacher Shortage Taskforce was looking at not only the attraction side but also, very importantly, retention of teachers and making sure that they can be satisfied with their work and feel that we will be with them during their periods of life where they have caring responsibilities or want to study. We want them to remain connected to the ACT public education system.

So there are a whole range of strategies around retention as well. One of the things that we are doing, for example, is holding a teacher transfer round every year. That is our key mechanism to get mobility of teachers across the system. Also, for example, we look at things like family-friendly arrangements as part of that, to make sure that we take into account where teachers are living and working and where their caring responsibilities are. That is one of the factors that is considered.

Then there is also the question of workloads and making sure that, in an overall sense, teachers have a good workload—an appropriate workload. I think it is fair to say that that is where we have a lot of really positive engagement with the AEU, the Principals Association and other groups like that. They are very clearly saying to us that workload is the key issue that needs to be addressed at a school level on a day-to-day basis. Teachers want to come to work. They want to be teachers. They want to make a difference. But they want to feel that they can manage that workload.

With the Teacher Shortage Taskforce, there were 20 recommendations that we have been working through there. We have closed approximately 12 of those by agreement with the AEU, and we are working through the remaining ones. We also have a Sustainable Workload Management Committee, which has on it: the union; us, as the employer; principal representatives; and, very importantly, teachers. It looks at the whole question of the workload of teachers. What are they spending their time on? How can we make that more efficient? Is there work that they are currently doing that could be done by somebody else? And, indeed, is there work that does not need to be done by anybody? So really it is trying to make sure that we are working across all of those elements to make sure that our schools are fully staffed and our teachers feel recognised for the professionals that they are, and also that we can utilise their time in the most effective way.

MS LEE: Mr Matthews, in terms of the vacancies—as opposed to unavailability—can you give the committee an update in relation to the profile? Are we having the vacancies in early career teachers? Or is it mid-career teachers or the more experienced teachers? Have you got a breakdown in relation to that?

Mr Matthews: You are talking about, essentially, the level of experience that we have. More than 50 per cent of our teachers are at the top of the classroom teacher level. We have a very experienced workforce, and that is a positive. They bring all of that knowledge to their work. We have a number of specific strategies around early career teachers. In the most recent enterprise agreement, we have introduced a lot of new educator support: mentoring arrangements, less workload, less of a teaching load and other professional learning, for example.

We know—from all of the literature and nationally—that there is a level of churn in the early career of teachers. We want to keep all of our early career teachers. That has been a really big focus of our enterprise agreement and also our Teacher Shortage Taskforce.

In relation to the vacancies, we do not recruit for particular levels of experience at each individual school. We are either looking for general classroom teachers or, in particular subject areas, a specialty—whether that be languages, disability education, STEM et cetera. Those things can vary between individual schools and at different times.

MS LEE: I guess that was the point of question, because you hear about the fall-off, or the drop-off, with the early career teachers. So if there is a big missing cohort in the middle of that, it is a very valuable teaching cohort that we are missing out on.

In relation to availability, when there have been unforeseen or unplanned absences in schools, what is the casual teaching cohort? What are the numbers there?

Mr Matthews: I do not have the exact number of current casual teachers in front of me. I can get that for you. It is around 500—

THE CHAIR: Can you take that on notice?

Mr Matthews: Yes, I can take that on notice. It is around 500, just to give you a ballpark figure. But one of the things I want to emphasise is that we have really tried to move to a model of inbuilt relief. We recognise that relying just on casual teachers—ringing around on the morning of somebody being sick—is not a great strategy. When needed, we do that. But, in fact, what we are encouraging our schools to do is to have some extra staff, extra teachers, as in-built relief to help manage some of the ebbs and flows of that daily availability.

MS LEE: Thank you.

MS ORR: We had a couple of witnesses in the previous session talk about the needs to develop a strongly skilled workforce, particularly around things that would go into apprenticeships. I wanted to get a little bit more information on the initiatives that the

ACT directorate and our schools are supporting to help students into skilled apprenticeship learning and preparatory work.

Ms Berry: We can talk about that. One of the programs that we piloted last term—

Ms Haire: Two years ago.

Ms Berry: was called Head Start. Head Start was a program that we trialled across a bunch of schools with employers, where you have a year 11 student. It adds an extra year onto their college, but it gives them a qualification when they leave, so that when they leave they are not starting an apprenticeship. They have already got their qualifications. They have their year 12 certificate, and they get their qualification in their apprenticeship to be able to start on a decent wage, rather than starting on a beginning apprenticeship.

What is really important about the program is that we wrap around the supports with the employer and the student, making sure that we match them up together so that they like each other and so that they are working in jobs they want to do. Then, through that work, we are able to support the employer, who is likely to employ or do a work experience program with a very young person. And then it is to keep the motivation up for the student, to keep them going, keep them motivated to turn up to tech, to turn up to school and to turn up to their apprenticeship as well. Have I missed anything else on that?

Ms Spence: Sounds good.

Ms Berry: It is good.

Ms Haire: And, Ms Orr, as the minister said, Head Start is one of the elements in this year's budget. The other one, which was through the mid-year appropriation, which you might also be interested in hearing about, is the Understanding Building and Construction Pilot Program. We do that jointly with our colleagues at the Community Services Directorate. Ms Spence could talk about that.

Ms Berry: Women, yes. We talked a little bit about this already, I think, in the previous—

MS ORR: I think in that previous session on—

Ms Haire: Okay.

MS ORR: That is fine. I just wanted to confirm something. The funding is this year's budget includes expansion of the Head Start program so that there are more places on offer? Is that correct?

Ms Haire: Yes.

MS ORR: It is an additional 50 students, I believe. My main question is: how do you identify the students and the opportunities for apprenticeships?

Ms Spence: The students apply, and it is always over-subscribed. That is always a good start. They are then matched, based on the availability of the employers that they can work with and based on where the support can come from a whole-of-program perspective. The next cohort of 50 students will commence next year.

MS ORR: How many years has the Head Start program been funded?

Ms Spence: This will be the third year.

MS ORR: Will it continue on from here?

Ms Berry: That is the intention, but there will be future government decisions about the success of the program. We think it has been really successful. Not every student has gone through to the end, but there are a bunch of students who probably would not even get these kinds of opportunities. They would leave college and not get an apprenticeship or any kind of qualification. This keeps them engaged in something that they are actually excited about and want to learn about, and it maintains their school attendance as well.

MS ORR: Great. Thank you.

MISS NUTTALL: We have heard from a few constituents that there are issues with reporting and tracking instances of sexual assault and harassment against teachers and staff in school settings. How is this currently being tracked? I know we talked about occupational violence earlier, but, in this instance, I am asking specifically about sexual harassment and assault.

Ms Berry: I did respond to a question on notice from you, Miss Nuttall, on this particular issue. In previous years, the education directorate has not tracked or had collective reporting on sexual assault or harassment in schools. I think we have just started doing that in the last 12 months or so.

Ms Spence: Can I just clarify? Was it staff or students? Because there are two different reporting systems.

MISS NUTTALL: This was specifically looking at staff. Just to follow up on that, are staff being surveyed at all on instances of sexual harassment and assault within the workplace?

Ms Haire: I will ask Mr Matthews to come forward. As we set out in the answer to your question on notice, the changes to the WorkSafe requirements for notifiable incidents mean that we are now collecting and reporting on sexual assault, which is now required under the law. However, on sexual harassment, or other matters, I will ask Mr Matthews to speak about how we survey our staff through our annual survey.

Mr Matthews: There is a biannual ACT public service survey, where questions are asked about people's experiences of harassment, bullying, racism et cetera. That is done on a biannual basis across the ACT public service. That survey, in the case of education, is restricted to our education support office. We have a different survey that occurs every year with our schools. That is a climate and satisfaction survey,

which asks a range of related questions of staff and students, as well as surveying parent perceptions. So we do collect that information in a survey form. I would emphasise, as the minister said, that we have responded to that question on notice. That really focused on centralised reporting. Obviously, before that time, reporting did occur at a local workplace level and was managed with the support of HR areas.

MISS NUTTALL: I am interested in the follow-up to that. For starters, is the information that we collect from these staff surveys publicly reported on?

Mr Matthews: Yes. We report to our own staff about the outcomes of the staff survey. So we do make that available. And, very importantly, we analyse that information. It is important to emphasise in a public forum like this that the survey is anonymous. One of the reasons it is important to emphasise the anonymity is that we want people to be full and frank and to give us their lived experience.

So we will not necessarily have the ability to follow up on individual matters through such a survey, but one of the things that we do do is regularly communicate to our staff about those avenues that they can pursue. We have the Respect, Equity and Diversity Framework. We also have the Employee Assistance Program and other forums. We have various contact points in our people and performance area. We absolutely want staff to feel comfortable to come forward if they wish to make an allegation, make a complaint or just seek assistance.

MISS NUTTALL: In cases where they do make that complaint, is that through an incident report or are there specific channels when it comes to sexual harassment and assault?

Mr Matthews: It can be through an incident report, but, essentially, we do not require people to do that. I think Ms Haire spoke about the change in the legislative requirement around incident reporting to WorkSafe, and, of course, we comply with that. We are not suggesting that there is a requirement to put in an incident report for any concern that staff members have. We would encourage reporting, but any door is the right door, really. We want people to feel comfortable in getting the support that they need.

MISS NUTTALL: That is really good. From that no-wrong-door approach, how does that filter back up to the directorate, and how does the directorate then action that? Is it similar to the process we talked about earlier with respect to occupational violence or is there a separate mechanism used to follow that up within the Education Directorate?

Mr Matthews: It is different to the occupational violence example because, as my colleague Ms Atkins described, there is a specific business process around reports that come through RiskMan. They are triaged and then managed. They could include matters that relate to some of the topics that I have talked about. Ms Atkins also referred to the Wellbeing team that exists. One of the things that they do is follow-up calls with people if they, in reviewing incident reports, have any concerns or believe people need a reach-out. That is absolutely the role of that team. If they come through the HR channel, we treat them as inquiries from our staff and make sure that we provide appropriate support and referrals to them. So it is not quite the same process

that Ms Atkins described in relation to occupational violence, although there could be some crossover between the two.

MISS NUTTALL: If you are working in a school and something has happened to you, you report it through the HR channel. What sort of support can you expect and when? Is there a standard process for that?

Mr Matthews: Generally, we would describe that as a case management response, but there could be a number of different things. It could be a specific reach-out from somebody in People and Performance because they think that independent contact is warranted. It could well be support for a supervisor, for example, depending on the nature of the incident and how it has occurred. For example, sometimes in misconduct matters that are reported and managed through the Public Sector Management Act, there may be people who are affected by a behaviour and we then need to provide various supports for them. As I said, that can be within the directorate, through our staff reaching out, or through referral to external agencies.

MISS NUTTALL: Is it the kind of thing for which you can provide a time frame? Is it that the report of a certain nature must be actioned no later than, say, five days or two weeks? Is there any kind of requirement to ensure that there is a follow-up in every case and that people know roughly when they could expect it at the very latest?

Mr Matthews: I am not sure whether there is such a thing, in the way that you have described it, Miss Nuttall. But there is a really high level of attention to this within our People and Performance area. I have referred to Ms Atkins' work as well. If we get reports from staff expressing concern about anything like sexual assault, sexual harassment or things of that nature, we take it very seriously and we want to follow up as quickly as we can—immediately. We would not delay a response to those matters when they come to our attention; we would try to action them as quickly as we possibly could.

MISS NUTTALL: Last but not least, do you collect data on the process—for example, when you respond to specific cases, how long it takes, and things like that?

Mr Matthews: I would have to take the question on notice about the data collection we have on the things that come through the People and Performance chain. I will take that on notice for you, Miss Nuttall.

MISS NUTTALL: Thank you. That answers all my questions.

THE CHAIR: You mentioned the anonymous staff survey. Is that the same as the ACTPS survey?

Mr Matthews: That is correct, Ms Lawder.

THE CHAIR: Thank you. Ms Castley, do you have a substantive question?

MS CASTLEY: Yes. Thank you, Chair. Minister, I would like to ask about the Children and Young People Commitment 2015-2025. Obviously, we are coming to the end of that. Could you talk to us about the success of addressing some of the

priorities—in particular, obesity?

Ms Berry: This might not be for my portfolio. It could be in Rachel's portfolio.

MS CASTLEY: Okay. Could I go to another substantive, Chair?

THE CHAIR: Sure.

MS CASTLEY: Respectful Relationships—is that for Education?

Ms Berry: It is.

MS CASTLEY: Great. There have been various reports from parents and teachers regarding the disturbing trends that have emerged in our schools. These include the popularity of some misogynistic online influencers, dissemination of deep fake pornography, and sexist attitudes towards teachers and classmates. I think this is similar to what Miss Nuttall was talking about. Could you talk me through what you are doing to curb these dangerous trends that we are seeing?

Ms Berry: I can start and then maybe throw to officials for more detail. We had \$2.1 million budgeted in the ACT two years ago to engage equality coaches who work with our schools on a gender equality program to ensure culture change in our school communities. So we are not just dropping in a program when a situation occurs but are also making sure we can work towards that culture shift in our schools and maintain strong and safe communities within our schools. Also, recently the federal government announced funding for Respectful Relationships, which we will also be rolling out in our schools. Ms Spence, might provide a bit more meat on that sandwich.

Ms Spence: Certainly there has been significant investment from government to support a gender equality program. A part of that is to invest in changing cultures to support this ongoing societal issue. To date, we have looked at student voice and really used our student voice to understand the complexity of the matter in our schools and use those forums to help design that particular program of work in those early stages. We heard that it is a fairly complex issue and that we need to take a whole-of-school approach. So the program was designed on a whole-of-school approach to address multiple angles around what it means to support that.

One area is to highlight in our curriculum our transition to version 9 of the curriculum, which has been fully implemented from this year, and the expectations of our staff to teach respectful relationships as part of the curriculum. A suite of resources has been developed to support the implementation of those areas generally that fall in our PE-health curriculum. Those resources are from a very young age, in kindergarten all the way through to a year 10 in the Australian curriculum. But, of course, our resources are available to our college students as well. Those resources will help teachers to embed that as part of their teaching and learning through those areas of the curriculum. But the resources are also there to support other campaigns or different ways that they maybe approach this by inviting guest speakers in, for example, to support this.

Another suite of resources is around professional learning. We have invested in professional learning and really looked at aspects of unconscious bias, which is

similar to what we talked about previously, but also around gender-based violence and what that looks like. We have been investing in universal professional learning in that particular area. We have also targeted, through our Set up for Success in the early years, professional learning modules to support school leaders and to support teachers in how to deliver this as part of the early years learning framework and the way that that works. That is also available beyond our public school sector. That will be made available to our early childhood settings, because we know that investing early will support the cultural change.

We talked about a whole-of-school approach, and another aspect of this is to identify some early adopter schools so that we can really engage in how to deliver a whole-of-school program. We have seven early adopter schools that we have identified across the system, and we are engaging with them to develop their whole-of-school approach to support this through our gender coaches that were a part of this program. We have three gender coaches to support this work. They will actually work directly with those schools to develop the framework in their own individual contexts. It includes how they use data, how they are going to build capability; maximizing the use of teaching and learning resources; and, of course, how we measure the impact of what we are doing and how we see that difference. The coaches will work specifically with those schools as part of that program and what we learn from that and how we roll that out further.

MS CASTLEY: Who are the seven schools? Do you have those?

Ms Spence: The early adopter schools are Melba Copeland, a secondary school; Caroline Chisholm School; Macquarie Primary School; O'Connor Cooperative Early Childhood Setting; Gordon Primary; Dickson College; and Lake Tuggeranong College. They are the seven schools that have been invited as an early adopter. The work has started with the first two schools in terms of that engagement and professional learning. We will continue to roll that out with the rest of those schools as we go.

MS CASTLEY: You said they were identified. How did you identify those particular seven?

Ms Spence: We worked with our executive educational leaders. The name has changed recently, so it has caught me. I will call them EELs. They actually oversee all of our schools and understand, I think, the schools and what their needs are. So we worked with the EELs and we looked at some of the data and at school readiness—so alignment with school priorities. Some of our schools will have wellbeing as a priority and built into their school improvement plans. We used that information and worked with the executive leaders to engage those schools as part of that process. So it is a combination of different factors as part of that initial rollout.

MS CASTLEY: I believe that consent education is provided in schools. You mentioned Respectful Relationships addressing behaviours and attitudes. How is that going? Is the idea that it will be addressing things like stopping domestic violence in the future? Is that the plan? How is that being received?

Ms Spence: This is actually linked to changes in version 9 of the curriculum. So this

is not something that is just in the framework in the early adopter schools; all of our schools are required to deliver that. Consent education is built into the curriculum now all the way through in age-appropriate ways. The professional learning, the suite of resources and information that we have made available to our schools align with those age-appropriate ways in which we teach about gender-based violence and concepts of gender, firstly, from a very young age. When you start getting into the high school aspects of the curriculum, you are really starting to look at scripted ways that you support young people to consent and what that looks like. The suite of materials supports that right through from kindergarten to year 10.

MS CLAY: Minister, I would like to check in about Brindabella Christian College. You publicly stated that closing Brindabella Christian College or cutting funding would be a last-option response to their breaches of the requirements of their current funding as a non-government school. What exactly are the consequences that they are likely to face at this point?

Ms Haire: Ms Clay, this is a matter that is with the regulator at the moment. Ms Brookes is the acting regulator for early childhood education and care and also the registrar for non-government schools in the ACT.

Ms Brookes: I have read and understand the privilege statement. In relation to specifics around schools and around matters that are currently active, unfortunately, it would not be appropriate to provide any details at this time.

MS CLAY: I might try and get some information in general—and we will see how we go. Are there limits on the number of students that should be enrolled at schools? Is that one of the things that usually happens at schools—there are enrolment limits?

Ms Brookes: There is not an enrolment limit but, if the school is proposing to introduce different levels, that would be an amendment to the registration and that would be by application

MS CLAY: So there are enrolment numbers set in registrations?

Ms Brookes: Not numbers, but years.

THE CHAIR: In answer to the first question you said you were perhaps unable to answer. Are you claiming confidentiality?

Ms Berry: No. We will take that question on notice. I think it might be helpful to explain the process that we go through now around schools where there might be a circumstance where we have to respond in different kinds of ways. Could you maybe start from the beginning of that process—not for very long; just a sort of, “Here are the things that need to happen before we would make the decision to close the school.”

THE CHAIR: Quite quickly, because I think we are all genuinely aware.

Ms Brookes: If a concern is raised regarding a school, the registrar can determine whether or not to make inquiries, an approved person can make inquiries on behalf of

the registrar or the matter can be referred back to the school to investigate and to report back to the registrar if required. If those inquiries are made by an approved person and the registrar is satisfied that there may have been failure to comply with the act, the registrar must refer that to the Registration Standards Advisory Board, who will then provide a report to the minister for consideration. If the minister determines it is appropriate, a show-cause notice will be sent to the proprietor of the school, setting out concerns and the proposed course of action. The proprietor will be given the opportunity to respond to that within 14 days, and then that matter will be referred back to the Registration Standards Advisory Board to provide further advice to the minister.

MS CLAY: Sorry, can I just clarify: what is the question that has been taken on notice?

Ms Berry: At the start, I think there was a question around the next steps.

MS CLAY: Yes, where they are up to. We initially heard that we could not be told because it is under investigation. But you have actually taken that on notice, and you will come back on notice with where that investigation is up to?

Ms Berry: We will get advice and see what we can say about a specific school. We can give you the general information, which is what we said. We will get advice, understanding the committee's powers, on what we can provide and whether that is provided in private or in some other way.

MS CLAY: Thank you. We might jump back to questions that are not about any particular school. You said there were years set—not enrolments but years set. What is the capacity that is registered?

Ms Brookes: Each school has, for example, P to 10 or P to eight et cetera. If a school wished to extend the years, an application would have to be made.

MS CLAY: But it is not the number of children enrolled in those; how many years are enrolled is the set thing?

Ms Brookes: That is correct.

MS CLAY: If somebody in the community wanted to find out what was happening with a particular school—and you have outlined this process of investigation and show-cause notice—how can a community member get information about a school? Who should they contact?

Ms Brookes: In relation to?

MS CLAY: Can they contact you? Can they contact the minister? If somebody wants to get information about a particular school or see if there is one of these investigations underway or if there have been show-cause notices, how can someone obtain that information?

Ms Brookes: The register of non-government schools is published on the ACT

government website. In relation to specifics around concerns that have been raised, that are in progress, it would not be appropriate to comment.

MS CLAY: What happens when the matter is resolved? Is that published? There must be something public at some point.

Ms Brookes: It would depend on the outcome of the process. If there was regulatory action taken, that could form a number of different options. If conditions were placed on the registration, for example, those would be published.

MS CLAY: So regulatory action gets taken and at the conclusion of the investigation, regulatory action is published on the website?

Ms Brookes: Conditions would be published.

MS CLAY: Conditions would be published on the website. In general terms, when regulatory action is taken, what are the other sorts of outcomes? You might find nothing or you might impose conditions. What are the other consequences that might occur?

Ms Brookes: The registrar could also issue a direction, or, for more serious matters, the minister may consider cancellation of the registration.

MS CLAY: And those things would also be published when they occurred?

Ms Berry: I think it would be very public if I were to close a school.

MS CLAY: Would a direction be published?

Ms Brookes: Not necessarily.

MS CLAY: You may not be able to answer this, but can you give any indication of how long your average investigation takes?

Ms Brookes: It is very difficult with investigations. There is no average, as such, unfortunately.

MS CLAY: Fair enough. Thank you.

Ms Haire: Ms Lawder, I have an update on a question you asked earlier, if that would be helpful. You asked Mr Matthews how many casual teachers we have, and we now have the answer to that. So we do not need to take it on notice, and we can assist the committee immediately. We have 660 active casuals with the ACT public education system—which is more than the 500 estimated. So that is good.

THE CHAIR: I want to ask a bit about the Meals in Schools pilot program. This morning we saw something in the media about this. Can you outline how the program works in a very practical sense? Are meals available to all students at those schools or just those that are assessed in need somehow? How does it work?

Ms Berry: We wanted to try to make sure that it was as universal as possible so there was no stigmatisation. The program that we are trialling is available to all students. The provider doing the meals, Embrace Disability Group, have been really good about working with the schools around dietary requirements and any other additional needs of students and making sure that all of their food is halal appropriate. I had feedback from one of the school principals of one of the schools that is participating in the trial about how great this is and that, when they have a whole-of-school activity kind of thing, it is really difficult to understand different kids' needs as far as dietary and so some kids will miss out. But, through this program, because it is available to everybody and then parents can provide that information early on, we can make sure they have food available that is appropriate for them.

THE CHAIR: Is it one meal a day or two meals a day?

Ms Spence: Two meals a day, three times a week.

THE CHAIR: On page 123 of the *Budget outlook*, it says that funding is \$3.918 million in 2024-25, partially offset by expenses provisions. Could you explain what the offsets are and therefore what the full cost of the pilot program is without the offsets?

Ms Haire: Ms Lawder, I will ask our chief financial officer to step that through for you.

Mr Turnbull: Thank you for the question. In terms of the offset, there was previously funding provided of \$1.462 million. That was provided a couple of years ago where we were looking to get this program underway. Obviously, there were some delays, and that funding has rolled forward. The directorate also identified some cash funding from our equity program that we have actually moved in as cash funding. They represent our total offsets for the Meals in Schools program. The provision that is shown here for our Meals in Schools program is partially offset by money previously appropriated by government.

MISS NUTTALL: I was hoping to talk briefly about “school can’t”, if that is okay? I am using “school can’t” rather than “school refusal” because often the refusal terminology makes it feel like someone is choosing not to do something rather than not being able to do it. I understand from a response to a question I asked earlier that we are not collecting data centrally on “school can’t”. How are we actioning “school can’t” within the ACT?

Ms Haire: Miss Nuttall, I will pass to Ms Spence to talk to you about how our attendance team works to identify issues around attendance and also to support children, families and schools. It is effectively a kind of a sliding scale going right up to almost a case management model for those students who have the greatest difficulty in attending school.

Ms Spence: It is a great question. We measure attendance generally; it is a part of our obligations. I will take—sorry; was it “school can’t”—

MISS NUTTALL: Yes.

Ms Spence: Unusual words—“school can’t”.

Ms Berry: It is just a national reference that we use. They both mean the same thing. I understand the language.

Ms Spence: One of the things that we have learnt through that is that the way in which we use that term is one part of our school attendance data. The attendance data that I am going to start with is more general. It encapsulates quite a few different things, because that measurement specific aspect is quite challenging because the identification of that is hard for us. There has been a decline in the student attendance rate across ACT public schools, which is consistent with the trend data nationally. The attendance rate in ACT public schools for years 1 to 10 in 2023 was 88 per cent. It was slightly higher than in 2022 but it is lower than the 91 per cent attendance rate recorded in 2021.

In order to address this change in attendance, we have, as Ms Haire stated, different ways in which we support strong engagement in school. There is a policy position around our obligations in schools on how we manage non-attendance. Under that policy, schools are required to obviously mark the rules et cetera but also follow through on absences and work with families around the reasons for the absences, and those absences are documented in the system.

When those absences reach certain points where we are concerned about a young person’s attendance in school and we do not have any information to support the reasonableness of that, we are legislatively obligated to send notifications for non-attendance. That follows through a process where, if we still do not receive the appropriate information, that is referred through to our attendance team, which is centrally located, and our attendance team will work with social workers and engage with families to establish reasons for non-attendance and support a re-engagement in the school. So that is the process.

It can go through to the point where that final notices are given. But we will take an educative approach and try to provide a range of resources and interventions to support re-engaging in school. When I unpack those interventions and what that can look like, we have a targeted case management approach with Aboriginal and Torres Strait Islander students who have significant non-engagement in school. It is available for students from kindergarten right through to 17 years of age where compulsory education stops. They provide a case management approach—again, with social workers and youth workers to understand some of those issues and to work with them to make sure that they are getting the appropriate supports to re-engage young people back in the school.

Some examples of what that could be include helping families with transport to get the child from home and back into the school setting. It could also mean that those people can work with schools to support re-establishing relationships and building stronger connections between family, a young person and the school, so that they can work in partnership to support that re-engagement.

Where learning is quite difficult, we run a Muliyan program for young people. Our

Muliyil program was accessed by 55 students across the system in 2022-23. It is a wraparound education program where we have small numbers in terms of student to teacher ratios. We also have targeted programs in literacy and numeracy and mental health support services—accessing external programs to support young people who may be having difficulties with anxiety, for example. So it is a full wraparound response. It is a transitional program. Young people can engage in that program and then they will be supported to transition back to mainstream school once there is strong engagement back with education and is facilitated with a full transition plan back into the mainstream school setting.

MISS NUTTALL: Thank you very much. That answers my question.

MS CLAY: Minister, what policies and guidance have been put in place to support teachers and other school staff in their engagement with children when the subject of Israel, Palestine and Gaza arises in the school environment?

Ms Haire: I will pass to Deputy Director-General Ms Simmons to answer that question, which I think we also answered through a question on notice with one of your colleagues recently.

Ms Berry: I think this is a challenging space but it is not something that schools have not experienced before across a range of complex areas, including marriage equality, the Voice campaign and now this one as well. It is a challenge, but it is a challenge that the schools try their best to manage. We are but one part of the community and we cannot fix all of the problems of the world, but we do our best.

MS CLAY: Thank you. We did have a question on notice. The last I checked, we had not received a response back, but maybe it has come back recently. Are there specific policies and guidance that we have in place? Is there anything that we have published?

Ms Simmons: In October last year we provided guidance and information to all staff about the wellbeing services and resources that are available to support them when there is any distressing event. Obviously, the Middle East issue was a distressing event and we provided that information. That information came from me in October last year. Some of that is guidance about how to reach out to families and students and talk with students and their families about what is going on. We have given guidance around that.

We have also given guidance around access to the eSafety Commissioner, as a range of materials that are available on websites and things like that can be distressing. There was also information provided on how to undertake an eSafety online report when those distressing items do come up on a website. There are also resources to support young people and their families on how to respond to family trauma associated with families that may be in the Middle East. There is also support for staff. Schools are encouraged to check in with their staff and encourage conversations with one another. Obviously that was very much at the forefront when it first became apparent that this was going to be something that was going to affect our schools and our community. Of course, there is also support for our schools through all of our allied health professionals. They have certainly been aware of that and, when there

have been instances where students need support, that support has been provided.

The Australia government announced in October last the delivery of additional funding for socio-cohesion support. The funding recognised the impact of the Hamas attack on Israel and the ongoing conflict in Gaza. The funding was a one-off payment to Jewish and Islamic schools or those schools with a high proportion of students of Jewish or Islamic faith. The funding period was for the 2023-24 year. Fifteen ACT schools, both public and non-government schools, received funding. The total funding was \$113,240.47.

MS CLAY: Thank you, Ms Simmons. There was a number of guidance materials that you provided on the eSafety Commissioner—distressing events, how to respond to young people, support for staff, and there might have been a fifth one. Can you publish those?

Ms Simmons: Yes. So there is also information in our Safe and Supportive Schools policy, which Ms Spence could give more details around. That information is certainly available. We gave schools links to that information and we can provide that.

MS CLAY: Could you perhaps just on notice provide the published links to all of those documents that you have mentioned?

Ms Simmons: Yes.

MS CLAY: Thank you.

THE CHAIR: I would like to thank you for your appearance 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 us today through their experience and knowledge, and thank Broadcasting and Hansard for their support. If a member wishes to ask questions on notice, please upload them on the parliament portal as soon as practicable and no later than three business days after the hearing.

The committee adjourned at 4.58 pm.