



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

SELECT COMMITTEE ON ESTIMATES 2022-2023

(Reference: [Inquiry into Appropriation Bill 2022-2023 and Appropriation
\(Office of the Legislative Assembly\) Bill 2022-2023](#))

Members:

**MR J MILLIGAN (Chair)
MR A BRADDOCK (Deputy Chair)
DR M PATERSON**

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 30 AUGUST 2022

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

By authority of the Legislative Assembly for the Australian Capital Territory

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

APPEARANCES

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Privilege statement

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Amended 20 May 2013

The committee met at 9.30 am.

Appearances:

Steel, Mr Chris, Minister for Transport and City Services, Minister for Skills and Special Minister of State

Chief Minister, Treasury and Economic Development Directorate

Konti, Ms Bettina, Deputy Director-General and Chief Digital Officer, Digital, Data and Technology Solutions

Tanton, Mr Graham, Executive Group Manager, Property and Shared Services

Vroombout, Ms Sue, Deputy Under Treasurer

Bailey, Mr Daniel, Executive Group Manager, Operations, Economic Development

Saddler, Mr Scott, Executive Branch Manager, National Arboretum Canberra and Stromlo Forest Park

Justice and Community Safety Directorate

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

THE CHAIR: Good morning and welcome to the public hearing of the Select Committee on Estimates 2022-2023. Today we will examine the expenditure proposals and revenue estimates for the Chief Minister, Treasury and Economic Development Directorate, the Justice and Community Safety Directorate, and the Environment, Planning and Sustainable Development Directorate.

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

Please be aware that 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 could use the words, "I will take that as a question taken on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

In this first session, we will hear from the Special Minister of State, Mr Chris Steel, and officials. I remind all witnesses of the protections and obligations afforded by parliamentary privilege, and draw their attention to the privilege statement. The first time that you speak, please confirm for the record that you understand the privilege implications of the statement.

Before we go to questions, I will throw over to the minister to respond to some questions from a previous hearing.

Mr Steel: Thank you. In the previous hearing, Ms Lee asked me a question about Government Procurement Board responsibilities under the Public Sector Management

Act, particularly in relation to independent board members. I can provide the following information to the committee. Section 9 of the PSM Act details the requirements for public servants and public sector members, which includes all statutory appointees of ACT government boards or committees in performing their duties. Section 9(4) of the PSM Act requires disclosure of any maladministration or corrupt or fraudulent conduct by a public servant or public sector member that the discloser becomes aware of. The integrity framework also applies to all board and committee members.

I was also asked about the procurement reform program. I am pleased to table a copy of an update of the program, for the interest of the committee.

THE CHAIR: Do I have a member that is happy to move that we publish this program?

MR BRADDOCK: I so move.

THE CHAIR: Mr Braddock has moved that we accept and publish that. We will move to the first substantive question, from Mr Cain.

MR CAIN: Minister, as you are aware, the statutory time frame for the return of an FOI request is 20 days. Unfortunately, the Canberra Liberals have had an average return time as follows: across all departments, 40 days; CSD, 19 weeks; EPSDD, 30 weeks. As you are also aware, the Deloitte freedom of information review for the JACS Directorate, published in 2020, highlighted that between 2018-19 and 2019-20 an average processing time for FOI requests across all directorates was about 30 days. Evidently, processing times over the statutory 20 days is a systemic issue, not just COVID-related. Minister, have you read the Deloitte freedom of information review?

Mr Steel: Yes, I am aware of the review. Certainly, agencies endeavour to meet their statutory time frames. Of course, there is a process set out, not only in terms of reporting those but also potentially tabling those in the Assembly, if necessary.

MR CAIN: Have you read the review?

Mr Steel: Resourcing is an issue. It is something that we continue to consider, in terms of what is required and whether there are any opportunities to streamline the processes in order to make sure that we can respond to those requests efficiently. I will hand over to the team to talk a little bit about the FOI requests and the current time frames that you have asked about.

MR CAIN: Before you do so, Minister, I have some very direct questions, the first being, of course: did you read the review yourself?

Mr Steel: I have responded to your question. I am aware of the review. I have read through the review, and the team is certainly aware of it. Of course, resourcing is an issue, and something that we continue to monitor. Of course, during COVID that has been an issue across every workforce.

THE CHAIR: Minister, do you want an official to further respond to Mr Cain?

Mr Steel: Yes, I do.

MR CAIN: No, I actually do not need a further response. I am okay with that response.
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Mr Steel: I have not finished my answer. I am happy to hand over to the team to talk a little bit about those time frames that I was asked about.

MR CAIN: With respect, Chair, it was very straightforward. I do not need further—

DR PATERSON: Chair, the committee would like to hear the minister's—

THE CHAIR: If the committee would like to hear—

MR CAIN: It is my question, isn't it?

THE CHAIR: The committee would like to hear a further response to the original question.

MR CAIN: To a question that was, "Have you read the report?"

THE CHAIR: Mr Cain.

Mr Ng: I have read and acknowledge the privilege statement. Thanks for the question, Mr Cain. In relation to the Deloitte report, obviously, the processing of FOI applications is disaggregated across the directorates within the ACT public service. One of the good things that I would reflect on that the processing teams do is to maintain a community of practice across all of the processing teams within each directorate, to share good practices and good ways in which they can comply with the statutory time frames.

On the statistics, I would reflect that, in the 2020-21 financial year, the Ombudsman's annual report on the performance against FOI targets reflected that 97 per cent of access applications were decided within time. That indicates that the time frames occasionally exceed the 20 days, but it is within the statutory time frames, meaning that the Ombudsman has granted an extension, the applicant has agreed to an extension, or the processing time has been suspended. That is the principle that underpins a lot of the FOI processing regime, and agencies are supported to provide the information to applicants within the time that the applicants would like it.

MR CAIN: Minister, as you are aware, the Deloitte review made several recommendations. Could you respond as to whether you will accept each of the recommendations and implement them? One is: a review to take place this financial year to ensure that FTE staffing is adequate for FOI requests.

Mr Steel: In recent budgets we have been looking at this, and the opportunity not only to provide resources where required but also to streamline processes as much as possible. We are looking at how we can improve the resourcing, and we will look, in further budgets, at whether resourcing is required in order to keep on top of the numbers that we are seeing.

MR CAIN: Relating to that, the recommendations included increasing flexibility of FTE staffing across directorates to accommodate for surges. Is that something that you

are contemplating?

Mr Steel: As I said in answer to the previous question, we are looking at resourcing and the opportunity to streamline processes. There is the possibility of potentially using staff across the directorate. It is a matter for the directors-general in those departments to look at whether they move people into those areas to accommodate that. That would be an agency-by-agency approach.

MR CAIN: When will you be responding to the Deloitte report and recommendations?

Mr Steel: We are considering those in terms of the ongoing work that we have underway, in looking at how we can streamline FOI processes, and continuing to look at the resourcing. We have, of course, also bolstered the resourcing for the ACT Ombudsman, providing them with support in the budget to be able to deal with freedom of information investigations and complaints—so it is at both ends.

MR CAIN: By what date do you expect to have a response to this report?

Mr Steel: We are considering that on an ongoing basis.

MR CAIN: Do you have an expected delivery date for your response?

Mr Steel: We are continuing to work through that in each budget.

MR CAIN: But when do you hope to complete that? It is a simple question: when do you hope to complete—

Mr Steel: It is ongoing. Monitoring the resourcing for FOI will be an ongoing piece of work for the ACT government, and the streamlining—

MR CAIN: But specifically responding to Deloitte's review?

Mr Steel: We are actively working on a piece of policy work looking at the current processes around FOI, to see whether we can further streamline those—

MR CAIN: So you cannot give a date for when you will be responding?

Mr Steel: within existing resources, and each agency will need to also look at—

THE CHAIR: That question has been answered several times now.

MR CAIN: It is disappointing not to get an answer, Chair.

THE CHAIR: It is up to the minister as to how he decides to respond.

Mr Steel: It is a whole-of-government responsibility, and all of the agencies will need to continue to look at how they respond to those resourcing issues.

MR CAIN: It is a non-answer.

DR PATERSON: Minister, are FOI rules in the ACT far greater reaching than in other jurisdictions?

Mr Steel: We are doing some benchmarking on that at the moment, to look at the laws across jurisdictions on the provision of information, and particular types of information. Personal information often is a subject of requests in relation to the Community Services Directorate, in particular, where they are dealing with children and young people in care and so forth. We are considering how that operates, as well as some of the other legislation that governs this area, such as the Children and Young People Act 2008. I will hand over to Daniel Ng and the team to talk a little bit about that matter.

Mr Ng: In relation to the shift in approach on freedom of information laws, for quite some time the ACT's FOI legislation mirrored that of the commonwealth. For territory public sector agencies, that meant a lot of leveraging needed to be done in relation to education materials, training materials and the like. There was also the jurisprudence—the case law that came out of the decisions on commonwealth FOI decisions. To some extent that is still available in relation to certain areas. For example, the jurisprudence around legal professional privilege is still applicable to the exemptions under the new FOI laws. But there are a range of areas, particularly the application of the new public interest framework for deciding access, which are a bit novel in the ACT and they require a bit more consideration at the processing level and a bit more consideration at the decision-making level. That was the intention—to drive a greater degree of transparency in access to government information.

As the minister indicated, it is a new act. The agencies are doing a really good job in applying this quite different framework, within our territory public sector framework. We are still exploring opportunities to see where streamlining can be done in a way that does not limit or reduce transparency, timeliness or access to government information. I would reflect on that principle that I mentioned earlier: the framework is geared around making sure that applicants get the information in the time frame they want. To the extent that there are flexibilities that can be provided which still meet the needs of the applicant, those are the things that we are looking at right now.

MR BRADDOCK: Regarding open access to government data and information, could you please explain how the government adopts a proactive stance in terms of making sure that, with the data that it has, if it can be, it is released?

Mr Steel: The open access data portal is probably a great example of that, having regard to the data that we provide through there. Recently, I was pleased to open GovHack 2022, which is a challenge, over 46 hours, for people to come together and use some of that government data in very innovative ways to respond to real problems that are pitched by government agencies in the commonwealth and in the ACT. It is about using multiple data streams to be able to solve some of those problems. It is very exciting, and has been going on for around seven years, I think, and it is supported by the ACT government. That is one example of how we are providing proactive data feeds.

I made it very clear to the participants in GovHack that if they pick up any issues with that data flow, we are very keen to hear about it. We are also keen to hear about what other datasets could be made publicly available—de-identified, of course—to assist third-party app developers to be able to provide services to the community. We know

that this is a shared community resource, and we want to make that data available where we can.

MR BRADDOCK: For example, on the data suggestion pages, there have been no suggestions for the last year or so. I am concerned that there is not enough prompting or conversation happening with the community in terms of what data sources people might need or want, and whether we are able to prompt those questions.

Mr Steel: We are certainly open to having conversations about that. I do not know whether the Chief Digital Officer or the freedom of information team want to make a comment on what opportunities there might be. Of course, everything requires resourcing to be able to do things. When we design systems, particularly new systems, we can start thinking about what opportunities there are to provide the data that we collect, which is growing over time, as we become increasingly digitised. Bettina, do you want to make a comment on that?

Ms Konti: I acknowledge that I have read and understood the privilege statement. One of the pieces of work that we have with every directorate in the ACT government is to seek to understand what datasets each directorate has available, and to pull together a list across other governments of what that data is—the information that it contains—with a view to being able to understand what data that is not already on our open-data portal could be made available in that way, for better use by the community. That is one example of something that we are doing internally.

MR BRADDOCK: Is it possible for the list to be made public? I understand there might be issues with the release of certain pieces of information, but there might be avenues, for example, for an academic researcher, who might be able to make use of that data in a productive way whilst still respecting the privacy of the owners of that data.

Ms Konti: Yes, certainly. We would intend to make that available once it is pulled together because a dataset, or information about what is in it, is not private or privileged, because it does not contain any personal information. Yes, it would be our intention to make that publicly available.

DR PATERSON: Minister, how is the government tracking on making more government services available online?

Mr Steel: This is an ongoing program where we are digitising government services and trying to make sure that we deliver more of our services in an online environment, particularly where we have public-facing services through the territory's digital account. I will hand over to Bettina Konti to talk through the program this year and what has been funded in the budget for the next financial year.

Ms Konti: This year, in the budget, funding has been made available for us to work with the Education Directorate on the design of school enrolment and parent permissions becoming available through the ACT digital account. This, of course, will include community consultation and co-design sessions. Also, there is funding in this budget to maintain the ACT digital services that we have delivered on that new platform, including improvements in security, performance and capacity.

In addition, there is a little bit of funding to understand what some future technology options might be for one of our key applications and systems in the ACT government, rego.act. This is the system that provides or manages vehicle registration and drivers licences for the ACT. It is getting a bit old and we might need to start thinking about some new options for that.

Our ACT digital platform works through the ACT digital account. As at Friday of last week, there were 216,000 ACT citizens that had an ACT digital account, which is a good proportion of the adult population in the ACT. Last year, with the funding that was provided to us, we delivered the foundation pieces of what is our whole-of-government concessions capability. The outcome that we are seeking to achieve is that people in the community should only have to prove their eligibility for a concession once and then have that applied to all services that have the same eligibility criteria for a concession.

We have delivered the foundation capability, as well as working with the ACT Revenue Office to deliver their ability for people to apply for deferral of rates payments, due to hardship, for 65 and over, as well as the pensioner concession rebate. The ACT Revenue Office is working through the ACT digital account. In the future we will seek to work with other directorates that also provide concessions and discounts based on the Centrelink concession rebate.

DR PATERSON: Minister, does this also have implications for Fix My Street and for the hospital digitisation reform?

Mr Steel: There are a lot of pieces of work going on across government agencies in working with DDTS on implementing new platforms and new IT solutions. We are trying to make sure that, from the earliest point in the design, they are engaging with DDTS so that we have great solutions being delivered that are connected as much as possible to the territory account and so forth.

I will hand over to Bettina to talk a little bit about the Fix My Street process. TCCS has been working with DDTS on improvements to that. It is also part of a broader initiative to look at a new system for TCCS in the management of various jobs that they have at the back end, not just at the front end. But there will be, of course, an important connection there.

Ms Konti: Thank you, Minister, and thank you for the question. My group, Digital Data and Technology Solutions, have been working with TCCS and with Access Canberra on improvements to Fix My Street. One of the things that we have discovered in that design and discovery process is that the information that people in the community put through the front end, or through those forms, is not well connected to how that information gets to TCCS in the back end.

We are working together on a holistic design and discovery process to ensure that not only does that information pass through quickly and well to TCCS so that the TCCS field staff have the ability to work more efficiently and more effectively on those Fix My Street requests but also people in the community have access to information about exactly what the status of the job is at any given point in time and that that same

information is also visible to Access Canberra, should people wish to phone up to understand where their request is up to. So this is in the early design phases now and we are talking with the others to reach an agreed solution that we can then implement.

DR PATERSON: We heard from ACT Policing yesterday that they are also looking to implement an online portal, particularly focused on property crime, for reporting. Is that also something that is part of this whole reform package?

Mr Steel: It is a good question. Certainly, we encourage agencies to engage with DDTS very early so that the chief digital officer's team can be involved in the design. The AFP might be slightly different, just because of the federal split, so I will hand over to Bettina, if she has any information there.

Ms Konti: Thanks, Minister. That is something that we would be happy to consider and work with ACT Policing on to find the right solution. It is not something that is on our radar at present.

DR PATERSON: Thank you.

MR CAIN: Minister, as you are aware, I think there are about 24,000 staff in the whole of the ACT government; is that the correct figure?

Mr Steel: We can take the exact figure on notice, if you would like.

MR CAIN: Thank you.

Mr Steel: I am certain it would be in the budget papers somewhere to refer to, but we will come back to you on notice on that one.

MR CAIN: Come back to that, yes. So how many staff across the ACT public service are working as FOI officers in the three different categories: full time, part time and casual?

Mr Steel: Do you want to take that one?

Mr Ng: Mr Cain, I would have to take that on notice. I am not sure that I have ready access to the staff layout of all of the FOI processing teams across government, but it might be something that I would be able to achieve for you on notice.

MR CAIN: Thank you. How many staff are trained with FOI capabilities, actually specifically trained?

Mr Steel: We would probably also have to take that one on notice.

MR CAIN: Okay, thank you.

Mr Steel: Do you have some information on that?

Ms Vroombout: I do, on the government staffing. I have read and understood the privilege statement. Appendix K of the budget outlook document has the

whole-of-government staffing. The estimated outcome for 2021-22 was 25,290 staff.

MR CAIN: As far as the staff breakdown of FOI officers goes, could you also do that according to those areas where we seem to have problems—that is, CSD, EPSDD, TCCS and CMTEDD?

Mr Steel: We can probably break that down by agency, but I also note that there was an increase of 12 FTE in 21-22, I understand, to support the work of CSD. We can get a further breakdown.

MR CAIN: Were those extra staff provided with FOI training capability?

Mr Steel: We can check that.

Mr Ng: Mr Cain, on FOI training capability, there are varying forms of training that are provided to FOI officers across government. They range from internal training—that is, guidance and on-the-job support from skilled colleagues and FOI practitioners—to specific training delivered by the ACT Government Solicitor. In the broad, there are a range of different training opportunities and offerings that are provided to FOI officers.

MR CAIN: I would certainly appreciate a description of the different levels of FOI training. Is there FOI accreditation that is provided to officers or is it just seminars and in-house training?

Mr Ng: No, I am not aware that there is an FOI officer accreditation process. What I would say is that there are varying levels of responsibility and expertise and they are at varying levels of the FOI processing journey, ranging from the decision-makers, and the considerations that decision-makers will have to work through when deciding upon FOI applications, to the folks who do the really important job of collating and seeking information from business units. Pretty consistently across the directorates, the line areas that often hold the documents that are subject to FOI applications are not the ones that do the processing, but they do have responsibilities to provide the documentation to the central units. So there are different jobs along the way which require different skills and training opportunities.

MR CAIN: What is the threshold training for someone to be allocated as an FOI officer?

Mr Ng: Mr Cain, there is no statutory threshold. Nor am I aware of an Australian standard, if that is what you are alluding to.

MR CAIN: Operationally, what is the minimum requirement for someone to be allocated as an FOI officer, training wise?

Mr Ng: Mr Cain, I would expect that, within business units and across directorates, relevant business unit heads would be making decisions about whether they are confident that their officers have the requisite due care, skill and expertise in FOI to perform their duties. As I mentioned earlier, I think that would depend on the different levels in the processing stream where the officer is required to perform activities.

MR CAIN: So is there an inconsistent approach across directorates, or is there a consistent standard?

Mr Ng: I would not say that there is an inconsistent approach, but I think what you reflected on is that there are different processing obligations across the directorates. For example, the Community Services Directorate has quite specific and complex secrecy provisions and interactions with the Children and Young People Act, which probably require different expertise to the processing of a more straightforward application for an individual's own personal information which is relevant to a regulatory decision. In those different operational contexts, I would say that there are different levels of expertise required.

MR CAIN: Thank you. Minister, I have heard reports of understaffing in FOI teams in the last few years, including significant overtime, working weekends and being unable to maintain a work-life balance. Obviously, there is also an increased request for FOIs at the same time as these staff pressures. The Deloitte report, which I mentioned earlier, described over 40 per cent of FTE responsible for processing FOI as being temporarily funded, which is obviously having an impact on staff retention, productivity and effectiveness. Has the government actioned the recommendation to consider making temporarily funded FOI FTEs permanently funded?

Mr Steel: Across government we are looking at what the opportunities are to provide more secure employment—

MR CAIN: No, specifically FOI.

Mr Steel: Certainly, that is something for agencies to consider. But we are, as Mr Ng mentioned—

MR CAIN: You are the Special Minister of State—

Mr Steel: We have got a piece of work underway around streamlining—

MR CAIN: Specifically FOI, Minister—

Mr Steel: If you do not want an answer I am happy not to answer, Mr Cain.

MR CAIN: I am trying to get you to answer my question.

Mr Steel: Yes.

THE CHAIR: You can ask the question and then the minister will respond. That means you cannot direct the minister.

MR CAIN: Specifically for these FOI FTEs, who are temporarily funded, are you planning to make them permanently funded positions?

Mr Steel: I am happy to take that question on notice. Obviously, it is a matter across a range of agencies that we will have to—

MR CAIN: Thank you. The report also recommended that the ACT government review the forecast for FOI full-time equivalents in 2022-23. Has any funding been allocated to do this?

Mr Steel: We provided extra resources, particularly in the last budget, for the Community Services Directorate. I will hand over to the team to talk a little bit about that.

Mr Ng: Thanks, Minister. Yes, Mr Cain, there has been funding provided for agencies until the 2022-23 budget year.

MR CAIN: Is that available in the usual budget paper reports, or is that something that you need to do extra?

Mr Ng: It is available from the usual budget papers. I think it is reflected in the previous year's budget. It was a multi-year funding allocation.

MR CAIN: Minister, has the government actioned the recommendation from Deloitte to consider technology to reduce manual processing, as part of the solution to relieve the burden of overworked full-time equivalent staff?

Mr Steel: Do you want to comment on that, Mr Ng?

Mr Ng: Mr Cain, yes. That is considered on an agency-by-agency basis. To reflect on my previous answer, again, while we do have a centralised and consistent legislative framework for dealing with FOI applications, practical considerations can play out in a range of different ways across the directorates, depending on the operational context.

MR CAIN: Minister, I have heard instances of FOI refusals being cited because there were not enough staff. Is this something you are aware of? If so, how widespread is this?

Mr Steel: I will hand over to the team to provide any feedback on that matter.

Mr Ng: Thanks, Minister. Thanks, Mr Cain. Mr Cain, the FOI Act does have provisions which allow for refusal to deal with applications based on the applications being an unreasonable diversion of agency resources. I cannot speak to the experience of individual agencies about whether they have exercised this provision.

What I would say is that there is provision in the act, and operationally, for agencies to work with applicants to narrow the scope of their applications as well. In my experience, where those provisions are relevant or enlivened, it is often because of the really, really broad scope of documents or information being sought. There is often an opportunity to work with the applicant to seek to narrow their scope and really focus in on the types of documents that they are after.

By way of example, there would be occasions where an applicant is seeking one particular document, or one particular stream of documents, but they do not know exactly what they are called or what to specifically ask for. So they ask for a broad remit of things, everything related to X activity. In those cases, the FOI teams are quite skilled

in working with the applicant to focus on a narrower scope, to make sure that the application is focused on what the applicant is actually trying to achieve.

I cannot speak to each individual agency's experience on whether they have sought to refuse an application on the basis of unreasonable diversion of resources, but there are provisions that do so under FOI. There are also provisions to support applicants to work with processing teams to make sure that they are getting what they want.

MR CAIN: Minister, regarding refusals of FOI applications, what compliance measures do you have in place to ensure that the reasons cited for the refusal align with good practice and legislative requirements?

Mr Steel: I imagine that those are subject to review already, under the provisions in the act. I will hand over to the team to talk a little bit about that.

Mr Ng: Thanks, Minister. Thanks, Mr Cain. Yes, there are a range of oversight measures whereby the Ombudsman is able to review the decisions of information officers on access applications. So, yes, there is a process where an applicant may seek the Ombudsman's review if they are dissatisfied with the grounds upon which an information officer has made their decision. There are also processes for those to proceed to the tribunal as well, the ACT Civil and Administrative Tribunal. So those are the oversight mechanisms which are intended to support good decision-making practices but also identify opportunities where there has been a divergence from the proper reading of the legislation in the application of a particular decision.

MR CAIN: Minister, the involvement of the ombudsman and ACAT in decisions is obviously a high level of accountability. What is the accountability internally to ensure that FOI refusals are being done appropriately and consistently across ACT directorates?

Mr Steel: I think Mr Ng has mentioned the practitioners network for FOI. There is that discussion across directorates about the way that they approach these matters. The ombudsman is actually quite directly involved. I note the budget measure that specifically relates to the ombudsman's resourcing in this regard as well.

MR CAIN: Refusal discrepancy is also apparently an issue. For example, FOI documents from the Campbell Primary School procurement showed discrepancy in refusals. ACT Education refused the FOI but Major Projects Canberra agreed. Minister, how is it the case that one agency refuses an FOI application and another grants it? Where is the consistency?

Mr Steel: I do not think I can comment on those specific ones.

MR CAIN: But you are the Special Minister of State, with oversight over this process.

Mr Steel: Each of those would be subject to a review. If someone wants to challenge those and raise those with the appropriate bodies then they can.

MR CAIN: You clearly have no responsibility to ensure consistency of response to an FOI application?

Mr Steel: As I said, the practitioners network might play a role. Legislation and policies will always be interpreted in slightly different ways by different people. There is opportunity, I think, to strengthen that. I appreciate that from time to time there might be some different decisions made, and that is why we have the accountability processes in place.

MR CAIN: What is your responsibility for FOI administration across directorates?

Mr Steel: It is pretty clear that I have responsibility to work across directorates on FOI, particularly responsibility for the legislative framework. We are doing a piece of work on streamlining those processes at the moment, particularly around resourcing, which, as you have highlighted, is an issue. We have resourced in previous budgets, including last year's budget, in order to maintain the accountability and transparency of government. That is something that we will continue to work on.

DR PATERSON: Minister, I was wondering about the government's response to the JACS electoral inquiry. How is that response progressing?

Mr Steel: Thank you. Following the JACS committee inquiry and the ACT government's response to the 52 recommendations for legislative and non-legislative reform, we have got some work underway. We are looking at how we can develop a bill, which we do plan to bring forward before the end of the year, which will respond to some of those recommendations and may go further in some respects, in terms of matters that have not been considered by the committee. We look forward to presenting those publicly once they are ready, but the policy work is continuing.

DR PATERSON: Thank you.

MR CAIN: Minister why won't you introduce a centralised system for FOI applications?

Mr Steel: Did you want to comment on that?

Mr Ng: Mr Cain, I fear I may be crossing old ground again. In terms of the benefits of a centralised system, I reflect that there is the common legislative framework, which you have identified the minister is responsible for, that all agencies are required to adhere to. One downside to a centralised system is that it potentially removes that disaggregated but more tailored response that particular agencies have to bespoke issues that arise in their particular context. There is a level of skill and diligence that people build up when working with the same materials on a day-to-day basis.

I mentioned particularly the sensitivity of care and protection but also, potentially, child abuse material and things that either Education Directorate or Community Service Directorate workers receive in the context of their mandatory reporting obligations. There is the fundamental principle about the protection of the identity of mandatory reporters. Should that, for example, be done in a centralised way, there might be some risk that financial processing folk might not be as attuned to it as those working with it on a day-to-day basis.

MR CAIN: That sounds like a justification for a centralised process, to ensure consistency of decision-making on something made under the same legislation. As I have mentioned, we have had discrepancies in some applications being refused and some being granted by different directorates. Surely a centralised system, under one body of legislation, would avoid these inconsistencies?

Mr Steel: I will take that as a comment.

MR CAIN: Minister, what is your view about a centralised training model to make resources more flexible, if we keep this directorate-by-directorate process?

Mr Steel: Obviously, across agencies there is benefit in coming together with those practitioners. There are certainly opportunities to undertake training. That is not a bad idea. The practitioners are trying to build their practice and share approaches that might assist them in doing that work, and training would certainly be part of that.

DR PATERSON: I am just looking at the administrative arrangements. It says “community facilities charging policy”.

Mr Steel: Yes; that is correct.

DR PATERSON: Could you speak to the charging policy, particularly with all the changes in EV policy?

Mr Steel: This is community facilities charging?

DR PATERSON: Yes.

Mr Steel: We have a current policy in place with community rental, and a commercial rate, because there are some commercial entities that rent out ACT Property Group properties, and then there is also a peppercorn rate. Following on from the discussion last time, a lot of the peppercorn arrangements are historical, but typically it is where there is an organisation that does not have a revenue source or a significant source of revenue. It is a consistent policy that we try to apply. There are opportunities to improve the policy, going forward. I will hand over to Graham to talk a little bit more about the rental and why we charge those different rates.

Mr Tanton: I acknowledge the privilege statement. Thank you for your question. As the minister said, we do have a range of rate charging, from commercial rates, which mirror what you would expect for a for-profit organisation renting space, to community rents, which reflect a discounted rate from commercial rates. That does take into account a number of aspects, including what the organisation is looking to do, the condition of the property, the type of property that it is and what services they provide. Then you have the peppercorn rent. A number of them are quite old arrangements. They do not physically pay rent—not-for-profits in that space—and they provide services to the community more broadly.

We are currently reviewing the sustainability of that whole package to get a better understanding about how we look to maintain the portfolio. There are a lot of costs involved in managing portfolios. We are running through that process at the moment.

Traditionally, the community rents have been based on how we look to keep those services and the provision of those properties maintained. It is basically on a costs recovered basis. With peppercorn, generally the government maintains those buildings. The organisations do not pay rent; they contribute to maintenance, in a sense. That is something that we are reviewing at the moment. We will be coming back to government in due course with a position, going forward, to make sure that we have sustainability and fairness correct around that as well.

DR PATERSON: Minister, in respect to the Coombs community facility, can you speak to how there was a need for a community facility in the Molonglo Valley and what the government did to support the community in that?

Mr Steel: There are a number of community facilities in Molonglo now. It started with Stromlo Cottage, and there was an opportunity with the Coombs activity centre that was privately owned. It was zoned specifically so that to have a lease clause it had to be used for a community activity space, but the owner had not actually found a way to provide that to the community. It was sort of an empty shell. We saw the opportunity to provide space there, leased by Property Group for, I think, five years. We were able to secure a reasonable rate for that to be fitted out. We then undertook an expression of interest process for a community organisation to run the space and the cottage at the same time and make them available for bookings to the community. We ran that process and, ultimately, the YWCA was chosen as the organisation to manage that facility.

I appreciate that there has been a conversation in Molonglo community council about community development funding to deliver specific programs. Whilst that was not available through this—this is just making the space available to the community for bookings—there are separate funding lines through the Community Services Directorate around community development that apply to the Molonglo Valley. I do not think the YWCA delivers those things, but there is an opportunity to utilise the spaces that we have for organisations that are funded to deliver those services to go into those spaces to deliver services, going forward.

With more community centres being delivered, including the future Molonglo community library and community centre, I think they will be places for those types of services to be delivered to the community as well. That will mean that we do not just have one organisation using the space but we have Housing ACT coming in to do a drop-in or we have a range of other community organisations that are funded to deliver services to the Molonglo community coming in and using those spaces, rather than just one organisation having control.

DR PATERSON: We heard from ACTCOSS, on the community day, about some of the facilities that community services use needing upgrades in certain areas. Does the government have a program of work for those upgrades? How does that work?

Mr Steel: Yes. We are doing some early scoping in two regions of Canberra, looking at Woden and Belconnen first, on what ACT Property Group owned properties we have got and what the opportunities might be for renewal in those areas. We are looking at how we can demonstrate what that renewal might look like. It could occur in a range of different ways.

As you know, a lot of the properties are ageing. Many have found their way into the Property Group portfolio for historic reasons. They have been handed over to Property Group from other directorates. The typical one is former school sites. We need to make sure that we keep a range of sites for the future needs of the community, as demographics change. There may be a need to provide new schools on some of those sites, so we do not want to lose that space to enable us to deliver those types of important public services.

But there could be a range of opportunities to engage in the renewal of some of the properties, particularly the non-school sites, to deliver more space and better utilise the land that they sit on. Then more community organisations, particularly those on the waiting list that want space, can come in and use those subsidised spaces so that we get more activity happening on the sites that can benefit the community, whether it is early childhood services—because there is a growing demand for those, with the demographic change—or whether it is other uses.

We are doing some early scoping work on what those opportunities might be in Woden and Belconnen. I think it is going to be a little bit like Tetris, in terms of moving community organisations around. We do not want to force people to move, but I think there is an opportunity with the new Woden community centre to say, “We are creating a brand-new community facility here. What opportunities are there for community service organisations that want to move closer into Woden to deliver services in a town centre that is more accessible to the community, particularly for public transport? Then does that free up space in another facility for another organisation to move in, in a hub that is in the suburbs, rather than in a town centre?” We are just working through what this might mean. We have not made any decisions at this point in time, but a similar approach will take place in Belconnen as well around what the opportunities are.

We know that new facilities are cheaper to maintain. They are obviously better for the community organisation tenants as well. A lot of the older facilities are not fit for purpose. They were not built as community facilities; they were built as a school or built as a hall, or whatever, and they have had to be adapted over time to try and meet the needs of the organisations that want to tenant them.

We have had some consultant work done already, just to get a brief run through of what the opportunities are in those two regions. We do not necessarily agree with everything that they have put forward and we need to work through that in some detail. We have been engaging with groups like ACTCOSS already, early on in the process, and we will be working through each of those opportunities. We have had to pull together a multi-agency working group to make sure that we get all of the agencies involved—EPSDD, the Suburban Land Agency, Education, the Community Services Directorate, as well as CMTEDD and Property Group—to really flush out what the opportunities and challenges might be in each of these areas. If we can get a few demonstration projects up that are successful, that might then lead on to whether we can do some work to renew some of these properties in other parts of Canberra.

DR PATERSON: The landscape in Woden is shifting so much, with the new apartments, different population, and you have got CIT students there. How does that come into the thinking for designing community facilities in the town centre?

Mr Steel: As the city grows, there is only going to be more demand for community facilities. In the established suburbs we are blessed to have quite a large number of community facility sites. Some of them have very old buildings on them that do not properly fully utilise the site. I think Chifley probably is a good example of that. Over the years, the Ricky Stuart Foundation built some buildings next to that hub. I guess that shows what the potential opportunities are to have more of these community services cluster on sites.

In the newer areas it is really about making sure that in the planning stages there are those community facilities available, going forward. They have, initially, quite different demographics to some of those ageing areas as well. I mentioned early childhood services; that is something that we need to think about, going forward, for those community facility zoned sites. Aged care is another one that obviously fits into that zoning as well and, with an ageing population in some areas, that is something we need to be thinking about. We are considering what the opportunities are to provide the range of community services and facilities that they need.

In the town centres, obviously, land is scarce, but we have some existing sites, some of which are ageing. I am not suggesting that a knock-down rebuild on all of these is the answer. Belconnen Community Centre is one site that comes to mind; it is actually quite a functional community centre. It has all of the things that you would expect in a great community centre. We will look at what the opportunities are for the refurbishment of existing sites, as part of the renewal, but in a way that caters for the growing need in those town centres, with so many people there. I think it is great to have co-located facilities in town centres when we have large numbers living there. They are easier to access.

MR CAIN: Minister, I have a question about extensions to FOI time frames. The Canberra Liberals have collated data on the FOIs they have requested since August 2021. Extensions were requested for 54 per cent of CMTEDD FOIs and 100 per cent of CIT FOIs, just to name a couple. Minister, considering that extensions are a commonly used tool by FOI officers in the ACT, does this not raise concerns for you that the FOI process is not appropriately supported and that it is extremely inconsistent in application?

Mr Steel: There will be different reasons in each different agency, and I will not go into those. We have acknowledged that there is a need to look at the efficiency of the process, and that is a piece of work that we are currently undertaking to look at the efficient streamlining of the process as much as we can. We are not just looking at extra resources, but extra resources are a part of the conversation as well, and we have delivered extra resources in recent budgets to support that. It is something that we will need to continue to monitor, and we are actively looking at whether we can streamline the process.

MR CAIN: Minister, CSD has an extension period of 90 days requested via an automatic reply to an application—an automatic 90-day request for extension. Were you aware of this arrangement?

Mr Steel: I am certainly aware of the pressures on the Community Services Directorate, and that is why they were funded with an extra \$2.122 million—

MR CAIN: But were you aware of this particular automated response?

Mr Steel: in the last budget, which runs to the end of 2022-23. They have been provided with extra resources. Of the 12 additional staff that they have had in 2021-22, the majority of those are for FOI. They have been provided with extra resources and we will continue to look at that.

At the same time we are looking at what we can do to streamline the process. Of course, with the Community Services Directorate, we know that the types of requests that they get quite often involve quite complex information, personal and sensitive information, that they have to work through.

We are looking at what opportunities there are and discussing with them a proactive release, where possible, of certain information, so that they are not always responding to reactive applications. That relates particularly to children in the care and protection system and their life journey, and the information requests that are related to that journey. We are looking at what opportunities there could be in the future to proactively release some of that information to them. But all of this is very sensitive, and the FOI officers have to work through that in each individual case, to make sure that they are not releasing information that they are not supposed to.

MR CAIN: Minister, were you aware of this automated 90-day extension request from CSD? Yes or no?

Mr Steel: No, I was not aware of that specific matter. I am certainly aware of the impact on resourcing that CSD have been experiencing, which is why they have been provided with extra resourcing.

MR CAIN: Do you think that automated extension periods are best practice?

Mr Steel: I cannot comment on exactly where CSD's resourcing is at this particular point in time.

MR CAIN: No. Being responsible for government information, do you think that is an appropriate practice?

Mr Steel: I think that is asking for a statement of opinion, Chair, so I will leave it at that.

MR CAIN: I am asking the question: do you believe that is an appropriate practice across FOI applications?

Mr Steel: It is asking for a statement of opinion. We would have to check with CSD about where their resourcing is at, at this particular time, with the number of FOI applications that they have.

MR CAIN: So you would be—

THE CHAIR: The minister has answered that question. You can have another

supplementary, if you want.

MR CAIN: I do have a supplementary. Minister, again, you were not aware of the fact that one directorate is issuing automated extension requests for 90 days. Given that there is a statutory time frame that is much shorter, surely, you should value consistency across directorates more highly, given your Special Minister of State responsibility for access to government information? Why aren't you ensuring consistency across directorates?

Mr Steel: I will take that as a comment.

MR CAIN: It is a question.

THE CHAIR: I think there was a question, if you can provide a response.

Mr Steel: As I said, we have been working through the practitioners network. We have that consistent legislation and policy. Each individual directorate, of course, makes their decisions around FOI. I am not responsible for CSD at all, in my current ministerial responsibilities. We work across government around those matters to ensure consistency where possible.

MR CAIN: But you are responsible for access to government information.

Mr Steel: Of course, we try and support them with resources where required, as we have, to be able to meet their obligations under the FOI Act and the Children and Young People Act.

DR PATERSON: Minister, my question is in respect of Stromlo Forest Park, and the new car park that is going in there. Can you outline for the committee how that is progressing? Is that still being consulted on? What is the progress on that?

Mr Steel: I will hand over to Daniel Bailey and the team at venues to talk a little bit about what is happening with the car park. Certainly, following the master plan for Stromlo Forest Park, car parking was identified as a need. The dirt car parks, whilst being utilised, have had some issues with erosion and rutting. From a work health and safety point of view, if we can make sure that we have a sealed surface there, it will deal with those safety issues and enable us to get more efficient use out of the car park, with potential line marking for the car parks as well, so that, hopefully, we can fit even more people into the park, particularly for those major events. We have also been talking with user groups about this project. Hopefully, it is not too far away from construction. I will hand over to the team to talk a little bit about that.

Mr Bailey: I acknowledge the privilege statement. Thank you for the question. Yes, there has been a lot of planning work done. We currently have development plans for the car park. As the minister outlined, the popularity of the site means that the condition of the dirt car park—even the current location of the dirt car park—is probably not what we would like going forward.

The plan in place now is to move it slightly towards the Stromlo Leisure Centre, creating a little bit bigger car park; there will be two sealed car parks in place. It will

allow for some other activities to happen in the centre of Stromlo. At this stage planning is in place to get approval to do it, with construction hopefully to start at the end of this calendar year, and probably completed by the middle of next year.

DR PATERSON: You said that the design has slightly shifted; is that in line with the master plan?

Mr Bailey: Yes, it is in line with the master plan. There are a number of things that we could do at Stromlo down the track, with extension of the criterium track and car park; there is even potential for a north-south road to go through there, which will allow greater access. Yes, moving the car park there is in line with the plan.

DR PATERSON: Does the master plan have time frames? Are there further projects in the pipeline to be progressed at Stromlo?

Mr Steel: Yes, there are. Certainly, there has been quite a bit of work done to get some of those projects almost to a shovel-ready stage. Work has also been happening on the criterium track extension. With that project, about 25 per cent of the park users actually cycle in to the park, rather than driving, which is fantastic, given that it is a cycling facility. We want to provide safer access for them coming in to the park, rather than having to ride on the road with motor vehicles. The criterium track extension will allow that to happen, as well as providing an access point through to the pool, to enable triathletes to come out of the pool and go on to run or cycle at the park, after their swim.

That is a significant project that is well under construction. I am also, from a TCCS point of view, looking at what we can do to connect that with the rest of the road network and path network, so that people can get in, potentially from Swallowtail Road, heading up from the former Uriarra Road, which is, at this point in time, an under-utilised road connection that is closed off to traffic. We are looking at how we can use that for cyclists to get in to the park from that direction as well, in Wright.

DR PATERSON: I have had some feedback from mountain bikers about the maintenance of trails at Stromlo and more broadly in the ACT. It is possibly relevant here, specifically to Stromlo. Is further work under consideration for upkeep of these trails?

Mr Steel: Yes. We have had procurement for a new maintenance operator at the park. They came on board some time ago and are already taking a slightly different approach to maintaining the tracks and trails. As part of that, we have also established a volunteer program. There are a lot of very keen cyclists and mountain bikers that want to get involved in helping to maintain the trails and tracks that they use. We did not really have a clear mechanism for that in the past, but we have been able to harness their enthusiasm and get them on board in terms of maintaining the tracks and trails, which has been really positive. I will hand over to the team to talk a little bit about that.

Mr Bailey: It has been a challenging couple of years for Stromlo. As we said, we have a new trail maintenance company on board now, and there has been some really positive feedback. The challenge we have had is with the rain and the immediate damage that it can do. We can have them in really good condition; it just takes a heavy-rain weekend and they become quite unsafe. You get the tracks through them; then they dry. It is a

constant, ongoing thing.

As the minister said, with the new program, we have a volunteers program that is based on a model at the arboretum which has been highly successful. They are under guidance, because you do not want people out there levelling and making these tracks potentially riskier. It is working well. As the minister said, it is an ongoing thing, and the rain has been quite challenging for that.

DR PATERSON: Are you able to speak to the overall vision of linking Stromlo with the arboretum and that whole Molonglo River area? What is the overall vision for that?

Mr Steel: This has been captured in the draft active travel plan that we have released around the future connections through to these significant parks in Canberra, in the broader Molonglo region, as it grows. We have had some good feedback through that process, through the interactive map, about what those potential connections could be in the future.

There are some major construction works that are, of course, important in delivering those connections. For cyclists, the John Gorton Drive bridge will be an important connection for the northern end of the Molonglo Valley. In the future, an east-west arterial link will provide a great cycling link through to the Molonglo commercial centre, and across the Tuggeranong Parkway, so that we can connect in with the path network near the zoo, through to the lake and, of course, the arboretum. Those pieces of infrastructure will connect cyclists to all of these facilities. Both the arboretum and Stromlo Forest Park are used for cycling and for running as well. There is a very active running group that uses the arboretum.

We have been working with the Suburban Land Agency and the arboretum to look at how we can seal some more of the road connections, particularly on the western side of the arboretum, which will eventually link in with the suburb, Molonglo 3, once that estate planning has happened. It will mean we have good connections into the arboretum. It is also about facilitating and providing some new circuits within the arboretum for runners and cyclists, going forward. The arboretum's tracks and trails are also useful as a commuter link, for people who are cycling into the city. There is a huge amount of opportunity to get better network connections into these areas.

In the future, the master plan has the vision at Stromlo of having a road connection through to the Cotter Road. That is a project that is important for the future development of Stromlo, in order to have a safe second major entrance to the park from the Weston Creek end. That will provide a better connection into Weston Creek. If you are going to have those major events, it is important to have multiple access points. That will be an important future project, and one that we are doing some early thinking about.

MR BRADDOCK: There are three line items for Stromlo Forest Park, and I am trying to get clear in my head what is being done. There is \$99,000 under "More and better jobs—More facilities for Stromlo Forest Park." I can also see \$143,000 from the Better Infrastructure Fund, which is due to be delivered by September 2023. One which is self-explanatory to me is the \$1 million for the Stromlo Forest Park to improve parking. I am trying to understand what the other two are paying for and how these are all working together.

Mr Steel: There are some works in progress at Stromlo Forest Park. Each year they also have the maintenance budget which they use for small amounts of maintenance in the park. I will hand over to the team to talk a little bit about that.

Mr Bailey: With the BIF program every year, that is about the amount of money that the park gets from the Better Infrastructure Fund to undertake other works that will happen there. That could even be, apart from the trails, work on the criterium track, the toilet block or anything that is out there. The parking one is there. The other one was a movement from the 2021-22 budget into this one.

Mr Steel: Of the \$99,000?

Mr Bailey: The \$99,000, yes.

Mr Steel: We might come back on notice on that one, unless Scott can—

Mr Saddler: I acknowledge the privilege statement. The BIF money is spent on the bushfire operating plan and weed control, mainly, at Stromlo Forest Park. I could not quite hear the other question. Could you ask that question again, please?

Mr Steel: The \$99,000 for more facilities for Stromlo Forest Park in 2022-23, on page 325 of the budget outlook.

Mr Saddler: I will have to take that on notice.

MR CAIN: Minister, I have a few questions about the requirement for disclosure logs. As you are aware, under section 28 of the FOI Act, an agency or minister must keep a record of access applications. As Special Minister of State responsible for access to government information, how often do you review or receive updates on the disclosure logs for each directorate?

Mr Steel: I will have to take that on notice.

MR CAIN: What percentage of FOIs, including withdrawals and disclosures, are disclosed across each directorate?

Mr Steel: Again, I will take that on notice, in the same question.

MR CAIN: Are these disclosure logs audited to ensure compliance with the legislation?

Mr Steel: I will take that question on notice as well.

MR CAIN: Included in that, when was the last time that these disclosure logs were audited?

Mr Steel: I will take that on notice.

DR PATERSON: Minister, you tabled the new procurement policy. Could you outline what work went into that and what the new policy document is?

Mr Steel: Yes. This is a substantial reform program that has been developed following the Renee Leon review as well as various Auditor-General reports and their recommendations and the work of the Better Regulation Task Force. We have outlined in there the scope of work underway, which includes launching an accreditation framework as a short-term action by the end of this year for procurement practitioners. It makes sure that they have a certain level of training and practice that will be determined. We are also undertaking a review of the Government Procurement Act and Government Procurement Regulation. I will hand over to Sue Vroombout to talk a little bit about the program and what that accreditation framework means.

Ms Vroombout: As the minister said, it is a multipronged program that is looking at people, processes and frameworks. As I think I mentioned on Friday, we are doing it over a three-year period. As the minister noted, some of the first parts of that work are around capability and the service offering. The deliverables in September and December this year are focused on a capability framework, to begin with, followed by an accreditation framework. Directorates will be accredited to a particular level of procurement activity. Within Procurement ACT, there will be a tiered service delivery offering, depending on where a directorate is in the accreditation framework. We are trying to match the services that Procurement ACT provides with the level of procurement capability within each of the directorates.

That is the first piece around capability and people. We are also looking to add to the legislation and the framework itself. The act has been in place since 2001 and it has not had a substantial review since that time frame. The procurement landscape has moved on significantly since then. We are looking at the legislation, the regulations and the policy guidance sitting underneath to see whether there are ways in which we can streamline the legislation, make it more contemporary and support the capability piece as well.

The final piece is around what I would describe as systems and processes—ensuring that our templates are as easy to use as possible and consistent for use across directorates. With our IT systems, we have a number of systems for different sorts of procurements that are quite silo-ed, so we are looking to bring all of that together into a single IT system. That will enable us to get a better sense of procurement activity across the whole of the ACT government. It is a broad-reaching program, as the minister said, that we are rolling out over a three-year period.

DR PATERSON: Minister, what is the importance of this procurement work and will it establish a best practice model?

Mr Steel: Certainly, we are looking at how we can establish best practice. We are looking at what we are currently doing, and whether we can improve, based on the recommendations that have been made. There will no doubt be further recommendations made through ongoing reviews in relation to specific procurements that we will need to pick up, as part of this process. It is a significant priority for us. We will be looking at how we can uplift the capability in our directorates and in Procurement ACT to make sure that we can deliver efficient and effective procurement in the ACT.

There is a balance that needs to be struck. It has certainly been brought home by the Better Regulation Task Force that we want to make it as easy as possible for suppliers to engage with the ACT government, whilst ensuring that we have high standards of probity and integrity in our procurement, and that we are achieving value for money. There is a balance to be struck there, and this work is looking at both angles, which I think is important.

DR PATERSON: How will you go about consulting with the different directorates in that process?

Mr Steel: They will be part of the development of the legislation, before it is introduced next year. The review is underway. We will need to get feedback from all agencies that engage in procurement, and particularly MPC, to look at the infrastructure and what impacts it might have on infrastructure procurement, and in TCCS.

Of course, the accreditation framework will apply to all agencies, so we will need to work with them to make sure that they have that uplift in capability, and have the tools and all of the other materials that Procurement ACT provides that are relevant. We need to make sure that they meet the needs of their directorates as well, through the process.

Ms Vroombout: In developing the reform program, we were guided by a cross-directorate steering committee, and we consulted on developing the program and the time line. As the minister said, in the implementation phase, we have established an implementation working group, again with cross-directorate representation, to ensure that we are delivering what is needed by directorates.

DR PATERSON: Are there differences between directorates and their needs in procurement?

Ms Vroombout: It goes to the differences in what directorates do. Some will have more complex procurement arrangements as a result of what they do. As the minister noted, TCCS has a very active procurement program, given its functions. With other directorates, some of their procurements are less complex and do not need quite the same level of either in-house support or support from Procurement ACT. It goes to what it is that directorates do and deliver, as to the complexity of their procurement activities.

Mr Steel: I can provide an update on the question from Mr Braddock regarding the \$99,000. It refers to funding for sports and recreation to design the district playing fields at Stromlo, which is underway.

MR CAIN: Minister, regarding the proposal for a multistorey childcare facility at 220 London Circuit, could you briefly outline the reasons for that original proposal and why it was not approved?

Mr Steel: I will hand over to Graham Tanton to provide some background there, and how we are continuing to provide access to early childhood education and care services for ACT public servants.

Mr Tanton: I can probably go into some of the background but not into why the decision was not approved. That was a different agency, outside the property and

leasing discussions.

Initially, when the government went to a proposal with the landlord or developer, at the time they flagged that they would look to put a childcare centre into 220 London Circuit. They then started the processes for getting approval for that facility. Between the certifying agency and the landlord, there were discussions going back and forth. As part of that—again, I am very mindful that I cannot talk regarding the landlord and the commercial arrangements—it is fair to say that there was a decision by the landlord that they felt they could not proceed with the childcare centre there. Therefore it did not proceed, going forward.

MR CAIN: How much money was spent on building a childcare centre before the plans were abandoned? In particular, ACT government—

Mr Tanton: There was not any funding spent on a childcare centre.

Mr Steel: From the ACT.

Mr Tanton: From the ACT government.

MR CAIN: When was the ACT government aware that a childcare centre had a requirement for seven metres per child of unencumbered outdoor space?

Mr Tanton: I would have to take that on notice. Again, that would be through the discussions with the landlord and the accreditation authority in regard to that.

MR CAIN: What will that area be designated for, going forward?

Mr Steel: It has been turned into family-friendly working spaces. If people need to bring their children into the office, for example, there are spaces that can accommodate the children and play areas in there; people can work while having their children around them. That is a designated space and it is soon to be available. I think that the construction on that is pretty much complete, so we are not too far away from making that available. Also, we have been working to provide access by public servants to particular childcare places.

Mr Tanton: As the minister mentioned, the family-friendly area has been handed over from the landlord in regard to that facility. We are doing the final processes of commissioning that area; it should be online very soon. With regard to other areas, there were investigations into what childcare centres were available in the region. That was done with another area within CMTEDD. It was deemed that there were other places available in the city district that could take up any of the childcare places that were to be provided by this facility, if it had gone ahead.

THE CHAIR: Given that the time is now 11 o'clock, I will draw this session to a close. The committee would like to thank Minister Steel and officials for their attendance today. If any questions have been taken on notice, could you please provide answers to the committee secretary within five working days. The committee will reconvene at 12.45 pm.

Hearing suspended from 11.01 am to 12.45 pm.

Appearances:

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

Chief Minister, Treasury and Economic Development Directorate

Leigh, Ms Kathy, Head of Service and Director-General

Croke, Ms Leesa, Deputy Director-General, Policy and Cabinet; and Coordinator-General, Whole of Government (Non-Health) COVID-19 Response West, Dr Damian, Deputy Director-General and Secure Local Jobs Registrar, Workforce Capability and Governance

Wright, Mr Robert, Executive Group Manager, Corporate

Johnston, Ms Trish, Executive Group Manager and Public Information Coordinator, Communications and Engagement

Engele, Mr Sam, Coordinator-General; Office for Climate Action

Lawton, Mr Kieran, Executive Branch Manager, Program Delivery, Office for Climate Action

Suburban Land Agency

Dietz, Mr John, Chief Executive Officer

City Renewal Authority

Snow, Mr Malcom, Chief Executive Officer

Gillman, Mr Craig, Deputy Chief Executive Officer

Environment, Planning and Sustainable Development Directorate

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

Harding, Mr Daniel, Executive Branch Manager, Climate Change and Energy Policy

THE CHAIR: Okay, welcome back to this afternoon's hearings on estimates 2022-23. We will be hearing from the Chief Minister, Mr Barr, and officials, this afternoon.

Naturally, there are a few housekeeping matters that I wish to draw your attention to. Please respect the stated room limits and physical distancing requirements that are in place in this building as part of the Legislative Assembly's COVID-safe measures. Please allow the cleaner to clean the desks and seats between witnesses. Please practice good hand and respiratory hygiene.

Witnesses are to speak one at a time and directly into the microphone for Hansard to be able to hear and transcribe them accurately. The first time witnesses speak, they will need to state their name and the capacity in which they appear. Please be aware that 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 could use the words, "I will take that as a question taken on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript. Can I remind witnesses of the protections and obligations afforded by parliamentary privilege, and draw your attention to the privilege statement. When you speak for the first time, please

state your name and the capacity in which you appear and also confirm for the record that you understand the privilege implications of that statement. As we are not going into opening statements, we will go straight to the first substantive question, and I will pass that over to Ms Lee.

MS LEE: I have a question for the Head of Service. Ms Leigh, can you please talk the committee through the time line of the recruitment process for the CEO of the Cultural Facilities Corporation, from the time that the former CEO gave notice in May 2021 through to the appointment in December 2021, including the process, the selection criteria, the panel and the discussion with cabinet.

Ms Leigh: Thank you, Ms Lee. I have read and understand the privilege statement. There are a number of components to that, so I will start working through it. If I leave something out, I am happy to come back to it.

MS LEE: Thank you.

Ms Leigh: First of all, Harriet Elvin, the previous occupant of the role, gave us forward notice that she would be resigning. She had been in the role, as you would be aware, for many years, so it was very helpful of her to do that so that we had plenty of time to work through that process thoroughly. The role was advertised on 4 June and advertisements closed on 20 June. The selection panel met on 12 July and did the shortlisting. We then had interviews on 27 July. The actual contract was offered and signed on 9 November. As I explained, that was because we had started the process in advance of Ms Elvin retiring.

MS LEE: Who was on the selection panel, and did you choose that panel?

Ms Leigh: Yes, I chose the panel. I chaired the panel. Richard Refshauge, who was then chair of the CFC board, was on the panel. I chose him because, under the legislation, the board is consulted on the appointment, so it seemed helpful to have him on the panel. Anne-Marie Schwirtlich, who was formerly director-general of the National Library, was the third member of the panel. I selected Anne-Marie because she had been head of a major cultural organisation, but she also had that little distance, being not from the ACT, to bring that independent state of mind to the selection process.

MS LEE: How many applications did you receive, and how many were shortlisted?

Ms Leigh: We received 24 applications and we shortlisted seven.

MS LEE: And just confirming that all seven were interviewed?

Ms Leigh: I believe so. If somebody dropped out in the meantime, I will come back and correct the record on that.

MS LEE: No worries; thank you. When you put this recommendation to cabinet, was there an appointment template completed or anything in writing?

Ms Leigh: Ms Lee, it was not a recommendation to cabinet. The appointment was a public service appointment under the legislation, so it was my decision to make that

appointment.

MS LEE: But you did notify cabinet of it?

Ms Leigh: There was an information notification to cabinet; yes.

MS LEE: When were you made aware of Mr Ramsay's text message communication with the Minister for the Arts about his intention to apply for the role?

Ms Leigh: I am not sure that I can recall that, Ms Lee. I am sorry; I am not sure that I can recall that. I certainly heard that in estimates that was a question. It did not surprise me, but I cannot specifically tell you when I recall that.

MS LEE: Did you have any contact from either the minister or anyone from her office or cabinet about the appointment of Mr Ramsay; and, if so, when?

Ms Leigh: Perhaps I can start by explaining the process. The process was, as I explained, that it is a public service appointment. I set up the arrangements for that. I discussed it with the minister, and I explained to the minister my proposed approach to advertising, setting up the selection panel et cetera. The minister, under the legislation, is consulted on the appointment, so I consulted her about how I intended to go about that appointment. Then I consulted her when we had the final recommendation done as to who the panel had selected, to fulfil my obligations under the legislation to consult with the minister on that.

MS LEE: What was the selection criteria, and what was the weighting of each?

Ms Leigh: It might be better if I provide that in writing. They were relatively standard selection criteria, reflecting senior executive appointments, but also recognising the specific nature of this role.

MS LEE: Okay, so you will table that. Finally, was it a unanimous decision of the panel?

Ms Leigh: Yes, it was.

MS LEE: Thank you.

MR BRADDOCK: I have some questions about the Built for CBR website branding. I just want to know how that was approved, as it deviates from the normal ACT government branding?

Mr Barr: No; it does not. There is no normal ACT government branding. We have different branding for different campaigns, and the process is one that ultimately comes through my office, as I am the responsible minister.

MR BRADDOCK: Fair enough. Do you worry that it might be construed as being too closely aligned with one political party and be politicising the ACT public service?

Mr Barr: No.

MR BRADDOCK: As a branding?

Mr Barr: No, I do not.

MR BRADDOCK: White text on red squares and the same colour fade towards the bottom of the page; it all looks very similar.

Mr Barr: No.

MR BRADDOCK: I think we will have to agree to disagree on that one, then, Chief Minister.

Mr Barr: Sure. By all means.

MS LEE: Chief Minister, was the design outsourced, and what was the cost of it, if it was?

Mr Barr: I do not believe so. I understand it was undertaken in-house, but Ms Johnston may be able to confirm that.

Ms Johnston: I have read and understand the privilege statement. The branding for Built for CBR was developed in-house.

MS LEE: Is there a cost associated, or a breakdown of how much that would have cost, done in-house?

Ms Johnston: No.

MS LEE: Okay. How long did it take?

Ms Johnston: I do not know exactly how long the actual development of the branding took. There was a series of iterations and discussions about the effectiveness of the branding over a period of perhaps a couple of months, but obviously the people working on that were not working on that only; they were doing other work as well.

MS LEE: With those other iterations, do you have copies that you can table and provide to the committee?

Ms Johnston: I do not have copies with me. No, not today.

MS LEE: Is that something you can take on notice?

Ms Johnston: Yes.

MS LEE: Thank you.

THE CHAIR: I have a supplementary question on that. It was developed in-house—is that correct?

Mr Barr: Yes.

Ms Johnston: Yes.

THE CHAIR: Who managed the printing and distribution of that?

Mr Barr: I think it is mostly a digital branding. It is for infrastructure, so any printing would largely be around the hoardings on projects rather than on paper.

THE CHAIR: Where was that branding used—on what mediums, what materials?

Mr Barr: Where?

THE CHAIR: Yes—like, electronic or anywhere.

Mr Barr: It is used on websites and in social media.

THE CHAIR: Which websites?

Mr Barr: Government websites.

THE CHAIR: On government websites?

Mr Barr: Yes.

THE CHAIR: Is it used anywhere else apart from websites?

Mr Barr: Social media.

DR PATERSON: Chief Minister, on page 119 of the outlook there are budget funds for the continuation for the Office of the Coordinator-General for the Whole of Government (Non-Health) COVID-19 Response for another year. I was just wondering how the office is evolving as the pandemic is evolving.

Mr Barr: Ms Croke will talk to this.

Ms Croke: I have read and acknowledge the privilege statement. The role of the coordinator-general has been in place since March 2020, and I took that role on in April 2021. The function of the office and the function of my role is to bring together the rest of the public service to support the Chief Health Officer and the Health Directorate and Canberra Health Services, and executive and government, in response to COVID.

I will give a couple of examples of the things that we have done. We have worked with the ANU to establish a quarantine arrangement as a facility that we call “lazaretto”. We have looked to assist with the distribution of RATs and RAT testing in our library footprint across the ACT. We now stand ready, for example, to support any response to monkeypox or Japanese encephalitis virus. It is a mechanism where every deputy director-general across the whole service comes together twice a week at the moment—it was daily when we were in the outbreak last August—to work together to make sure that we are doing everything we can to support the CHO in her decision-making.

DR PATERSON: I imagine that in March 2020 the workload was significant. Is it less intensive now?

Ms Croke: It absolutely goes through waves, and it matches, really, the waves of our case numbers. In August last year it was incredibly busy. It was a seven-days-a-week role, and we were bringing together the coordinator-general group every day. It is not like that now. As I said, we are coming together two days a week at the moment. It really does depend on how much the Chief Health Officer is looking for the rest of the public service to come together to make sure that we are working in sync with her. So at the moment, it is certainly not as busy as what it has been in the past.

DR PATERSON: What do you think have been the greatest challenges in terms of this role as coordinator?

Ms Croke: I would probably characterise them more as opportunities. One of the things that we have really been able to demonstrate is that, as a service, we really do operate on a one-service approach. Having that ability to convene every directorate to come together, all working to the same objective—which is to protect the community from COVID as much as we can and ensure that our health system is able to cope with the case load—has been an opportunity where we have been able to demonstrate, every day, the one-service approach.

DR PATERSON: I have a final supplementary. This has been a health emergency. Do you think there are lessons from this if, in the future, there were other types of crises?

Ms Croke: Yes, absolutely. One of the things that we have been paying attention to is foot and mouth—the virus that is in Indonesia at the moment in cattle, but would affect, significantly, our agriculture industry. We are thinking about that, but one of the other things we have started to do more recently is to look to leverage the coordinator-general group to coordinate, for example, the Assembly business and the legislation program. So we come together and think about that to make sure that we are all working together to support the Assembly.

MS LEE: Ms Leigh, can you give us an insight into the qualifications or experience of Mr Ramsay that led the selection committee to offer him the role? Based on what we know publicly of Mr Ramsay's CV and work experience, it is a little bit hard to tell how he was successful out of 24 candidates.

Ms Leigh: Thank you, Ms Lee. As I said, the panel had a set of selection criteria that we assessed each candidate against. Obviously, we were looking for a breadth of expertise. It is the head of an organisation. Obviously, cred in the subject area is important, but so is the broader capacity to lead an organisation. We worked through those selection criteria against the capabilities and experience that Mr Ramsay offered to the panel, as we did against all of the other candidates.

MS LEE: Which is? Can you go into more detail about what Mr Ramsay offered?

Ms Leigh: I think I would need to take that on notice, Ms Lee, because I do not have those documents with me.

MS LEE: As I understand it, Mr Ramsay was an executive minister at Kippax Uniting Church from 1997 to 2016. Then he was elected to this place and held the arts portfolio. Have I got that right?

Ms Leigh: Ms Lee, I do not have all of those documents with me, and that selection process was some time ago. So I think it would be more helpful to the committee if I were able to take that on notice.

MS LEE: In terms of the 23 other candidates that applied, without giving any confidences away, can you provide to the committee a broad summary of some of the other experiences of those candidates?

Ms Leigh: I could simply take that on notice, Ms Lee, but I will look to what I could appropriately provide. It is an unusual situation to be asked by a committee to talk about a public service employment process. Normally one would not go into the details of such a process, so I will take on notice to look at what I could appropriately provide, and be as helpful as I can be, but within that constraint.

MS LEE: Thank you. I understand that, but, at the same time, we are talking about a former minister. In making your decision, did you give any consideration to the ministerial code of conduct, which says, on page 8:

On leaving office, Ministers should be conscious of the potential for allegations of conflict of interest or controversy to arise in the event that they take up other employment in an area over which they have held ministerial responsibility.

Did that come into your consideration or thinking?

Ms Leigh: I think, first of all, that that is directed at ministers.

MS LEE: I understand, but I asked whether that had been considered by you in making the selection.

Ms Leigh: Secondly, the panel looked at every candidate objectively and what they could bring to the role, and it made an assessment on that basis. I can assure you that there was no implication that somebody would have some benefit from having been a minister.

MS LEE: Just now you mentioned that there is no implication of him having benefited from having been a minister. If you exclude that, then the only experience in terms of work is that he was a minister in a church.

Ms Leigh: I think, Ms Lee, it depends on the implication you are drawing from those comments. You presented me with the code of conduct and said that ministers should not benefit. I think there is a distinction between that and simply the experience, skills, and expertise that they would have from that, which I do not think should be discounted.

DR PATERSON: My question is in relation to how Mr Ramsay's appointment was received in the broader community after he was appointed.

Ms Leigh: My understanding is that it was well received.

MS LEE: Was the government document from April 2021 *Governance principles—appointments, boards and committees* applicable to this role?

Ms Leigh: I think that this is an appointment as CEO, so probably it is more appropriate to look at the actual CFC legislation and the FMA Act. That is where I would start.

MS LEE: Thank you. Ms Leigh, when did you first become aware that Mr Ramsay was intending to hire his former chief of staff in a new role that he created, once he became CEO, of chief of staff?

Ms Leigh: The CEO of the CFC has employment powers in relation to the entire CFC. So it is not a matter that comes to me.

MS LEE: But when did you first become aware of that? Was that notified to you when Mr Ramsay was applying for his role?

Ms Leigh: No.

MS LEE: In terms of that chief of staff role, did Mr Ramsay, at any point during his own recruitment, talk about the need for a chief of staff?

Ms Leigh: Not as far as I can recall.

MS LEE: Just going back to the time frame that you talked about, the contract was signed on 9 November, but you said that the interviews took place on 27 July.

Ms Leigh: That is correct.

MS LEE: That is quite a few months. When was Mr Ramsay notified? Was it 9 November that he was notified?

Ms Leigh: I will just check my notes again, if I may, but I believe that that was the actual signing of the contract.

MS LEE: Right. So when was he actually notified?

Ms Leigh: I would have to check that.

MS LEE: You will take that on notice?

Ms Leigh: I am happy to take that on notice, yes.

MS LEE: Can you also take on notice, then, the reason for the almost three months between the interviews taking place and the contract being offered.

Ms Leigh: I am happy to do that. It might seem like a long period, but it is not actually an unusually long period between interview—by the time you step through all the

processes of referee comments and discussions with the committee to settle on outcomes, and then actually make the offer and get to the point of actually signing the contract. It might seem like an extended period, but it is not actually that long.

MS LEE: I understand. What was Mr Ramsay's classification and salary upon appointment? Is that different now, and how does that differ to the previous CEO?

Ms Leigh: The position is, as I mentioned, a public service position. It has a set level. The level that Mr Ramsay was engaged on is identical to the level that Ms Elvin was engaged at. And that continues to be the case; it has not been changed.

MS LEE: Does Mr Ramsay get a travel allowance as part of his role? If so, can you tell the committee what that is?

Ms Leigh: In terms of travel allowances, each part of the public service sets its precise arrangements. That is under the financial instructions. My understanding—I am sure this can be checked—is that the CFC has its own directions on that, but they pretty well mirror the CMTEDD directions.

MS LEE: Does that include accompanying staff, when he travels?

Ms Leigh: That would need to be checked. I think normally you do not so much have accompanying staff as staff that you travel with according to whatever the needs of a meeting are.

MR BRADDOCK: We are operating under a very tight labour market at the moment, so I would be interested in the risk to government service delivery through vacant positions which we are unable to fill or which are taking an excessively long time to fill. Are you able to provide me with some figures in terms of how we are tracking in terms of the number of vacant positions? How long are we taking to fill them? How much of a risk does this pose?

Ms Leigh: Yes, certainly, we can take that on notice, but I would say that I am really proud of the standing that the ACT public service has, and I think we are an attractive employer. I think people feel valued when they work in the ACT public service, and are motivated both to remain here and to apply for jobs here. I think a lot of the terms and conditions that we offer in terms of flexibility of work are attractive and, while Australia-wide there are certainly pressures in the jobs market, I think we are in a good position to maintain our employment in the ACT.

MR BRADDOCK: Are there any functions or government services where you see risk to the effective delivery of that service due to vacancies or difficulty attracting people?

Ms Leigh: I would not say that there is a risk to effective delivery but, of course, we reflect the general pressures in the employment market in terms of areas where there is strong demand.

MR BRADDOCK: For example?

Ms Leigh: ICT across Australia is an area where there is strong demand, but I would

not say that we have a risk in that area.

MR BRADDOCK: Okay; thank you. Yes, if you could please take those on notice I would appreciate that.

DR PATERSON: I would like to talk about the Capital of Equality Strategy, noting the commitment in this budget of \$3.7 million over the forward estimates. Will this funding include an extension of the capital of equality grants?

Mr Barr: Yes; it certainly will. The grants program has been a very effective way of engaging the diversity of the LGBTIQ+ community. Over the years the program has been running, it has supported a really important level of community engagement and connection, and opportunity for community participation from sections of the Canberra community who have, prior to this, not felt particularly connected. I think that for a relatively modest grants program it is achieving some really important outcomes for the community.

DR PATERSON: Thank you, Chief Minister. What kinds of projects have received funding through past rounds of this program, and how has the funding been spread across the community more broadly?

Mr Barr: That is an excellent question, for which I do have an answer. I will find it right here. The last round of projects included everything as diverse as Queer Zumba to funding for A Gender Agenda; Hockey ACT; the Wanniasa school community; a Safe Haven project; and a trans and gender-diverse book club.

DR PATERSON: Excellent. Action 16 of the 2022-23 strategy outlines the establishment of a whole of government data collection framework for sex, gender, sexual orientation and sex characteristics based on 2020 ABS standards. What is hoped will be achieved with the collection of this type of data in this action item?

Mr Barr: Visibility and being counted is important, firstly, to being recognised, and for government to be able to tailor programs and services to meet the needs of diverse communities. One of the common themes in our engagement in this area has been a lack of data and understanding of the diversity of issues and service delivery needs for this section of the community. The action plan is a response to that frequently raised issue. As a general statement, most areas of public policy are improved by the availability of data and there is a capacity to target programs and resources most effectively when you have that sort of informed data to make those decisions.

DR PATERSON: This is my final supplementary. We spoke in a different hearing about your discussions with the federal minister around ABS data collection. Will the collection of this type of data be something that you will also discuss with the new minister?

Mr Barr: Yes. The question of what questions are asked in the national census is an important one, and the next opportunity to frame the questions that will be asked for the 2026 census is now—and beyond 2026 to the 2031 census, if there are some particularly new areas that we may wish to gather information on. There certainly is an appetite for more data collection but then there is a counterbalance around personal

privacy. There are some questions that might be easier to ask in order to elicit information, but it has always been a curiosity to me that we have asked about people's religion—we feel very comfortable asking those questions—but we have felt less comfortable asking questions about sexuality. I guess there is historic precedence for that, but the argument is that the reason that the religion question is asked is around planning for services. I do not think it serves any other benefit. I suspect that those same criteria could be applied to seek more information around the diversity of our community.

DR PATERSON: On that, what does the ACT government use the religious data from census for, if anything?

Mr Barr: I think it would potentially inform some decisions around access to community-zoned land for places of worship. That would probably be its most practical use in our context. Otherwise, it tends just to be fodder for newspaper columns about which religion is on the rise, and it has generally been the case that most religions are on the fall, and that atheism and agnosticism is certainly the fastest growing in the Australian population. I guess the only other purpose it serves is to show that this community, the ACT, is the least religious of all the Australian states and territories.

MS LEE: Ms Leigh, when did you first become aware that Mr Ramsay was applying for this role?

Ms Leigh: When I received the applications; that is my recollection.

MS LEE: In terms of the advertisement that you talked about, where was it advertised?

Ms Leigh: It was obviously in Jobs ACT, where we put all public service advertisements, but we focused on the arts publications that would have the broadest reach into the arts community. The most significant one is called *ArtsHub*. That is a national digital publication that is, to my understanding, broadly known to the arts community. I took advice from Ms Elvin in relation to where people would be most likely to see our advertisement.

MS LEE: Of the 24 applications, do you have a breakdown of how many were local and how many were interstate?

Ms Leigh: I would have to check that for you, but there was a mix.

MS LEE: It was a national recruitment drive?

Ms Leigh: Yes.

MS LEE: I just want to go back to what you said earlier about Mr Ramsay's experience as a minister. Could you provide more of an explanation of, on the one hand, saying that he did not receive any benefit out of it as a minister but, on the other hand, his experience as a minister counted?

Ms Leigh: Any selection panel looks at what each candidate brings to the role. That can be derived from formal qualifications, it can be derived from the capabilities they

have gained through their past experience, and it can be gained from indicators of capabilities in what you might call people skills. You can put out a range of types of capability. Obviously, most people who are applying for higher level jobs have substantial experience behind them and that experience has been part of what has equipped them with the capabilities they have.

I think it would be wrong not to take into account the capabilities that somebody has gained through all of their previous work life, including as a minister. It is about the capabilities they then can bring. That, to me, is completely different from saying that somebody would get some benefit simply because they were a minister, as opposed to what capabilities they have gained through that role.

MS LEE: I understand. In terms of capabilities, in talking about Mr Ramsay, he had been a Kippax Uniting Church minister for a long period and then had had four years in this place as a minister. As I understand it, there was a brief stint in the Chief Minister's office and a brief stint heading up the Alliance for Gambling Reform. Is that a good sum-up of Mr Ramsay's experience and capabilities?

Ms Leigh: As I said before, Ms Lee, I do not have those papers with me. I really would need to consult them to refresh my memory on exactly what the full career history was. Also, as I mentioned before, I do start to feel a little uncomfortable about discussing in great detail what is essentially a public service appointment.

MS LEE: I understand that, but we are talking about a former minister. I acknowledge that the ministerial code of conduct is obviously for ministers, but did you, as Head of Service, give some consideration to the fact that this is a highly paid appointment, a public appointment, and it is going to a former minister, and what that might look like?

Ms Leigh: For any public service appointment that I make, I am acutely aware of the standing of the person who is being appointed and how that will be received. I am acutely aware that I need to make sure that all of my appointments are appointments that people will consider to be good appointments that strengthen our public service. So I apply exactly the same standards to every single appointment, including this appointment.

DR PATERSON: In respect to the fact that the previous CEO was in the position for 24 years, how important did you see this new appointment as being, going forward, for the Cultural Facilities Corporation?

Ms Leigh: Extremely significant. Ms Elvin had standing in that community. She had led the long-term development and strengthening of both that organisation and that role. We needed to make sure that we were appointing, as I said for any appointment, the best possible person, the person who would start at that point and build it further. It is absolutely important.

MS LEE: Ms Leigh, I am going to move to a new topic. I refer to section 9 of the ACT Public Sector Management Act, which obliges public servants to disclose any maladministration, fraud or misconduct. In your time as Head of Service, how many times have there been disclosures made under that section to you?

Ms Leigh: I would need to take that on notice, Ms Lee. Which particular piece of legislation were you referring to?

MS LEE: Section 9.

Ms Leigh: Disclosures under the Public Sector Management Act. I would need to take that on notice. Did you ask for it for the entire time I have been in my role?

MS LEE: Yes—since 2014, as I understand it.

Ms Leigh: Yes; that is correct. That will take some checking to make sure that I am able to give you accurate advice on that.

MS LEE: Sure. I understand. Over the last year—just the last year—have there been disclosures made?

Ms Leigh: Under the Public Sector Management Act? I will check whether Mr Wright is able to provide the current data.

Mr Wright: I acknowledge the privilege statement provided. I do not have that detail in front of me, Ms Lee, but I am happy to take it on notice.

MS LEE: Thank you. Ms Leigh, yesterday the head of Major Projects Canberra was not able to recall whether he had made a disclosure to you under this section. In particular, I think he referenced the Campbell Primary School procurement. Are you able to shed any light on whether that indeed was disclosed to you?

Ms Leigh: Ms Lee, I will start by very respectfully saying that I would not want to be seen to endorse the statement that Mr Edghill said he could not recall. I will leave it to the *Hansard* to show exactly what he said.

MS LEE: He took it on notice, though.

Ms Leigh: My understanding was that he took it on notice, which might suggest a different—

MS LEE: Okay. He took it on notice. Do you recall? Have you received a notice of disclosure?

Ms Leigh: In relation to—

MS LEE: The Campbell Primary School modernisation procurement.

Ms Leigh: The difficulty I find myself in here, Ms Lee, is that, under the Integrity Commission legislation and under the notifiable instrument that goes with that, you are prohibited from disclosing any notifications you make to the Integrity Commission. So I find myself in quite a difficult position with any of these questions because, obviously, if I receive a notification, then I go through certain steps to decide what to do with it. The moment I start answering your question, I end up in a difficult place.

MS LEE: All right. Can you provide the committee with an instance of where a disclosure has been made to you and there have been code of conduct investigations?

Ms Leigh: Under the Public Sector Management Act again?

MS LEE: Yes.

Ms Leigh: I will have to check exactly what I could provide to you on that. As I think you are rightly identifying, there are considerable overlaps between all of these procedures. They often get referred backwards and forwards. Sometimes something gets settled in one place that might have arisen somewhere else. So I would need to check that. It is not a straightforward question.

MS LEE: I understand. As Head of Service, who do you report any maladministration, fraud or corruption to?

Ms Leigh: Who do I?

MS LEE: Yes.

Ms Leigh: In any given case, I need to assess what the nature of the complaint is, whether it is something that perhaps is completely frivolous and has no content; whether it goes more to something that I would refer to the Public Sector Standards Commissioner; or whether it is something that is so obvious I would refer it to the Integrity Commissioner. Something that is unclear but is not frivolous I might refer to the Public Sector Standards Commissioner to ask for some further assessment so that that can be clear. As I said, there are overlaps, so there are arrangements where the Public Sector Standards Commissioner might then either come back to me or make a decision to refer it on to another body. It depends, in each case, on the nature of it and then the outcome of those steps that I would go through.

DR PATERSON: Depending on the nature of the complaint, do you feel that you do have the right and appropriate avenues for advice on the different types of complaints?

Ms Leigh: Yes. The arrangements have been refined over time. The Integrity Commissioner has endeavoured to streamline arrangements. There are a number of different bodies, the Public Sector Standards Commissioner being one of them. There are overlaps as to what might be maladministration or misconduct and what might be serious corruption. The arrangements have gradually been streamlined to make it more straightforward.

DR PATERSON: Given that the Integrity Commission is a relatively new body, how has that changed the thinking and engagement with compliance for notifications that you do receive?

Ms Leigh: The new policy developments over that period endeavour to make the process more streamlined. There were changes to the PID arrangements so that we had a clearer pathway. That has assisted. And there are the practical, on-the-ground arrangements that people have started to develop as experience has grown.

DR PATERSON: Thank you.

MS LEE: Ms Leigh, I know that you explained the various ways in which you deal with it, but that seems like when it is reported to you. This question is: have you observed and subsequently made those referrals, depending on what it is, on any maladministration, corruption or fraud?

Ms Leigh: I think that takes me back to the comment I made earlier, that, under the Integrity Commission legislation and notifiable instruments, one is not allowed to discuss publicly anything that one has referred. So the moment I start answering your question I find myself in a difficult position. It becomes clear pretty quickly that either I say no—in which case, the next time you ask me and I refuse to answer, I must be saying yes—or I simply explain the difficult position now.

MS LEE: You are taking on notice the number of times that reports of disclosure have been made to you. Whilst you are taking that question on notice, can I ask you to also provide, without going into any confidences or specifics, the different breakdowns of where they have gone to—for example, two went to the Public Sector Standards Commissioner or three went to the Integrity Commission; that type of breakdown?

Ms Leigh: I will take that on notice. Thank you.

MS LEE: Thank you.

MR BRADDOCK: In terms of LGBTIQ, this year the government called for reform of the process by which decisions are made about the necessity and deferability of medical interventions on people with variations in sex characteristics. Can you please describe for me the work that has been undertaken to improve the psychosocial safety and wellbeing of people with variations of sex characteristics, alongside this reform?

Mr Barr: Yes. It has been a program for at least two years of detailed engagement with clinicians, human rights advocacy organisations and intersex community representatives. That process has led to a consultation paper and a series of more specific questions to inform a piece of legislation. We are not far off that legislation coming into the Assembly. The area that we are focusing on now is the regulations that sit alongside the legislative framework. We go into some detail about the types of medical interventions that would be prohibited until the individual was able to provide consent themselves. It is a complex intersection of human rights with medical and clinical decision-making and obviously brings into question parental rights as well.

In the end, the intent is to settle on an agreed list amongst all of the interested stakeholders of deferrable medical interventions that could be made at a later date, with the consent and active understanding of the person the medical procedure would be performed on. There are some issues that might arise at birth where, for understandable medical reasons, a clinical intervention is required. There are others where it is quite straightforward that those decisions can be deferred until later, and then there are those that sit in the middle. There are also degrees of particular medical conditions—severity or otherwise—that may or may not need medical intervention at birth or soon after.

Working through that fine detail is the stage that we are at now. But the legislative

framework is nearly there and I would anticipate being able to bring forward legislation if not by the end of this year, then in the first sitting weeks of 2023, but I think we are still on track to be able to do that this year.

MR BRADDOCK: Do you envisage any supports that need to be in place as part of the implementation of that legislation?

Mr Barr: Indeed, yes. There is a new initiative in the budget papers that seeks to address those needs for community education and engagement with clinicians as well.

DR PATERSON: My question is to Ms Leigh on the flexibility of the public service. You have led the ACT public service through the very interesting past couple of years. As a starting point to my question: where are you up to in terms of the mix of working from home and managing the COVID risk at the moment?

Ms Leigh: Thank you. I think it has been one of the silver linings of COVID. There have not been many. It really has demonstrated how flexible we can be as a service. There were lots of arrangements that were theoretically available before COVID—part-time work, even working from home—but the amount of flexibility was not as widely used as we suddenly found ourselves having to do during COVID. It was really pleasing to see how seamlessly we moved, whether it was staff who could work from home, or whether it was having more flexibility about hours so that people were managing all the things in their lives, and really shifting the focus to outcomes, which is where, of course, all good management should always have been. We really do not know, just by the fact that somebody is sitting in front of us, how efficient they are being. Really, the only way to judge that is by the outputs and outcomes that are delivered, and when you look to that it does not matter where people are.

So COVID has really proven to us that we can be an efficient public service while offering the benefits of flexibility to our staff. While we are all keen to shed some of the downsides of COVID, I am really keen not to lose some of the things that we have discovered we can do well. That might be people choosing to work from home on certain days of the week or certain hours of the day. Whether that is because that fits with their personal responsibilities to their children, for example, or whether it means that they avoid wasting time in our half-hour of peak traffic, or whether it means that they can share a car with someone else so that they do not need two cars on the road. There are lots of reasons why individuals—everyone has a different personal life—might find an advantage to having more flexibility as to whether they are in the office and when. Offering that flexibility with no loss in our productivity and outcomes, I think, is one of the great things that, as a public service, we can use to keep attracting people to the ACT.

People forget that it was actually not that long ago that everybody coming to work in one big office was not the norm. It became the thing to do because it was efficient for large organisations to have one corporate area servicing a lot of people. But with digital you do not need them to be in one place to do that. We really do need to think about how we are moving forward. I am really keen for the ACT public service to be at the forefront of that and to grab some of the advantages of being at the forefront.

DR PATERSON: Reflecting on the past couple of years, what do you think are the

shifts in culture in offices, and the positives and negatives of that?

Ms Leigh: One of the great things has been the fantastic new buildings that we have. Right here at 220 London Circuit, the flexibility of people being able to move around and sit according to the work they are doing and who they are working with really helps to strengthen that one-service approach. I think working remotely helps that. It does not matter where you are. You can all be instantly in the same meeting.

It is also about being able to work in different offices. We are in the process of making it much easier for staff not necessarily to have to go to their home office but perhaps to go to a location closer to their home or where they have personal commitments. If people start to think about their work as being the outcomes they achieve, not the place they sit, I think we will be shifting attitudes to driving better outcomes and people working across the service according to the particular task that they are tackling.

DR PATERSON: There was some funding in the budget—I am not sure whether it was last year or this year—for flexible working hubs. I think there were a couple around the city. Is that something that you are encouraging?

Ms Leigh: Yes, very much. And, yes, there is funding in the current budget for that. It has been an iterative process. We have, as I mentioned, 220 London Circuit and the Dickson office block. We are working to have a hub in Tuggeranong. We already have an office block in Winyu. We are looking to free some of that up to enable staff to work there from time to time and, similarly, at Belconnen. There are real opportunities to provide a range of options according to the work people are doing and their personal circumstances.

The other thing which also supports our staff is the new family friendly workspace that we are finalising in 220 London Circuit. Again, it is sending the message to our staff that we value them and we value the outputs. If they have a need to have children with them, then there is a space where that will work. They can continue with their work and engagement with colleagues if they need to be in the building and be able to manage their responsibilities for their children at the same time.

DR PATERSON: In terms of that family friendly space, particularly for women's participation in the workplace and in the ACT public service, do you think initiatives like that will support that?

Ms Leigh: Absolutely. And, I hope, for men as well.

DR PATERSON: Yes.

Ms Leigh: I would also say that, going back to the earlier question about pressures in the workforce, that is something that we can offer. People who might feel that they can only work part-time because of their caring responsibilities might find that they can actually work full-time because of the flexibility we offer and the child friendly spaces.

MS LEE: Ms Leigh, regarding the 2021 ACT public service staff survey, of the 5,664 employees that completed that survey, six per cent said that they have witnessed corruption. That is 340 people who have witnessed corruption. If you extrapolate that

from the entire ACT public service, from that sample that is about 1,500 employees. That is a pretty significant statistic. What action have you taken to ensure that you address those significant concerns?

Ms Leigh: Thank you, Ms Lee. Integrity is of course of the utmost importance in our public service; absolutely. It is something that I take extremely seriously. And, yes, we continue to put in place policies, procedures and arrangements to underpin the behaviours that we expect of our staff. In fact, just this year, in May, we revised the entire ACT public service integrity policy and framework. I might ask Dr West to talk a little more about that.

Dr West: I acknowledge the privilege statement. Over the course of the past 18 months we have reviewed our entire integrity framework and reissued and upgraded the policies that, in combination, fulfil that framework. We have reissued a new integrity governance policy. We have looked at assessing integrity risk—providing guidance to employees and supporting the development of policies and processes to strengthen integrity.

We have updated the code of conduct to reflect the key values and behaviours in discharging responsibilities. We have also provided greater guidance for decision-makers to help them provide general support, to help them make decisions with integrity and to help them understand the obligations. We have provided further direct advice and direction to directorates to help them raise awareness around what good governance and integrity looks like.

MS LEE: Thank you. You mentioned that it was over the past 18 months. I understand that this survey was taken in November last year. What was the work that was done prior to this survey out of the list that you have just gone through?

Dr West: The survey was conducted at the mid part of last year. This body of work has taken some time to complete. This was the first major review since 2010. Working off the back of an audit that was undertaken by the Auditor-General, and in partnership, we decided to go through and refresh all of the materials.

Going through an extensive consultation process with all of the integrity partners—the Integrity Commission, the Public Sector Standards Commissioner, directorates and other stakeholders, the servers, for example—we systematically went through the entire suite to update it and refresh it so that it was contemporary and reflected practice in 2022.

MS LEE: Are you able to outline any specific work that was done as a direct result of this survey or the results of this survey?

Dr West: In regard to integrity itself?

MS LEE: Yes.

Dr West: The results of the survey, the results you are quoting, are whole-of-service levels. Each directorate has access to their own results through a portal, which provides a breakdown of their results. We then work with directorates to review that and to look

at their own practices and procedures, and we work with the servers and their corporate areas to ensure that their policies are contemporary, up to date and reflect good practice.

MS LEE: That would also include Major Projects Canberra, no doubt. I am a bit confused, because yesterday, when asked, Mr Edghill said there really was not much he could do because it was an anonymous survey.

Dr West: It certainly provides you with trends and insights. Depending on the number of respondents in a particular area, and understanding that privacy is important to those who complete the survey, it points to areas that we would ask the directorates to inquire into further—to ensure that they can respond to their staff and they have reviewed their policies and practices.

MS LEE: Is there a survey—has it been done, or is it planned to be done—for this year?

Dr West: The survey is undertaken every two years. The survey you are referring to was the first time we have ever undertaken such a survey, or the first time in many years.

We are hoping to undertake it in March next year, and with an expanded coverage to the number of directorates who were not able to participate in the first survey. Then we will build on the insights from the learnings, and that will give us a baseline.

In effect, the first survey provided a baseline. With the passing of time, hopefully, we will see improvements or other insights from the survey.

MS LEE: In terms of the survey that was taken last year, I think it was about 10,000 that were invited to participate, which is less than half of the entire ACT public service. How were the invitees chosen?

Dr West: From the participating agencies—and at the time we made the conscious decision to hold out from CHS and education because the teachers have their own quite extensive survey process and CHS was going through various surveys of its own—there was about 10,000 who were in scope. We had roughly a 60 per cent participation rate, which for the first survey of its kind we were really comfortable with. It provided really valid insights into employee perspectives, so we were comfortable with the legitimacy.

With participating directorates we asked them to provide to the survey provider a list of the employees who were covered by their participation. For CMTEDD we would have provided a list of all the employees we sought to participate, which was all of CMTEDD. Education, for example, had their administrative staff participate, though not their teachers. We went through a process of identifying who would complete the survey.

MS LEE: In terms of the answer to that question where it was six per cent of the ACT public service. MPC yesterday confirmed that, I think, their result was four per cent. Do you have an update on the directorate or agency that was higher than six per cent?

Dr West: I do not have that with me, but that is something that I could take on notice. It is important to understand that this is a perception of concerns rather than a matter

that has been validated. One employee or several employees could be reporting on or reflecting on a single event.

MS LEE: I understand, but the question is fairly straight and quite clear. It says: “have you witnessed corruption?” as opposed to “do you have a concern about it?”.

Dr West: Yes, indeed. Again, people’s interpretation of what corruption is, or corrupt conduct is, varies dramatically. Depending on their experience and what they have seen, they internalise it differently. The idea of asking these questions is to give us insight as to where we might focus further attention or training, education and policies. It does not necessarily flow through when you look at referrals to the Public Sector Standards Commissioner—matters of integrity are not high in the numbers that flow through to him for review and investigation.

MS LEE: Is that of concern to you: that you have got a fairly high percentage of people saying that they have witnessed corruption but that does not flow through in terms of actual reporting?

Dr West: There are numbers that do flow through. Again, it goes back to how people interpret it and what they have seen. Someone might say, “I did not win this job, therefore the process was corrupt.” Their interpretation of an event that has impacted them they might see as corrupt. There is a little bit of greyness in how we define that. It is not as specific as you will find in the Integrity Commission Act, and so forth.

MS LEE: Yes, I understand.

Dr West: I think that needs to be taken into consideration. It might be that someone got access to a training program and someone did not, and they thought that was unfair. So there is a little bit of that that we need to read into the result. Those results are not necessarily higher than other jurisdictions. Most jurisdictions trend at about the four per cent mark, overall. We are within the realms of what we would expect.

DR PATERSON: Can you detail what you do with the insights of this survey?

Dr West: Thank you, Dr Paterson. We have taken a process of reviewing the key themes that have come out of that survey, and there are probably two lines of inquiry, or perhaps three. One has been to work with every directorate to teach them how to explore the portal, to interrogate the information that is relevant to their directorate and to encourage them to take that forward and pull that apart. This was a very wideranging survey that looked at all sorts of things from engagement, commitment, leadership, behaviour, effort et cetera. There are a range of actions that every directorate has taken upon themselves.

We have also fed that information into reviews such as the review into respect, equity and diversity that we have undertaken to gain an insight into how our different diversity groups feel—how committed they are and how engaged they are, and also to bring to the surface issues they might be experiencing across the workforce. Then, at the centre level, at a macro level, we have undertaken a deep dive into 11 strategic areas that we wanted to put more emphasis on and focus on. Through the course of the past 12 months, we have undertaken that work and had discussions with directorates, our key people,

forums and the strategic board.

DR PATERSON: I have a supplementary question. I am wondering if it is possible to detail some of those 11 key areas that have been of particular interest—not all of them necessarily but just a couple.

Dr West: Sure. The deep dive into diversity was quite interesting, and it was interesting for a number of reasons. It identified to us that the main diversity groups that we identified are actually all very diverse, so their experience in the workplace was quite diverse. That is important because that helps us frame future responses.

It also identified for us that some of our diversity groups are the most engaged and committed that we have. In our over-65 working group, part-timers are the most satisfied and committed working group that we have in terms of their sense of engagement and commitment. Aboriginal and Torres Strait Islanders—we had higher than the average levels of engagement and commitment from that group. In the LGBTIQ+ group we had great commitment.

It also flagged areas of learning and issues that we will need to delve into, and we have kicked-off other projects that will explore those in all of those diversity areas.

The gender report was another really interesting one to look at—gender and the results across gender. It reaffirmed the positive results we are seeing elsewhere in regard to gender, gender equality and the wage gap, which now continues to reduce to record low levels.

Then we looked at other things like leadership, supervisors and people's interaction with that, amongst the 11. I am happy to take on notice and give you the breakdown of the 11 pieces of work, if you like.

DR PATERSON: Thank you.

MS LEE: Dr West, in terms of the preparation for the survey for next year, I understand that you are probably still working on it. Can I ask whether you are going to be including in that survey the same question about witnessing corruption so that there is an apples-to-apples comparison?

Dr West: Absolutely.

MS LEE: Thank you.

THE CHAIR: In the ACT public service there are targets for Aboriginal and Torres Strait Islander people's employment. I am wondering: are there any employment targets for people with disability in the public service?

Ms Leigh: Yes, there are, Mr Milligan. I might ask Dr West to go into the detail on this point.

Dr West: Thank you for the question. Again, off the back of the survey that we have just discussed, one of the deeper dives went into the representation of Aboriginal and

Torres Strait Islander employees, and people identifying with a disability within the service. In both of those areas our rates were quite high and representative of the community; but, as an outcome of that work, the strategic board decided to set a clear target for both of those groups—that is, to raise Aboriginal and Torres Strait Islander representation to three per cent by 2026 and people with a disability to five per cent by 2026.

A number of directorates are already scoring above both of those rates. At a more local level, we see different scores, but they are all the government targets that we have now established.

THE CHAIR: So a three per cent target for Aboriginal and Torres Strait Islanders and a five per cent target for disability. Are you reaching those targets generally? What are those targets in terms of specific departments? Are there some departments where you are just not meeting the target at all?

Dr West: The two targets I have just given you are stretch targets for the service to achieve. Prior to the new target, we had a two per cent target for Aboriginal and Torres Strait Islander employees, which we had met for a number of years. At least one or two directorates exceed that by quite some way by the nature of their workforce. They might have a number of jobs where they have high levels of Aboriginal and Torres Strait Islander staff, for the rangers perhaps in EPSDD and other positions. They have much higher targets, but that is at a local level. These are global whole-of-government targets.

The disability target is an increase from 2.9 per cent, effectively three per cent, to five per cent by 2026. We have been meeting that target; so, again, we have met the targets we had established for ourselves and now we are seeking to go beyond that.

THE CHAIR: You may have to take this question on notice. Are you able to provide a breakdown of the levels of the two employment targets—what levels the Aboriginal and Torres Strait Islander people are employed at and what levels people who identify as having a disability are employed at?

Ms Leigh: Yes, we are happy to take that on notice.

MR BRADDOCK: I wanted an update on the gender action plans, which is one of [...*sound indistinct*...] appendix 2 items. Can you please provide me with an update on how those have been applied?

Ms Leigh: I might pass to Dr West.

Dr West: I believe the PAGA target was to introduce gender action plans from 2022-23. We have been in the process of consulting with stakeholders about the development of those action plans and how we will report on those going forward. I will just find my notes to see if there is anything more.

MR BRADDOCK: Are you able to also define what you will be using as larger public service entities? We helpfully did not define it for you, so I am interested in what definition you are utilising.

Dr West: I might need to take that on notice. Thanks.

DR PATERSON: My question centres around sexual harassment in the ACT Police service, your thoughts about the extent to which this is an issue, or not, and what you do to ensure that it is a safe workplace for people.

Ms Leigh: Again, it is a very serious issue. We have a number of general policies in terms of what is acceptable behaviour. That is underpinned by all of the standards in the legislation about how a public servant is to behave; our values include respect, which obviously goes precisely to this issue. Then, in addition to those, we have officers that people can go to to seek assistance when they do find themselves in that situation. In addition to supervisors and their human resources area, we have specific officers who people can go to to get support. That is all publicised on our intranet. Those are the key points I would make.

DR PATERSON: Is it an issue that is discussed regularly, brought up and seen as an issue?

Ms Leigh: There are a wide range of behaviour issues that I take very seriously and ensure we keep at the forefront and make clear they are unacceptable in our workplace. Obviously, one takes opportunities to highlight different types of issues and to make clear what is expected in our workplace. That will vary according to what might be topical at the time—or sometimes one takes advantage of particular United Nations days to remind people of the importance of our values. It does vary over time as to how much emphasis we might give to particular issues.

DR PATERSON: Does the Public Service collect data on the number of complaints of sexual harassment?

Ms Leigh: That is captured in the data that we collect. Mr Wright could probably talk to the CMTEDD data.

Mr Wright: Thanks very much, Dr Paterson. Within CMTEDD, as Ms Leigh alluded to, we have 19 REDCO officers. These are people to whom staff can come along to and report bullying and harassment complaints. We also have a RED executive culture champion at the executive level to promote that.

There is the update to the ACT PS integrity framework. It has been released and has an updated code of conduct. That code of conduct allows for increased employee agreements and understanding of their behavioural obligations. That is something we promoted out through email and other messaging to all staff. We have regular meetings of the REDCOs and also the champions, and we have training for those staff undertaking those roles.

In terms of complaints in 2021-22—and these are complaints obviously that we have become aware of—we had 15 complaints. That is not sexual harassment complaints; that is bullying and harassment complaints in total. They are predominantly reported through to HR teams. We take those matters very seriously and address them through our PA and investigation process, where there has been a view from the PA that there is a matter which requires investigation. So we take those very seriously.

DR PATERSON: Have any of those complaints—I do not know whether you can say this or not—led to a termination in employment?

Mr Wright: I do not have that specific information with me.

DR PATERSON: A final question in terms of the handling of complaints: do you review post a complaint process your policies and practice in terms of complaint handling?

Mr Wright: In terms of internal complaint handling, one of the reasons we have the executive champion is to encourage people that it is okay to come forward. It is also the reason why we have REDCO officers; so people have a means of coming forward which does not require them to go to their manager. We find that is a critical part of encouraging people to come forward in those spaces.

We do review cases after the fact and have case discussions around particular matters. We think it is a very robust process that we work through.

DR PATERSON: Thank you.

THE CHAIR: I have a question in relation to the *Our Canberra* newsletter. There are a few areas I would like some information on. Firstly, when was the newsletter first launched?

Mr Barr: A while ago. Many, many years. Trish, you know?

Ms Johnston: It commenced in 2016.

THE CHAIR: Just going to its production, is the design done in-house or is it outsourced?

Ms Johnston: It is done in-house.

THE CHAIR: Who is responsible for the distribution of the newsletter?

Ms Johnston: Australia Post.

THE CHAIR: Australia Post. Who does the printing? I'm not—

Mr Barr: You have a potential conflict of interest at this point!

Ms Johnston: CanPrint.

THE CHAIR: Excellent. Who is in charge of the editorial?

Ms Johnston: In terms of the content?

THE CHAIR: Yes.

Ms Johnston: There is a process that occurs across the ACT Public Service to identify articles that would be of interest to the whole community through *Our Canberra*. We collate those and they are approved in consultation with the Chief's office.

Mr Barr: Ultimately, I sign—

THE CHAIR: You are the editor-in-chief.

Mr Barr: Well, no. I sign off on a process where I submit it to the independent reviewer. It is my signature ultimately that goes to the independent reviewer for the independent reviewer to assess that it meets the requirements under the relevant legislation. Then, as far as I am aware, there are certainly not many changes made, because it is not a party-political document. The one thing I do have editorial responsibility for is the message from me.

THE CHAIR: Thank you. So that is why none of us have featured in it?

Mr Barr: It is not a brochure for MLAs. No. You can do your own.

THE CHAIR: There is obviously no requirement for authorisation on this, not like campaigning material, is there?

Mr Barr: No. The authorisation, as such, is that I submit a draft to the independent reviewer. One of the criteria the independent reviewer will be assessing against is: would this contain anything that would be within the context of the relevant electoral act?

THE CHAIR: I understand. There is the independent reviewer. Can you explain a little bit about that? 'Independent' is an interesting term.

Mr Barr: It is a position that was created under that legislation—that there would be an independent reviewer of all government advertising over a certain value. I believe it might even have been a private member's bill moved by Zed Seselja.

THE CHAIR: It makes sense! That is sensible then!

MR BRADDOCK: I am interested in how the developing framework has driven changes in budget decision-making, instead of being that optional add-on frame that is applied at the end of the process. Are you able to walk me through examples of where it has actually driven that change?

Mr Barr: Sure. Budget business cases now have to be prepared and assessed against the wellbeing criteria. So there is a sort of immediate change in that each one, each business case, seeks to demonstrate how it will improve one or more of the wellbeing indicators.

It would be difficult for me to give specific examples without disclosing expenditure review committee and cabinet consideration. I did observe in yesterday's Treasury discussion that one observation I could make, is that it has engendered more collaborative responses between agencies where there are jointly sponsored business

cases that seek to improve wellbeing. One example is the PACER initiative in emergency services, policing and health. There will be examples in social policy human services area. In many of the economic development proposals I have noticed a trend where they also advocate how they will improve a number of social outcomes, not just economic outputs.

MR BRADDOCK: Where to from here for the wellbeing indicators, in terms of really embedding them into the culture of decision-making—

Mr Barr: I think at a cabinet level and an ERC level, they are well embedded. I look forward to each—do I say I look forward to each budget round! I look forward to the continuation of the trends I have been seeing in the quality of business cases that come into the ERC process, and the engagement of agencies in genuinely looking at the data that is available and attempting to demonstrate that the new initiative, the public expenditure, would improve one or more wellbeing indicators. I think we are starting to see that becoming embedded in business case development.

I touched on this yesterday. I think there is an appetite for more data and sometimes more frequent data in some of the domains under the overall wellbeing indicator framework. For some, we rely upon census data. We have identified the frequency of data refresh as an issue at times, in terms of being able to measure in a relatively short time frame whether an initiative has actually done what it was intended to do in terms of improving an outcome in a particular area.

Part of the solution is to look at what sorts of interim datasets might be available and to broaden the conversation with the Australian Bureau of Statistics on what they might be doing between the five-yearly census collection, in terms of refreshing data in particular areas—noting, for example, the particular concerns we have had about their estimated residential population; that data not being particularly useful or accurate between the five-yearly census.

I think there is clearly a trend towards the ABS collecting new data or collecting data that informs particular wellbeing indicators and domains more frequently or in new ways. Labour force data is an example. They still do the monthly labour force survey, but they now also have single-touch payroll data that is provided more frequently. So that gives us a better sense in real-time of movement of wages and salaries across all of the different industry sectors. In one example, if we determined that we wanted to see and pursue more economic activity and employment, for example, in the care economy, then we would see some evidence of that through single-touch payroll data. You would get that in real time, with a week's lag rather than a month's lag or a year's lag or five-years lag. They are some examples that would immediately come to mind.

The process: the last budget was better than the one before, in terms of the business case engagement with wellbeing indicators, and I am expecting the next budget round to be an improvement on this one.

MR BRADDOCK: Can we also expect an improvement in the budget papers themselves, in terms of attributing? At the moment, they just have the main wellbeing indicator, which is an initiative that it is ascribed to, but, as you mentioned, there is often a secondary—

Mr Barr: Sure. I am open to the budget initiative descriptors having a sentence at the end that says they were assessed and the endeavour here is across this number of domains. It should not make the budget papers too much longer. It would probably add a few pages to them, but not too many more. That would be a useful addition. I am happy to look at that for next year's budget papers.

MR BRADDOCK: For example, I think it was yesterday when I asked you a question about one indicator where there has been a drop dramatically, not just a movement between indicators.

Mr Barr: Yes.

MR BRADDOCK: It is also allowing that oversight of—

Mr Barr: Sure. Yes.

MR BRADDOCK: —how we are truly performing against indicators.

Mr Barr: If I have learnt anything in too many appearances at estimates over 15 years—

THE CHAIR: You said it!

Mr Barr: I did indeed! It is that any significant change that does not have a footnote leads to an inevitable series of questions in here, so you may as well put it in the footnote on the basis that you hope the committee will read the footnotes. That has not always been the experience over 15 years, though. I will tell you that.

MR BRADDOCK: It is a lot of footnotes.

Mr Barr: There are a lot of footnotes.

MR BRADDOCK: Thank you.

DR PATERSON: Chief Minister, my question is in relation to national cabinet—

Mr Barr: Yes? What would you like to know about national cabinet?

DR PATERSON: I would like to know the level of resources required to prepare for national cabinet?

Mr Barr: Under the former government or the current government?

DR PATERSON: We will go to the former first.

Mr Barr: I attended 67 national cabinet meetings with the former Prime Minister. Most of them teleconference rather than face-to-face and sometimes with a frequency of within 24 or 48 hours at various points during the peak of public health emergency decision-making.

There is a considerable amount of effort needed to prepare briefing material, ACT government positions on particular issues, that, in large part, on the public health emergency response, required engagement particularly with the public health area but also with other ACT government directorates. Hence the need for the creation of a number of coordinating roles across the ACT public sector, because it was very clear that particular decisions or implications of decisions would have flow-on consequences across not just the public sector, but the private sector and the broader community.

I have been on the public record indicating that there was some frustration at the lateness of papers for these meetings, particularly when they were on a very frequent cycle. Often papers would arrive late the night before, on the morning of a meeting or, on occasion, during the meeting.

You are locked away in a secure room without access to any electronic communication devices, so there is no contact with the outside world when you are in national cabinet. At various points, there is a double door to get into the room and you would hear the first door open and you knew, “Hang on—something is about to land.”. Inevitably, if that was a controversial item, then that would lead to meetings being prolonged or not being able to reach decisions.

At the better end of the spectrum there would be good, advanced notice and we would have discussion on significant items over a number of meetings, enabling questions, feedback and adjustment to particular issues and positions. So I think it covered the spectrum of some of the best meeting practice and engagement I have seen in a federation to some of the worst.

At no point was I aware of secret portfolios that the Prime Minister held! That was not something that was discussed. It was secret from us, like it was secret from many others.

That is the back view. Since the change of government our meetings have been more in the monthly cycle. There is another one tomorrow. I already have the agenda and papers for that meeting and have had the opportunity to have briefings on those matters. So the process has improved under the new government. The level of engagement with the states and territories is a level up on where it was before. We have had a remarkable degree of consensus so far.

But some of the agenda items for tomorrow’s meeting include the Jobs and Skills Summit that will take place on Thursday and Friday. From what I have seen from some op-eds published by some other state leaders, there might be some more robust discussion in tomorrow’s meeting.

DR PATERSON: Do you see value in national cabinet going forward?

Mr Barr: Yes, but there is a balance to be struck between the crisis management format that led to its establishment versus a more business as usual but engaged federation model. So I am not proposing nor am I advocating a return to the old COAG architecture. It was a twice-yearly process in paper shuffling administration where almost nothing of substance was materially discussed in the room, and it had all been resolved beforehand. You just worked through umpteen papers, and there was not a lot of discussion, frankly.

DR PATERSON: I am not sure if this straying too much, but will national cabinet discuss issues such as the Indigenous Voice? Will it go into those types of issues?

Mr Barr: Well, yes, we certainly already have in the broad.

DR PATERSON: Yes.

Mr Barr: And the Prime Minister sought, from state and territory leaders, our position on whether there should or should not be a referendum in this—

DR PATERSON: Yes.

Mr Barr: —parliamentary term, and what our initial position would be in regard to: if it were to go ahead, would we support it? From memory—I think again this is on the public record, all premiers and chief ministers were in support of a referendum being held in this federal parliamentary term, and each state and territory leader indicated that they would support a yes vote.

DR PATERSON: Okay. Thank you.

THE CHAIR: In relation to the *Better regulation taskforce* report of May 2022: there would be a value for ACT businesses, particularly small businesses, in doing a deep dive review into alignment or harmonisation of ACT legislation and regulatory settings with New South Wales. Is this underway? And have you got some examples?

Mr Barr: Well look, principal responsibility for that taskforce sits with Minister Cheyne. But the broader question of alignment with New South Wales has come up in many different contexts.

As a starting point, harmony across the federation has value. So it not just New South Wales. But acknowledging that they are our—

THE CHAIR: Neighbours.

Mr Barr: —immediate geographic neighbour, there is a lot of business activity that occurs on both sides of the border. That is desirable, but it is not a sole determinant of— or else we may as well not have this place. If the ACT could not have any laws or regulations that were different from New South Wales, then there is no point having a territory parliament.

So we will from time to time have areas of different policy settings. We discussed one of them yesterday—our payroll tax regime is different from New South Wales. If I were to just copy the New South Wales payroll tax regime, I think we would bring in a lot more revenue. But that revenue would come from our constituents and some of it would be borne by small and medium sized businesses, Mr Milligan.

So there is one example of where having a different taxation arrangement from New South Wales, I think, is justifiable. But we do seek to harmonise elements of payroll tax, so that there is consistency. So whilst the rates and thresholds might be different,

the underlying principles around its collection and data sharing between jurisdictions, so the tax cannot be avoided, is in place. That is an example of harmony.

Another recent example is automatic mutual recognition of particular professional occupational licensing and the like—

THE CHAIR: Yes.

Mr Barr: Where that scheme allows for a jurisdiction to either delay the commencement, or opt out, if there are particularly jurisdictional issues that are pertinent. We have taken up that opportunity in certain areas where the ACT regulatory standard, for example, is higher than the rest of the nation. And for good reason.

Again, you seek harmony, that is part of the reform project that the Board of Treasurers and the Council of the Australian Federation are involved in. But it is not harmony for harmony's sake.

THE CHAIR: The obviously applies more for like businesses in the building and construction industry?

Mr Barr: It is across a range of professional occupations—teachers for example. We have a process around our teacher registration—

THE CHAIR: Yes.

Mr Barr: We have particular requirements around working with vulnerable people and checks there. Not every jurisdiction has the same standard that we do. So there are examples where we would deviate from that—

THE CHAIR: Yes.

Mr Barr: But, in my view, we do so where we actually have a higher standard—

THE CHAIR: Yes. And you are working through that at the moment. Is there still a lot to do in this space or?

Mr Barr: Well the Productivity Commission, in its *Shifting the dial* report, indicated there were some further opportunities for either harmonisation or streamlining of some existing state level regulation.

THE CHAIR: Yes.

Mr Barr: Probably the biggest area of opportunity is where there is joint responsibility for regulation between levels of government or one level of government is the funder and the other is the regulator and that can sometimes cause difficulties. So things like aged care, childcare, are examples there.

THE CHAIR: Okay. Thank you.

MR BRADDOCK: Going back to the flexible working arrangements, is it planned to

utilise some space in Winyu House, or will it be somewhere different?

Ms Leigh: No, it is Winyu House.

MR BRADDOCK: Will it involve an increase in the number of ACT public servants utilising Winyu House, or would it stay about the same?

Ms Leigh: It is still early days for us to work through that. Certainly, we have to work with the staff who are in their current workplace as to how we will manage that in a way that meets all of their needs, while opening up some flexibility for other staff to use that.

Mr Barr: Certainly, in theory, it could, in terms of the total number of staff who might at some point work out of that building, in that there would be staff who currently work there who might find one of the other flexible working hubs more convenient, so that they are not having to travel outside their town centre, or to an adjacent town centre.

As a hypothetical example, for someone currently travelling from Tuggeranong to Winyu House, it might be possible for them to work from another location. Equally, there might be a lot of people who currently reside in Gungahlin who are working in offices in the city or Woden, and who may be able to work out of Winyu House. Flexibility is the key, but one of the objectives is to reduce the distance that ACT public servants would need to travel in order to be in an ACT government office building. That is one of the principles that we are supporting here.

MR BRADDOCK: Which has both environmental and quality of life benefits.

Mr Barr: Indeed; and reduces transport congestion in peak hour.

MR BRADDOCK: What has been the take-up post-COVID in the existing flexible work hubs?

Ms Leigh: We are still putting the hubs in place. In terms of flexible work more generally, it has been very widely welcomed. Staff have continued to work, according to the needs of their particular work area, with considerably more flexibility than before COVID.

DR PATERSON: I have been trying to find the graph that I was looking at before. It was in respect of goods and services. It looked like over the past decade it has virtually doubled. I note that there is funding for an international engagement strategy. Will that look at importing goods and services from the ACT?

Mr Barr: Exporting?

DR PATERSON: Exporting, yes.

Mr Barr: Indeed, yes. Principally, we are in the business of exporting services. About 99 per cent of our exports are service exports. The single largest one pre-COVID was education services—higher education, international students. Tourism is also a service export. That probably would have been number two, although export of government

services, which is a broadly defined category, would be up there as well. Most of our other service exports are in health, professional, scientific and technical services, and the like.

On the goods side, I understand that our single largest goods exporter is the Royal Australian Mint, because they mint currency for a number of countries in the Pacific. We do have an increased volume of high-value manufactured exports, but it is high value, as in each individual item is expensive rather than a massive volume. The shorthand way to describe it is that this is not a jurisdiction that exports a million \$5 things; we might export five million-dollar items into that elaborately transformed manufacture space.

What we are looking to do, in the international engagement strategy, is to broaden our footprint to also include the Canberra region. That then brings in a range of high-quality food and beverage exports, particularly perishable items that can fit in the belly of a plane, and need to get to market relatively quickly. That has been a focus of our partnership with Canberra Airport, on the infrastructure side, in developing the fresh produce export capability.

The reason for all of this is that the economics of the aviation industry shifted somewhat during the pandemic, and our ability to attract and retain direct international flights is not just contingent on the passenger load but on what is in the belly of the plane. The complete package that we need to be able to offer to international airlines is that we not only fill the seats but fill the cargo bays as well. That is the project that we are working on. The airport has already made tens of millions of dollars of investment in the enabling infrastructure.

Some of the other areas of our priorities include the transport network, to be able to get the goods from the region to the airport, to export. Our opportunity to ramp this up begins with Qatar Airways' return to Canberra in October. There will be a daily flight going to the Middle East. We had discussions with Singapore Airlines at a meeting that I held with the CEO and their executive management team a couple of weeks ago. We will re-establish that capability with Qatar, and then seek to grow it.

Part of the business case to Singapore Airlines will be the capacity on the daily flight to Singapore to also fill the cargo component. The onus now is on us to work with our regional partners, the Canberra Region Joint Organisation. Minister Kristy McBain's electorate entirely surrounds the territory, and it produces a lot of high-quality export goods.

The Commissioner for International Engagement, Brendan Smyth, is leading this work, and working with the economic development area. We will talk a bit more about that tomorrow, I presume, at the economic development hearings.

THE CHAIR: You may need to take this question on notice. I am interested to know how many people are employed in the communication and community engagement team. What are their levels and positions?

Ms Leigh: We will need to take the detail on notice.

Ms Johnston: I can probably give you the overall figure. For the last financial year, there were 50 people.

THE CHAIR: I am happy for you to take that—

Ms Johnston: Sorry, 50 FTE; not 50 people.

Mr Barr: Obviously, that is a centralised—

THE CHAIR: Yes, I realise that. You do not want every department having—

Mr Barr: Yes, it is not just for Chief Minister's.

MR BRADDOCK: In terms of the ACT public service workforce diversity and inclusion initiative, where are the offsets coming from to pay for that?

Dr West: The offsets to support the activities are being redirected from directorates. They are being harvested from directorates. It will support us to provide whole-of-government major services. Over the past year, as I mentioned previously, we have embarked on quite a detailed review of our work in the diversity space, with a view to enhancing the programs that we are delivering, targeting and tailoring more programs across the diversity space, for example, to deliver to the directorates more broadly, and improving the overall variety of programs that we have on offer.

MR BRADDOCK: You mentioned the offsets being harvested from directorates. Do you know where they have come from, in terms of any particular functions or initiatives?

Dr West: No.

Mr Barr: Principally aligned; rather than having each individual agency undertake its own program, the cabinet decision was that this be centralised—that we could get more efficiency in delivering it that way.

MR BRADDOCK: Is this like the efficiency dividend for the federal government?

Mr Barr: No. As I said, rather than each individual agency undertaking this work, which would have delivered less and cost more, it was determined to centralise it, to deliver a more efficient program across the whole service that was consistent.

THE CHAIR: We will draw this session to a close. I thank the Chief Minister and officials for their attendance today. If you have taken any questions on notice, could you please provide the answers to the committee secretary within five working days. The committee will reconvene at 3 pm today.

Hearing suspended from 2.40 to 3 pm.

THE CHAIR: Welcome back. In this session we will be speaking again with the Chief Minister, Andrew Barr, and officials. We have officials from the City Renewal Authority and the Suburban Land Agency for this session, and questions can be directed

to them.

Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. When you first speak, can you acknowledge that you understand the privilege implications of that statement?

As we are not having opening statements, we will go straight to substantive questions. I will pass mine to Mr Cain.

MR CAIN: Chief Minister, last year Elizabeth Lee and I met with tenants of the Melbourne Building to discuss their concerns over the Odgers Lane redevelopment consultation process. Could you describe the steps CRA took to ensure that tenants of the Melbourne Building were sufficiently consulted about this redevelopment?

Mr Barr: Indeed. Mr Snow will be in a position to take us through an extensive consultation process.

Mr Snow: I have read the privilege statement. Thank you for the question. The CRA has undertaken extensive consultation, particularly with traders and tenants in both buildings. That work started in October last year, when we had scoped the project with our colleagues in TCCS.

I will explain the purpose of this particular project, which is fundamentally about upgrading hydraulic services, in particular sewer and stormwater in both lanes. This is one of the oldest parts of Canberra, developed in the 1920s. It was acknowledged by TCCS, as the asset owners, together with Icon Water, that these hydraulic services needed urgent replacement. Indeed, they were contributing to some of the problems that property owners were experiencing in both buildings due to the poor drainage.

Fundamentally, driven by the need to do urgent asset replacement, the authority recognised the opportunity to advance its own thinking around the revitalisation of those lanes as accessible public spaces. That is why, in particular, we recognised the potential impacts that that could have on the operation of businesses in both buildings. That is why, from the outset, an extensive community engagement strategy was designed and implemented.

That included a number of on-site meetings, including literally setting up a table in the middle of the lane and inviting traders and business owners to participate, right through to quite specific briefings with individual property owners about the scope of the work; and, in particular, the timing of the work and the way in which possible adverse impacts that they perceived would be mitigated in that particular work.

It is fair to say that there is no escaping the fact that there will be impacts on those businesses, due to the nature of those works. Certainly, we have been working very closely with TCCS and Icon Water to minimise those works. The clear objective is to do them as efficiently and as quickly as possible. If we cannot complete those works, or even commence them with the certainty that there will be no impact during Christmas, we will delay those works until the Christmas trading period is over.

MR CAIN: Have the tenants been surveyed to assess their satisfaction with this

consultation process?

Mr Gillman: I am not aware that we have sent a survey about satisfaction with the consultation process as such. The consultation process was extensive throughout that period. As a result, particularly in Odgers Lane, we made some changes, particularly to the operation of the loading zones and the availability of loading zones to support the businesses in the lanes.

MR CAIN: With respect, your view on the adequacy of the consultation program is one thing; the tenants' view on the adequacy of your consultation is another. Why are you not doing a survey to gather their thoughts on this consultation program?

Mr Snow: Mr Cain, I do not think it is a case of having a straw poll with property owners. We are talking about ageing assets that are causing specific problems for those property owners, including water ingress. To delay those urgent repair works further could have quite significant consequences for the fabric of the building, as it is at the moment, and would certainly delay what are, in our mind, really urgent repairs, in terms of ensuring that, for an area that is subject to, at times, local flooding due to the condition of the stormwater system, we mitigate and eliminate those problems for those property owners.

I acknowledge that the timing will never be perfect for many of those property owners. But this is an opportunity, through funding provided by the government, to get on with the urgent task of replacing ageing stormwater assets.

MR CAIN: That actually was not the point of my question. My question was: do you intend to survey the tenants on the adequacy of the consultation program, as opposed to the merits of development, which is what you just spoke about?

Mr Snow: No.

MR CAIN: Why not?

Mr Snow: Because we are satisfied that we have gone through a comprehensive process. Those building owners and tenants who chose to participate did so willingly and have been given more than adequate notice to have the opportunity to provide their views.

MR CAIN: Why would you not get the views of the tenants themselves as to their thoughts on this consultation program, rather than rely on your own assessment?

Mr Snow: Because we are satisfied that the feedback that we had through the process that we conducted—

MR CAIN: I am aware of that.

Mr Snow: from the frequency, the number of responses we had through that process, gave us great confidence that the majority of owners who chose to participate in the engagement have expressed their support for it.

MR CAIN: With respect, that is a self-assessment of your own consultation. The whole

point of my question is: why not gather the views of the tenants as to the adequacy of the consultation? Why would you not do that?

THE CHAIR: I think Mr Snow has answered that question. I am happy to give you another supplementary.

MR CAIN: You might be aware that the Church Neighbourhood Goods cafe have closed, and have publicly spoken about the process that they have been put through. Do you have any comment on their particular case?

Mr Snow: Yes. Church was the subject of a very specific and, I would say, very considerate and respectful engagement with that particular tenant. I should point out that the building owner of that particular tenancy gave notice to the Church. My understanding is that the timing had nothing to do with the initiation of the works by TCCS and the CRA. The landlord made a decision to terminate the lease, which happened to coincide and occur at the same time as the consultation that we undertook, which involved the Church business, in the works to Odgers Lane.

We—if I could use the phrase—bent over backwards to try and find a solution for that particular business, including searching for alternative locations for that business to relocate to, including the opportunity to return to that site. We, at this stage, did not know that they had been given notice by their owner. In good faith, we offered the opportunity for them to return, post the works completion, and to support their business, and let them, as a significant contributor to the kind of public life that we are hoping to achieve in that lane, be able to continue to do that in that location.

Mr Gillman: I have read and understood the privilege statement. In addition, they are actually relocating a part of their business, some of the functions of their business, to a new location in the city. We are working with them constructively about how we can help to cross-promote, engage in our activations et cetera, as that business re-establishes elsewhere in the precinct.

MR CAIN: Do you remain in contact with the business operators?

Mr Snow: Yes. The offer of support remains open to that business. We would hope that they would take up the opportunities we have offered them.

MR BRADDOCK: With what has been described as the much friendlier federal government that we now have, what are the opportunities to deliver improvements within the areas that fall within NCA's responsibilities as part of Canberra?

Mr Barr: As part of Canberra more broadly?

MR BRADDOCK: The triangle, I suppose—their area of responsibility.

Mr Barr: There is a small overlap between NCA or commonwealth land ownership within the City Renewal Authority precinct. There is a bigger overlap between commonwealth planning approval on designated land within the CRA precinct. Most of the commonwealth responsibility actually sits outside the CRA precinct.

An example of cooperation with the National Capital Authority would be around City Hill, and the new pedestrian pathway, to connect east to west. Obviously, we had a road project to extend Constitution Avenue to Vernon Circle, and an equivalent project to extend Edinburgh Avenue to Vernon Circle. But we had only partial pedestrian connectivity.

At the moment, if you want to go from the east side of the city to the west, you have to walk all the way around under Commonwealth Avenue, go along London Circuit to the signalised intersection near the Sydney and Melbourne buildings, or you do the cross-country trek over City Hill.

As part of the next stage of works on the London Circuit raising, pedestrian connectivity that will connect the Constitution Avenue extension to the Edinburgh Avenue extension and provide a more direct pathway from the eastern side of the city to the western side of the city, or north of the raising London Circuit construction site—on City Hill—will be constructed. We identified this as an active transport priority, to be able to connect the east and west of the city better. The NCA recognised that and were supportive of that project.

Other examples of NCA engagement in a positive way have been between the board of the City Renewal Authority and the NCA board, in relation to the next steps in light rail stage 2A and the Acton waterfront development. In the first iteration of the City Renewal Authority—and this was in the previous federal parliamentary term—there was a board member who was on both boards, so there was a linkage between the boards of the NCA and the CRA. That was at our initiative. We thought it would be useful. That was Dr Christine Faulks, former executive officer of the Canberra Business Council. When her appointment lapsed, the former commonwealth government deemed that they would not reappoint someone, so we lost that board connection between the CRA and NCA.

With the new minister and a new government, I have sought to re-establish that. We hope that, as the NCA board is refreshed, as terms expire for particular members, there will be an opportunity for a National Capital Authority board member to have a role on the CRA board, to further enhance, at board level, the cooperation between the two levels of government.

DR PATERSON: Firstly, I would like to begin by saying thank you for the ephemeral art installation out the front of the Assembly. That was magic.

My question is in relation to public art, and the sort of place-making guide you have. What have been, over the past couple of years, your priorities in terms of place making?

Mr Snow: Thank you for the question. Early in the life of the authority, we recognised that it was important to guide our renewal effort by understanding the pre-existing character and quality of the different places that make up our precinct. We are very fortunate in that we have a central city that already has some really distinctive and, I would argue, quite successful places: think about the Braddon mixed-use area; Dickson, which is now Dickson Group Centre, which is now emerging really well; and the transformation along Northbourne Avenue. All of those, I think, are positives.

We realised that if we were to direct and ensure that we have the best possible outcomes, it started with this understanding of those pre-existing place qualities. Many of the parts of our precinct have been the subject of place plans. Those, in turn, have guided the preparation, or the formulation, of our actions—renewal actions around capital works, around activation, around events—specifically about events and urban art. The intention has always been to ensure those key events, or landmark events—if I can call them that—such as Enlighten or Floriade, New Year’s Day, Christmas, and particularly the ones that were happening somewhere else, if I could say, over the other side of the lake.

In fact, it goes to the earlier question about the cooperation and collaboration with the NCA. That collaboration, both with the NCA and, particularly, Events ACT has proven to be very fruitful. We have now, three years on, been able to position and stage a component of Floriade and Enlighten, as you commented on a moment ago, in the city centre itself. We believe that the appeal of those events, which draw a significant attendance, should also incorporate at least the opportunity for those who attend those events to make the decision to come back to the city centre, either before or after they participate in something, let us say, in the main event somewhere else.

Our footfall data indicates that we are making very good progress in relation to that, and we are seeing a noticeable upturn or spike in expenditure, in footfall, in our particular inner-city locations, such as Braddon and Civic, as a result of those efforts.

DR PATERSON: Yes, great.

Mr Snow: Urban art really is quite an important component of our work. We have an Urban Art Strategy. That is, again, over or around about 20 or 25 different initiatives and focused on ensuring that urban art is not just an afterthought but thought about as part of that place-making work.

Many of our projects have included public art commissions. Henry Rolland Park, for example, with the *Crying Dinghy*. We are about to incorporate, and have already undertaken, other public artworks, more ephemeral perhaps, like murals in the Braddon program and the Dickson program. That work continues because we get a very favourable response from the community when we do that.

DR PATERSON: Are there any new emerging events that Canberra is looking at engaging with over the next few years?

Mr Snow: One we have been asked to look at with our colleagues in another directorate is the way in which we might continue to develop the winter festival. A lot of our activities are seasonally based in the city. There is always something. Winter is perhaps the less mature event proposition. Work is going on currently with economic development, in particular, and innovation Canberra to think about how we might start to really boost the winter offer—the winter event.

I make the observation that a lot of people drive through Canberra on their way to the snowfields, and to other winter activities, and we should be taking the opportunity in the city to try and get them to stay in Canberra at that time of year. As many other winter cities have shown, it is not a time to be locked up inside. It is an opportunity to get out

and enjoy what is unique to Canberra, which is its lovely cold weather.

DR PATERSON: Are you looking at festivals like the Dark MoFo in Tasmania and things like that?

Mr Snow: Thank you for that question. I have been to Dark MoFo, and it is an amazing event. Certainly, in the context of Hobart, and what they were trying to do as a city, I think it is an entirely appropriate event. It is driven by a number of entrepreneurs, as you possibly know. I think that we can, in Canberra, come up with our unique solution to what winter might offer.

MS CLAY: How does that work fit in with the Statement of Ambition, when you are talking about festivals and what our identity is, going forwards?

Mr Snow: It is absolutely essential to that notion. It does not have to be exclusively about public art. It can also be about the full gamut, if you like, of cultural experience. Cultural experience is really important to the renewal effort. Through cultural experience we build connections between people and their city centre.

It needs to be a place that people want to keep coming back to. The way in which we can create strong emotional, psychological even, connections between Canberrans and their city centre is really important to us. I see that very strongly emerging from the Statement of Ambition, and the way the arts, in particular the cultural economy, of this city needs to be front and centre for the way in which we carry out our work as a renewal agency.

MR CAIN: Chief Minister, does the CRA maintain an interests register for senior staff and their partners and spouses?

Mr Barr: I believe so.

Mr Gillman: Absolutely. For all board members, it is a standing agenda item at every board meeting to declare conflicts of interest. For all staff above a senior officer grade C, there is an annual conflict of interest declaration process that we run in relation to our duties. The executive level staff, so myself and Malcolm as examples, do a “key management personnel” declaration every year as part of the financial statements.

The “key management personnel” declaration declares any related-party transactions with the ACT government, so that includes spouses and partners. Obviously, we declare conflicts of interest in relation to any specific transaction we happen to be working on that is material at that time, so a significant procurement has a stand-alone conflict of interest declaration process as well, as does potential land divestments et cetera.

MR CAIN: Are staff required to declare gifts such as dinners, cruises, golf days and conferences from suppliers to CRA, such as builders and valuers?

Mr Snow: Yes, correct.

MR CAIN: Is there a policy available that you can table?

Mr Gillman: Yes. We work to the EPSDD policy on gifts and benefits. That policy is available; and the register of gifts and benefits, and conflicts of interests, is maintained as part of our service level agreement with EPSDD.

MR CAIN: Have there been any instances where staff were found not to have declared a gift, and what action was taken?

Mr Snow: No circumstances, I am aware of, where a staff member has failed to declare a gift.

MR CAIN: Do staff receive relevant training so as to identify what they need to declare?

Mr Gillman: Yes. As part of the induction process, there is the walk-through of the standard policies and procedures, and the gifts and benefits. Also, there is specific mandatory training on fraud and corruption prevention that covers conflict of interests, gifts and benefits, and those circumstances, which staff undertake typically within their first three months.

MS CLAY: I would love to have a bit of a chat about Northbourne Avenue. Can I ask about that in this session?

Mr Barr: Yes.

MS CLAY: We did not get much of a mention in the CRA's budget this time around. But it is one of our major transport corridors and we have got tens of thousands of residents living on that corridor.

I am also aware that the CRA was working on a Northbourne Avenue design strategy, but I am not sure where that ended up. Can you give me an update, first of all, on the Northbourne Avenue design strategy?

Mr Snow: Yes, certainly. That piece of work is not in the public domain. It was initiated as a direct outcome or action out of the city and gateway strategy. It was jointly produced by the NCA and the planning directorate to guide the redevelopment of the Northbourne Avenue corridor. That strategy has now been picked up through Territory Plan variations, so there are now in place quite specific design and quite important design requirements applying to all new developments in that corridor as a result of that work.

The design strategy, I think Ms Clay, that you are referring to was really going into further consideration, or examination, of how the landscape might be developed along Northbourne Avenue itself. Particularly the frontages of new buildings to the Avenue itself, in terms of the way garden treatment, landscape treatments, the way the ground floors of those new buildings might better address the street.

But really it was derived, as I said a moment ago, straight out of the city and gateway recommendations. And was, I guess, posing the question about the way in which we could potentially improve the private and space design for those sites that directly front the Avenue itself.

MS CLAY: Are you able to tell me which variations picked up that work? I know there is certainly at least one that came through our committee at some point.

Mr Snow: I cannot remember the actual numbers; I beg your pardon.

MS CLAY: Would you be able to take that on notice? It would help us—

Mr Snow: Yes.

MS CLAY: —if you could just reference which ones it was, that would assist us?

Mr Snow: Can I be clear that those variations did not include any of the proposals that were explored in the design strategy that I referred to, which we commissioned. Those variations to the Territory Plan relate to the enactment, if you like, or converting into statutory planning controls the recommendations of the city and gateway strategy, is my understanding.

MS CLAY: So it was internal work that you did and then decided not to pursue?

Mr Snow: Yes. I think it was too early to be postulating about the future of Northbourne Avenue. I think that significant work will have to be done, particularly by the road manager, TCCS, in relation to whether or not over time, or in the future, Northbourne Avenue becomes a different type of street.

MS CLAY: Okay. Perhaps you could then just give me an update on some of the substance of the issues that partly interest me. I will just ask simple questions. What work are you doing to improve cycling, pedestrian safety and active transport along Northbourne Avenue?

Mr Snow: Nothing specifically in relation to pedestrians and cyclists. I know that light rail stage 1 did include the full road reservation in terms of improvements for pedestrian and cycle movement. So, certainly, when light rail stage 1 was being—designs were being developed, we were very supportive of those upgrades, particularly to the verge areas.

As for changes to the carriageway, no. They were all related to improvements that we supported and which were included in the scope, in particular of light rail stage 1.

Further down Northbourne Avenue, we also supported, again, a light rail initiative around what was called Northbourne Plaza. This was to take back the carriageway, or one of the lanes, I should say, on the outer lanes, and extend the verges of the Northbourne frontages of both the Sydney and Melbourne buildings. This has now resulted—if you go there today and see how the traders have grasped the opportunity that that additional space creation has offered. That directly supports our ambitions for the Sydney and Melbourne building revitalisation.

So that exists as a powerful demonstration of that opportunity. But at the moment it is focused and confined to just the civic area.

Mr Barr: So those particular blocks now have off-road cycling.

MS CLAY: Yes.

Mr Barr: So that CRA project took the cycle lanes off the road. The other examples in the Northbourne corridor include the widening of the footpath in many sections. It was a previously government funded initiative. There is a planning requirement for when redevelopment occurs that the footpath on the verge is widened. So you will see, as you move on both sides of Northbourne, that many sections now have a, I think it is, three metre wide footpath?

Mr Snow: Yes. Yes.

Mr Barr: Wider than the original 1.5 metre—so double the width. So whilst that is principally a pedestrian path, there is still an on-road cycle lane. There are obviously some people on scooters and bikes using the wider pedestrian element.

One of the reasons there is not a particular focus at this point on more cycling infrastructure in the Northbourne corridor is that there is a separate project on the eastern side of Northbourne, a block or two back. It is going to be the new trunk cycle route, the Garden City Cycleway. That was an election commitment from ACT Labor in 2020 and federal Labor committed to putting \$5 million, from memory, into that project at the federal election earlier this year. So that is the main cycle project. It is a block or two back from Northbourne—

MS CLAY: The off-road, yes.

Mr Barr: —but I think the result of community feedback was that there was a preference for an off-road cycle route on the eastern side for the suburbs of Dickson, Ainslie, Braddon, that was sort of equivalent to what you have on the western side that covers Turner, O'Connor and Lyneham.

Mr Snow: I might just add, I now recall, I beg your pardon, also the current project which is the Mort-Elouera combination. Elouera Street being aligned to a light rail stop in Northbourne Avenue. It is quite important to encourage and support safe pedestrian movement from that stop at Elouera into Braddon. Our current project to upgrade that intersection includes the link on Elouera to Northbourne. So a very site-specific improvement, but one which we recognise could be repeated potentially on other intersections such as Girrahween and possibly Cooyong in the future.

MS CLAY: Great, thank you. I confess, I am still fascinated at what was in this Northbourne design strategy, probably because I have not seen it. It is always fascinating to think about something that is not out in the public domain. Did it actually suggest a different road configuration or different lane configuration? Did it have anything substantive in there about the road, the number of lanes?

Mr Snow: As I said in my response earlier, there will need to be quite significant network analysis to determine what the options might be in the future for the way Northbourne Avenue actually operates as a road. I cannot speculate about what those options may be in relation to taking back lanes—

MS CLAY: I was not asking for speculation, just what was in the one you already did.

Mr Snow: No. To answer your question directly, there were no suggestions, to my knowledge. The document is now three years old. I cannot recall specific recommendations around the future of the way—around the level of service and the functionality of the road itself.

MS CLAY: Okay. Thank you.

Mr Barr: That was variation 368, I think—the one that is the city gateway one.

MS CLAY: Yes, thank you. That is excellent. I am familiar with that variation, thank you. Great.

MR CAIN: Chief Minister, I note on budget statements E, page 67, item H, there was a target on land sales that was not achieved under the government's Indicative land release program. Can you explain why that did not occur, particularly when we are in the midst of a housing affordability crisis?

Mr Barr: Mr Gillman is happy to answer that?

Mr Gillman: Yes, yes, sure. The key priority land releases for the CRA are what we call block 63. This is the north-west clover leaf that is currently going to be a site compound for the raise London Circuit project; Westland House and an adjoining block there, which again is going to be a site compound for the raise London Circuit project. Those two were held, pending the final design outcomes of raise London Circuit. Now that we have the final design outcomes and we can do the blocking and design of those places, they are proceeding to land release this year.

MR CAIN: Given that this site was a targeted sale by 30 June this year, why did that not occur by 30 June this year?

Mr Gillman: Because just with the interface with light rail and working through the design issues so that we could size the blocks and agree the site compound requirements with light rail. It is a very important city-shaping project and it is not unreasonable that the two activities get coordinated and sequenced appropriately to leverage the best outcomes for both.

MR CAIN: Obviously light rail to Commonwealth Park has been long announced and anticipated, so why did the target sale not anticipate the light rail nexus and still meet your own target?

Mr Gillman: The interface is much more with the raise London Circuit requirement and the utilities design that went into that is critical. That caused the recalculation of some of the verge widths for our sites. The final program for the raise London Circuit was really only determined as part of the recent tender and contracting process and that has extended slightly the program requirements for the Westland House site. So just one of those confluence of events. It is important to get it right rather than having a block that we cannot sell or that is going to be impacted in a change subsequent to a

sale.

MR CAIN: So do you anticipate meeting your land sale target by 30 June next year?

Mr Gillman: This year, we anticipate meeting our ILRP targets, correct.

MR CAIN: For 30 June next year?

Mr Gillman: Yes.

MR CAIN: Yes.

Mr Gillman: For this current year, yes.

MR CAIN: Right. I notice the land sales revenue for 2022-23, Chief Minister, in this year's budget—and that is on page 58—is budgeted at 46—

DR PATERSON: Is this a new question?

MR CAIN: Supplementary. 46.674 million, but in the 2021-22 budget at page 92—

THE CHAIR: It is land sales revenue.

MR CAIN: —the estimate for 2022-23 was \$67 million. That is a \$20 million discrepancy. Could you explain that please?

Mr Barr: It would leave one less block—

Mr Snow: Yes, it will be a change to—I can take the question on notice for the detail, but it will be a change to the actual settlement dates as opposed to release dates for the blocks. This will be, in part, because section 63, the north-west clover leaf, is likely to be a staged settlement as we go through the process. So it would be the sequencing of the settlement timing and revenue recognition.

MR CAIN: You will take some detail on notice and provide that to the committee?

Mr Snow: Correct, yes. Yes, happy to.

MR BRADDOCK: Turning to the Lonsdale Street upgrades and the delays that have happened there, can you please walk me through exactly what happened and how we will go forward on those?

Mr Snow: Yes. Thank you. With all good intentions and probably not aware of what was going to hit us in relation to the cost of construction and the difficulties Canberra is experiencing now with getting contractors to even express interest in these sorts of projects, we embarked upon an extensive consultation with traders and residents and developed a concept out of one of those place plans that I talked about for Braddon.

Confident that we would get a strong tender, we went out to tender. We received only one tender for those streetscape upgrades and the contract price that was offered to us

through that tender process did not, in our view, represent value for money for Canberra ratepayers and taxpayers. We made the hard decision, in some respects, to not accept that tender and have now, since that decision, turned our mind to an alternative way in which we can actually carry out the project as originally scoped, and a way that could at least pass that value for money test.

MR BRADDOCK: Can you please explain the alternative way and how that has been achieved?

Mr Snow: Yes. I will ask Mr Gillman to respond.

Mr Gillman: We are yet to go to the Government Procurement Board and seek their advice, but we are going to the Government Procurement Board in the coming weeks with a proposal. There is a contract model available through Major Projects Canberra called a project management agreement, by which you appoint a head contractor with a fixed margin and they competitively subcontract each of the packages—kerb and guttering, as an example.

They will competitively subcontract each of the packages and provide a managing contract service over the top. Given the market saturation for work and capacity at the moment, that is a lower risk proposition for contractors and makes them more likely to engage in the process and participate in the project. It is also a way of assuring value for money, through competitively tendering each of the subcontract packages. So that is the proposal that we are testing with the procurement board in the coming weeks, and hopefully we will be pushing off down that path shortly.

MR BRADDOCK: If the risk is lower for the tenderers, does that risk then lie with the ACT government?

Mr Gillman: Yes, it does. In the spectrum of contract sourcing you can go from completely outsourcing risk to the contracting community and a construct-only contract—a hard dollar construct-only contract, or D&C contract—right through to alliancing-type contracts, where risk is completely shared. We are not at that end of the spectrum, but this is a cost reimbursable contract, so the contractor is cost reimbursable, but it is open book. Each of those contract packages is competitively tendered at that point in time when they are ready for programming, such that you get the cost competitive control and you get complete insight into those open book transactions.

MR BRADDOCK: Are we pricing the risk that the government is taking on under that arrangement?

Mr Gillman: Yes. That is part of the owner's contingency that is retained by the owner; the government, in this case. We have realised this risk nationally, not just in the territory. Nationally this risk is realised with escalation rates that are well above the long-term average over the past two or three years—significantly above the long-term average. For stormwater drainage and pavers, the supply constraints are there and real at the moment, so you do need to price that risk, and that is priced in owner's contingency in your cost plan.

MR BRADDOCK: Okay. I assume that we have also taken on scheduled risk in terms

of suppliers and their availability, which I suppose would apply to any type of contract?

Mr Gillman: Yes. Regarding supply constraints, the advantage of a project management agreement is that you do have a little bit more flexibility around the program. Because you are working with a head contractor who has got a fixed margin and fee, you can actually be more flexible about how you program works. In a construct-only contract you lose control of the programming entirely. In a managing contract-type arrangement, we do have a little bit more control.

Let's stick with Braddon as the key example. Braddon obviously has a peak period around Christmas/New Year as the entertainment precinct. If we had a construct-only contract through that time and they were programming the most disruptive works you can possibly think of in that time, to ask them to not do that is a disruption or delay claim. So we would be on the hook and in commercial dispute.

Negotiating those peaks and troughs and workflows with a managing contractor is exactly the sort of flexibility that a project management agreement affords, so you can stage those works more appropriately. You might be able to do some kerbing and then get out of that space for four weeks and go and work on something that is much less disruptive during that time. They are more flexible. They are a different risk allocation to a construct-only or design and construct contract; but, given that we tested the market for a hard dollar design and construct contract and the tender evaluation panel could not recommend a value for money solution, we are trying the next option. It is still subject to a value for money assessment.

MR BRADDOCK: I would be interested in the procurement forward advice. Moving off contracts now, I am just hoping that the project will improve the pedestrian experience in Braddon. Is that the plan?

Mr Barr: Yes, that is the plan.

Mr Snow: Yes. We heard loud and clear, again through extensive community engagement with residents and traders in that area, that their two highest priorities were improved pedestrian safety and improving the streetscape amenity, through landscaping and greenery in particular. That clear preference manifested itself in the design concept, which was to introduce two new mid-block crossings, one between Cooyong and Elouera and the other between Elouera and—

Mr Barr: Girrahween.

Mr Snow: Girrahween. Thank you. At the intersections along the street we are introducing ground-level planting to soften them. I think we have been very, very conscious, however, that Braddon is working very well at the moment. "Touch the ground lightly" has very much been the place-making approach. We do not want to come in and turn it into something it should not be. But we are very confident, based upon that engagement outcome, that we have strong support for those improvements for pedestrian connectivity and safety.

MR CAIN: I notice that on the YourSay conversation page, Chief Minister, for the Braddon street upgrades it states, towards the bottom: "Construction is expected to

commence early 2022.” I am assuming that is not actually true.

Mr Barr: No, that would relate to the consultation at the time with the tender process that did not secure a value for money outcome.

MR CAIN: So it is not true, then, that construction is expected to commence early in 2022?

Mr Barr: When the consultation was undertaken, that was the expectation. You have just heard the reasons why that did not occur. That, I think, would be in the archived part of the YourSay website, but—

MR CAIN: No, it is publicly available through Google.

Mr Barr: Yes, as in the YourSay website has current consultations and former consultations. But, yes, the reason that the project did not proceed on that time frame we have just spent the last 15 minutes talking about.

Mr Gillman: Had the tender been successful, had the tender evaluation panel been able to form a value for money recommendation, we would have been in contract in February.

MR CAIN: So where else would the public go to find information on the Braddon streetscape upgrade, unless it is this page?

Mr Gillman: We continue to maintain contact with—

MR CAIN: I am talking about the public, who are just interested in what is happening in Braddon. The page says, “Construction is due to commence in early 2022,” which is clearly not a correct statement. That is the public information.

Mr Barr: Sure. The Braddon place plan and Braddon streetscape upgrade project information is on the City Renewal Authority website, which I imagine would be the place that people would go, rather than a former, and expired, consultation under the YourSay consultation process.

Mr Snow: That is correct.

MR CAIN. Well, some would do that and some would choose other options as well, obviously.

Mr Barr: Sure.

MR CAIN: Thank you, Chair.

Mr Barr: Mr Cain, we will update the website.

MR CAIN: That is a very simple answer to something I thought was rather obvious. Thank you.

DR PATERSON: We have gone through the last couple of years telling people to stay at home and have less interaction. I cannot remember what the actual statistic is on the public transport uptake, but it is not back to where it originally was. You mentioned foot traffic in the city before; where is that at in comparison to pre-COVID levels and recovery?

Mr Snow: Thanks for the question. I will answer it in part by saying that government gave us the challenge of contributing to the need for people to return to the city centre. Post-COVID, of course, things did not quite pan out the way we expected. We thought COVID would be over. COVID has come back again. Nevertheless, during the period where the government's clear direction to us was to get people back, we focused on a number of activations and events—in particular, Christmas. We worked with the organisers of Summernats to create a new event—sorry; not really a new event—

Mr Barr: A fringe event.

Mr Snow: A fringe event, but in a far safer and more organised way than perhaps had historically occurred, which did generate its own particular issues for that community. That proved to be very successful.

What we also concurrently developed over the last two years—and Mr Gillman can expand on the way in which we are using it—is an analytical tool called the place success dashboard. It is something we have developed in conjunction with the ACT digital office and their programmers to in fact give us the ability to look at the before and after effect of our events and activations. Using the Summernats example, the fringe event, we were able to see exactly what happened during that particular weekend. We were able to compare that historically, back to the same day at the same time of the year, to assess exactly what the impact of our investment in that event meant.

It very much remains a critical and significant part of our events and activations program. Forming connections and encouraging people to return, through the events that I talked about a moment ago, like Enlighten, and through Wintervention—all of these play a critical part in not just bringing people to the city centre but also getting them to stay or, as we like to say, linger longer, to actually spend money, to participate in the life of this city. That is really important to the renewal effort.

DR PATERSON: We saw a really big protest last year—two, actually. There was Enough is Enough, the women's protest about the Parliament House issues, but also there was a very big protest on the COVID measures. Do you give any thought to those types of things—not the strength of the protests themselves but in terms of how people engage with the city during those types of events?

Mr Snow: Good city centres are fundamentally democratic places. We need to continue to nurture a city centre where people can feel that they can both protest and celebrate, do all the things that they should be able to do in city centres. That is why the public spaces, particularly in the city centre, are so important in their role to support those types of activities, as well as incidental, smaller scale activities. We do not specifically target particular public events or social events or political events; it is not our place to do that. Our place is to make sure that we have spaces that are available and able to be used in a safe way and in a way which allows people to express their roles as citizens.

DR PATERSON: In terms of engaging with local businesses in the city centre, how is that a constant engagement process?

Mr Snow: Thanks for that question. It is. It occurs on a number of different fronts, principally through our obligations in managing the CCMIL, the city centre marketing improvement levy, which is a levy prescribed or required for a designated collection area of commercial property owners within the city centre. That generates a levy, which in turn we need to demonstrate to both government and community that we are using for that purpose, which is to promote the city centre, support businesses and support commerce within the city centre.

One way that we are confident that we have the right priorities around that work is that we have formed an advisory committee for the CCMIL. We have just expanded the committee membership to now include, I think, up to 15 representative property owners and business owners. That advisory committee gives us intelligence and great feedback about what those priorities should be.

We do not automatically accept what those levy payers ask for, but we really listen very hard to what their priorities are. That is why, in fact, in the case of the CCMIL, it is spread across a range of different initiatives, from public safety to place management to graffiti removal to safety initiatives. The clear feedback from both CCMIL payers and incidentally through other project engagements that we undertake is that we are getting that right and that particularly commercial property owners are very supportive of the difference that they are seeing in the city centre in terms of its presentation and the attention to detail, which is important for the way people experience it.

DR PATERSON: Yes. Great. Thank you.

MR CAIN: Chief Minister, I notice that in budget statements E, at page 57, it is budgeted that CRA will have 27 full-time equivalent staff. Then, on page 74, budgeted employee expenses are \$6.057 million. From a quick calculation of averages, that is about \$225,000 per employee. Could you provide for this committee a break-up of the level and salaries of those 27 staff?

Mr Barr: Yes, we can do that.

MR CAIN: Do you have any comment at all on what appears, at surface level, to be an extraordinary amount of employee expenses for 27 full-time equivalents?

Mr Barr: I understand that there are a number of different specialised positions within the authority, but the employment is against the public sector levels and position description positions, and in accordance with the Public Sector Management Act. But we will take on notice the nature of, and classification of, each of those staff.

Mr Snow: My observation would be that urban renewal is a specialised activity. It is not a run of the mill administrative—how can I express it?—standard area of work within the ACT government. It is a special purpose entity and therefore it needs the skill sets, capacity and experience to be able to achieve the outcomes government has set for us.

MR CAIN: Chief Minister, I take it that you have taken that as a question on notice for the detail?

Mr Barr: Yes. You have asked for the classification levels within the authority. You can do that now?

Mr Gillman: We do also report that each year in the annual report. But we can specifically update that for this financial year.

MR CAIN: Thank you. Obviously, there are specialists. Are they employed specialists or contract specialists? I would be interested in knowing that information as well.

Mr Barr: Sure.

Mr Gillman: Happy to provide that.

MR CAIN: Thank you. I have a question, Chief Minister, about the SLA now. I notice that the SLA maintains a sales register spreadsheet on its website which lists all commercial and industrial sales across the ACT by the SLA since July 2017. According to this list, since 1 July 2017 the SLA has made five commercial and industrial sales in the city renewal precinct and only two in the past two years. Could you explain why there have been so few commercial and industrial sales in the city renewal precinct?

Mr Barr: Because there is not a lot of land that is for release at this time. That would be the explanation. The blocks that have been sold have obviously gone through a process. The government does not own the majority of land in the city renewal precinct anymore. It is sold. There are some blocks still to sell, but the exact timing of their release to market is determined on an annual basis in the indicative land release program. Mr Dietz might want to add some further details.

Mr Dietz: Thank you, Chief Minister. I have read the privilege statement. Consistent with the Chief Minister's response, much of the land that the SLA was required to sell in the City Renewal Authority area was related to the asset recycling initiative. That had a significantly large program which petered to an end in the last few years.

MR CAIN: Are you able to provide a list of the current parcels of commercial and industrial zoning that the SLA has in the precinct?

Mr Barr: That the SLA has? That the government has, I think would be the—

MR CAIN: The government; yes.

Mr Barr: Yes, we can provide that. There are not many. You have identified commercial and industrial?

MR CAIN: Correct.

Mr Barr: Yes.

MR CAIN: How many blocks of land has the SLA released in the city renewal precinct for residential sale over the last five years?

Mr Barr: That would be the ARI ones.

Mr Dietz: That is some detail I would probably have to take on notice. Thank you.

Mr Barr: They would be along the Northbourne corridor, and they would be the ARI ones, but we will give you the block and sections.

MR CAIN: So you will take that on notice?

Mr Barr: Yes.

MR CAIN: Thank you. Why is there no equivalent list of residential sales by the SLA, as there is for commercial and industrial?

Mr Dietz: I am not sure I fully understand the question.

MR CAIN: The spreadsheet on your website is regarding commercial and industrial sales. Is there such a list for residential sales as well, available to the public?

Mr Dietz: The indicative land release program does specifically identify the residential components that are being released. The dwellings are residential. It also identifies the community land, industrial land and commercial land.

MR CAIN: But your current register for commercial and industrial is a register of sales of those two types of land. Why is there not a similar list for sales of residential land?

Mr Barr: One issue that would emerge would be whether any of the blocks were exclusively residential or in fact mixed use and then accorded against commercial. That would be one thing that would come to mind. Mr Dietz might have some further information.

MR CAIN: I would not mind an explanation, if it is as simple as that. That would be fine. But to be confirmed?

Mr Barr: Sure.

Mr Dietz: Thank you. I think the Chief's response is most probably the correct response. If there is anything further, then we can provide that.

MR CAIN: Thank you.

MR BRADDOCK: I am seeking an update on the Woolley Street, Dickson, project and what is happening there, please?

Mr Snow: Thank you for that question. Unlike Lonsdale Street—

MR BRADDOCK: Sorry; I do not ask about the successful projects, do I?

Mr Snow: No, that is okay.

Mr Barr: You have got a tenderer here.

Mr Snow: Yes. Unlike the sad experience we had on Lonsdale Street, we actually did have a quite competitive tender, or at least an acceptable tender, I should say, on Woolley Street, Dickson. That work is proceeding well. It is a challenging site. Again, the requirement to minimise the impact upon traders and businesses, as well as pedestrian safety, has been uppermost in our project management and delivery.

We have had some particular challenges that we have been able to deal with in relation to contaminated soil. You might recall that that part of Dickson was previously a motor trades area—or largely—and we have the legacy of contaminated soil, for example. We have had to deal with that in our contingency planning for the project. We have a healthy contingency. I am confident that the current contractor will complete the works. We look forward to a completion of those works and an event associated with the opening later this year.

MR BRADDOCK: Good. Thank you.

DR PATERSON: There was a big announcement about the Canberra Theatre precinct and the theatre redevelopment in this budget. How will you be working with the Cultural Facilities Corporation to ensure that this has flow-on effects into the city?

Mr Snow: Thank you for that question, Dr Paterson. We have been working very closely with CFC, at the board level, for well over three years on this particular initiative. It is a concept that is central to our renewal work, particularly within the city centre itself. It picks up on the success of similar districts around the world that other cities have very successfully developed. The catalyst offered by the government's decision to invest in a really critical piece of social infrastructure for the city centre is clearly welcome. At the same time, we recognise that we also have government land assets within this district, effectively bounded by London, Constitution and Vernon, that are also important to develop over time. That is why we are currently out consulting on an overarching concept for the way this cultural district might emerge.

Critical to that consultation is, first and foremost, First Nations consultation. We see this as an opportunity to express the value and significance of this to First Nations people, in particular, the Ngunnawal. So that is a primary group that we are consulting with. We are also consulting with the arts sector. Following those two pieces of engagement, we then propose to take the overall draft concept out for YourSay broader community consultation support.

We think it will be a significant catalyst for renewal, not only because of the combination of different elements but also because it can make an extraordinary contribution, we think, if the Canberra Theatre project proceeds, to enlivening particularly the night economy in the city and everything around that district. Again, I mention the Sydney and Melbourne buildings, which are adjacent, and the way the retail core would benefit from that kind of increased footfall. So it is a really important project not only for us but also for the Cultural Facilities Corporation and, I would argue,

for economic development more generally in the city centre.

DR PATERSON: Fountains do not seem to feature in much urban renewal these days, but they are actually a very beautiful, welcome part of cityscapes. Is there a reason for this?

Mr Snow: As a landscape architect, I fully endorse your comments about the value of water in the urban landscape. I think many of the fountains that exist within our precinct are in fact assets owned by someone else, TCCS in particular. They are responsible for their upkeep and maintenance. To your question: I think there are opportunities for us to integrate that as a landscape element within our future public space strategies for the city centre. I think people, particularly in our climate, respond well to water. We see many examples around the world where during summer it is a wading pool for children and in winter it is an ice-skating rink.

DR PATERSON: Thank you.

MR CAIN: Chief Minister, regarding the City Centre Marketing and Improvements Levy, have you done a survey of levy payers on their satisfaction with its administration and how it is expended?

Mr Barr: I understand that there is a survey process. I believe it is done annually.

Mr Snow: Yes, it is. As I said in answer to an earlier question, it is very important that we understand how, particularly, levy payers are thinking about the way—as they like to say—their money is being spent. They remind us of that regularly, in our engagement with them. Part of that involves asking the question about whether or not the focus of our expenditure priorities is correct. It is also about what are their other ideas in relation to priorities that they would like to see reflected in the events, activations or marketing that we do.

Overall, the most recent survey indicates a reasonable level of satisfaction. Unfortunately, the latest survey had quite a lot of statistical base to it. We were disappointed with that. We would like to see more engagement through those annual surveys. The difficulty is that we cannot go out and directly ask people for their email addresses. We have to invite people to provide that information to us, under the Privacy Act. We are steadily building our database of participants in future surveys. If we can build that statistical base, we will have much more confidence that the kind of feedback we are getting is accurate and relevant.

MR CAIN: Is this survey and its results available to the public through your website?

Mr Snow: Not currently.

MR CAIN: Would you be able to provide that to this committee?

Mr Snow: Certainly.

MR CAIN: I am interested in the CRA's position on an often-talked-about Civic stadium. Is there a position that CRA has, or is considering?

Mr Barr: As in located within the City Renewal Authority precinct?

MR CAIN: Yes.

Mr Barr: Certainly, the City Renewal Authority is consulted on potential land uses. Ultimately, it is a decision for government. I have sought the views of the authority, through Mr Snow and his team as well as the board, on a mix of infrastructure projects within the city. The issues that are pertinent relate to physical capacity to fit a stadium anywhere in the city. That is proving to be very challenging without some very expensive road relocations.

There is also the question of utilisation of assets. One of the strengths, for example, of the theatre is its use over hundreds of nights a year. One of the weaknesses of a stadium, in the Canberra context, with only two current football users, is that it would only be used 20 to 30 times a year. There is no other content. One of the challenges is that you end up with a dead space for 340 days of the year.

There is an efficiency of land use question. If the desired outcome for a stadium in the city is that it would drive economic activity, it would, for eight Brumbies games and potentially 11 to 13 Raiders games—that is, about 20 football games. There would be maybe one or two major live music events in the summer, and that is it; there would be no other use. It certainly has no prospect of being used 300 times a year, whereas convention centres and theatres would be used more frequently. That is something to contemplate, in terms of opportunity cost of land use.

The specific issue is that the Civic pool site is not big enough for a football stadium. You would have to move Parkes Way. The cost of moving Parkes Way and redesigning the intersections adds significantly to the cost of a new stadium. Whilst I have been tempted to make this work, and have sought to do this, I concede that it is much more challenging when you get into the detail than at first glance.

There are plenty of people who, rightly, have a view that it has been done in other cities; therefore it should be done in Canberra. I accepted that on face value, and have explored it extensively. But I have reluctantly reached the conclusion that it is very challenging on the Civic pool site, without undertaking additional expenditure in order to create a block that is big enough.

MR CAIN: With your CRA caps on, so to speak, do you think that such a stadium would fit within the vision of CRA as something that would be advanced as an idea to cabinet?

Mr Barr: With the social infrastructure in the CBD, and when we will have only one of these assets in Canberra, having regard to our city's current size, and the size of our current economy, there is obviously an argument for those to be centrally located. The theatre is an obvious example, and that is why we are proceeding with that first—because the existing infrastructure is older, and we need to make improvements there.

Canberra Theatre is older than Canberra stadium, and it is less fit for purpose than Canberra Stadium, so it was logical to proceed with the theatre project. It is also the

least expensive of the three big ones that are talked about—theatre, convention centre and stadium. The stadium redevelopment issues are being explored in parallel.

I am signalling—and I have been doing this for quite some time now—that the Civic site is incredibly difficult. I have to make a judgement call, ultimately, about this. How much money would it cost and what other things would you have to move and change in order to do it? I come back to the central problem: one of the most powerful arguments for having the infrastructure in the CBD is its economic draw—what it would do. But it would only be between 20 and 30 times a year, and that is the problem, whereas a convention centre or a theatre would be used a lot more.

THE CHAIR: Given the time, we will draw this session to a close. On behalf of the committee, I thank Mr Barr, in his capacity as Chief Minister, and his officials for their attendance today. If witnesses have taken any questions on notice, could you please provide answers to the committee secretary within five working days. The committee will now take a short break.

Hearing suspended from 4.17 to 4.27 pm.

THE CHAIR: In this final session, we will continue to speak with the Chief Minister, Mr Barr, this time in his capacity as Minister for Climate Action, and officials.

Please be aware that 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 questions on notice, it would be useful if witnesses could use the words, “I will take that as a question taken on notice.” This will help the committee and witnesses to confirm questions taken on notice from the transcript.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw their attention to the privilege statement. The first time that you speak, could you confirm for the record that you understand the privilege implications of that statement.

As we are not having opening statements, we will go straight to a substantive question. I will start by asking about the Big Canberra Battery. How much downward pressure will it put on electricity prices? Has this been modelled? If so, are you able to table that analysis?

Mr Barr: The purpose of the battery is multi. It is not just in relation to the potential to store energy, when it is generated, at a very low cost and then sell it back into the national energy market. It has a number of different purposes.

We have previously discussed—not with this committee but with members—the distributed nature of the battery. It is not one large battery; it is a network of batteries around the territory. An element of its design is the capacity to store renewable energy when it is being generated at well below market prices and sell it back into the market—the element of arbitrage. With respect to the exact proportion, if you like, the times in which that would occur and the potential to generate revenue, we will we not be able to

land on final definitive figures until we are further into the procurement process. But that is only part of the rationale for the project.

I will ask Mr Engele to talk through the three different streams of the battery and give an update on the procurement of each. If there is some further information on the arbitrage opportunities, he might touch on that.

Mr Engele: I acknowledge the privilege statement. As the Chief Minister was saying, there are three streams for the Big Canberra Battery. The first stream is the transmission scale. Those are the ones that you would see in the media—big, industrial-scale ones that will sit on sites near the transmission network infrastructure. The second stream relates to government facilities. They are much smaller. They are the typical ones that you would see in a home, or twice the size of that. We are deploying those as part of essentially reducing the cost for government facilities and to soak up some of the onsite solar EV generation. The third stream relates to neighbourhood-scale batteries, which is more of an NBN box size. The policy work is still underway for that stream.

In relation to the procurements for each of those, for the transmission scale, we have run an EOI process. We have short listed six firms, and in the next few weeks we will be releasing the approach to market to those select firms for the large-scale transmission battery. That one is quite a complex contract because it is looking at providing financial security of income to allow for a private sector provider to install the battery. We are not purchasing the entire large-scale battery; we are essentially putting a financial contract in place to take away some of the volatility of the revenue streams and to support that private sector player to be able to get private finance for it.

For the second stream, which is for the government facilities, the procurement for that went out probably two weeks ago. That has 14 identified sites. We will be using that as a bit of an opportunity to test what the reductions in price will be for those facilities so that we can get a better understanding about where to deploy them.

In relation to the question on energy prices, the transmission scale will sit on the transmission grid. It operates both in the ACT and on the broader NEM, so it impacts on the area of New South Wales that is around it. The work that has been done has been on trying to understand what the likely peak and trough times will be for that. We will not know, in terms of the exact financial model, until we have done the procurement process. That will give us what the pricing will be for the system and what the revenue flows will be. At its base level, yes, it does trim the peaks of energy prices because it is ready to deploy energy into the market as the price is peaking, and it charges up when it is low. So it does trim those highs and lows, and evens out the energy supply.

THE CHAIR: As I understand it, there are three different areas associated with this.

Mr Engele: Yes.

THE CHAIR: That, obviously, will affect the lifespan of the Canberra battery program. Are there different lifespans for each different area?

Mr Engele: We are going through the procurement process, and each has its own time frame. The transmission scale is much more complex; it has involved a lot more policy

work and commercial analysis of the different options available. There has been significant legal work relating to the contract. That work has had a team of people working on it, and external expertise.

The school-based batteries will be largely deployed over the next six months, as those installations occur. We will then go into a monitoring phase for that program of work. With the neighbourhood-scale batteries, that policy work will occur over the next 12 months, as we keep working out what the commercial model will be and understand what other jurisdictions are doing for that scale.

THE CHAIR: What is the internal rate of return on this investment?

Mr Engele: That has not been calculated, because we are still waiting on pricing information in relation to the transmission scale. The benchmark for the second stream, the facility-based one, was a payback period within the life of the warranty period, which is 10 years for that size of battery. We did not want to install systems on those government facilities if the payback period was going to be more than 10 years.

THE CHAIR: Is there any revenue sharing with suppliers?

Mr Engele: With the transmission scale there are two contract types. One of them is a revenue share contract. The way it would operate is that we would make a small payment every settlement period, which could be, say, every month, to the provider. They would then share a portion of the revenue back to the ACT.

The challenge for these large-scale batteries is that their revenues can be very lumpy. They can make a lot of money in a very short period of time when there are acute energy shortages. The finance that the banks are able to provide has a very high interest rate because they have to account for that risk. By providing small amounts of payments, they can use that as part of their finance package to bring down the external financing costs.

THE CHAIR: Is it on track to be finished by 2024-25?

Mr Engele: Yes. We are on track in terms of all of the procurement processes. The procurement processes, as I said, will come out shortly, and we are anticipating that all of the contracts will be issued early next year. In terms of the build time, it will depend on the successful proponent and the sites that they choose. Some sites may require EPBC approval whereas other sites may not. It will really depend on the projects that are selected as part of that procurement process. The EPBC approval could add 12 months to the time to build those systems.

THE CHAIR: In relation to the Jacka community battery market sounding last year, has this been received yet or responded to?

Mr Engele: That is outside this portfolio. I would have to double-check with them. We might be able to send a message to that team to see where that is up to. Essentially, they have done a market sounding and they are still working through the responses.

THE CHAIR: Will you come back to the committee on that?

Mr Engele: We will come back to the committee. We will see whether we can get something before the end of the session.

MS CLAY: I appreciate having those three streams outlined, and the EPBC approval process. I assume that would be primarily for the transmission year?

Mr Engele: Yes.

MS CLAY: A lot of cities are finding increasing land use pressures from solar farms, wind farms, batteries and all of the other things they need to do with land. Do you see the government facilities and schools strand and the neighbourhood scale strand becoming more important because they will not put that pressure on our land?

Mr Engele: The battery systems themselves are not huge. In terms of the transmission scale, they are small facilities, so it is not as acute. In terms of the deployment of the solar farms, they can be quite large. We do not have any very large ones in the ACT. That is why the contracts are different, to bring it in from outside the ACT.

Probably not on the battery technology, but the deployment into schools and across the distribution network gives us an opportunity to add resilience to the network. As we have more households with rooftop solar, that does create these periods of time when we will see a lot of generation in the middle of the day, when there is not as much demand. In order for the network to absorb that excess supply, those batteries provide that ability.

Part of the work is to understand where best to locate those neighbourhood-scale batteries. Some of the analysis is about what pinch points there are on the distribution network, for which we rely on Evo. Other parts of that relate to the level of rooftop solar in a particular suburb and trying to understand how it all fits together, as part of making sure that the network remains resilient.

MS CLAY: We had a line of questioning yesterday for the emissions reduction minister which was aimed at whether we would have enough poles and wires to provide electricity for the vast number of EVs we would have in 2035, if I have correctly categorised that line of questioning. I think there is quite a lot of stress among industry and people in the community who maybe have not been thinking about this. What role do you think neighbourhood-scale batteries and things like EV batteries are likely to be playing in our battery mix in five and 10 years?

Mr Barr: A very good question. We have the answer right now. It will make a lot of money, I suspect. Certainly, I think there is a much greater role for vehicle batteries than people currently recognise. I note there is quite a lot of interest in a particular battery manufacturer's home product that is either a five or 10 kilowatt battery. The new EVs that will emerge in the Australian market—some are already over 70 kilowatt batteries, and I think they are only going to get larger to address range-anxiety. That is a factor for some in EV uptake.

I suspect—and this is just my personal musing here—that the neighbourhood-level battery is somewhat overstated, once EV penetration gets significantly higher. In

answer to your question of what it might look like in 10 or 15 years: I think the vehicle element will be much stronger, because the take-up will be considerably higher, but there is definitely a role for neighbourhood batteries in the intervening period. It is very difficult to speculate on what network demand will be in 15 years time, other than that it is going to be higher than it is now for two fundamental reasons: firstly, the shift in transport; and, secondly, the shift away from natural gas. That is going to put a peak on demand in winter that our network currently cannot sustain, so it is undeniable that there will need to be network augmentation.

We see that the commonwealth government have recognised that weakness across the nation, and, hence, the Rewiring the Nation policy is probably the major initiative federally—by expense category anyway. We also recognise—and this is the work that the team are undertaking with Evo—where we can strategically place some of these community-level facilities and some of the government ones. The initial scheme, obviously, is focusing on schools, but a very significant decision will be around the electrification of our bus depots. That is going to be a very high energy user, so the network augmentation or the battery location there will be significant.

They are some initial personal observations based on what I have seen and heard. I will hand to officials now, who will hopefully not contradict—you never know! There are a lot of different views on this question. It is not clearly resolved. Over to Sam Engele and Kieran Lawton.

Mr Engele: Thank you. Consistent with the Chief Minister, there are differing interpretations of what the network will look like. It is definitely going to be more decentralised than what it has previously been. Things like the vehicle-to-grid trial, which has been run from EPSDD, is looking at how EVs will definitely draw from the network and how they can also support the network, so it is about trying to understand what that will look like. Also, the use of smart-charging infrastructure—so, rather than having everyone arrive home at 5.30 and plugging in, it will try and identify the usage patterns of the driver.

I think there is going to be a whole range of new technology which will bring that impact down. It might be worthwhile handing over to Mr Harding, who is in energy policy and might be able to talk about some of the broader modelling that was done.

MS CLAY: Or I wonder if we should pass over to Dr Paterson, who I think also has a supplementary question. I will leave it to you, Chair.

THE CHAIR: I am happy for Mr Harding to respond further. We have plenty of time.

Mr Harding: I have read and understood the privilege statement. In addition to the Chief Minister's and Mr Engele's comments, Ms Clay, I tend to, on these matters, refer to the authoritative source of information and projections: the Australian Energy Market Operator. They published, in June this year, the 2022 Integrated System Plan, which is a 30-year projection out of the least-cost pathway to get to net zero for Australia's energy system.

In that report, on page 54, there is some quite interesting commentary as well as some projections under their identified preferred transition model, which is described as the

step-change scenario. It describes the different types of storage—what is described as “distributive”, the household battery, coordinated distributive storage, so things like household batteries that are part of a virtual power plant or vehicle-to-grid-enabled batteries, and then going into longer duration, route connected storage. The projections to 2050 in that step-change scenario are that we can then go from two gigawatts, so 2,000 megawatts, of total storage in the system today to over 60 gigawatts. Of that, the projection is that two-thirds of the total installed storage capacity will be in those behind-the-meter contexts—household batteries, VPPs and vehicle-to-grid enabled batteries.

They are also projecting that 99 per cent of vehicles in Australia in 2050 will be battery electric vehicles, so there will be a significant number of batteries on walls in people’s homes, or batteries in community facilities that are orchestrated and connected together through this virtual power plant model, or batteries with four wheels and a steering wheel that are able to also plug back into the grid and discharge during periods of opportune use.

I think from those projections, we can see that the market operator is certainly seeing storage grow on an exponential scale, but, of the total share of storage, overwhelmingly, the forecast will be for that distributed community-embedded storage, the likes of which you have spoken about.

THE CHAIR: Dr Paterson, a supplementary question.

DR PATERSON: I want to put on the record that I have a suburb in my electorate, Swinger Hill, that is seriously inspired by your work on the batteries and very interested. They view themselves as a unique suburb architecturally, and it is also an older suburb, so it is a perfect case study for neighbourhood batteries. I know you said that the policy work is about a year out, or in process. What can communities like Swinger Hill do to express their interest and be at the forefront of these conversations when they happen?

Mr Barr: It is excellent to hear that there is that level of interest, so congratulations to that community for showing the initiative. We would be very keen to work with them. I think some of the characteristics about that community you have outlined, and the bell form of the suburb location, lend them to being involved in this sort of work and potentially being a location.

We would be very open to exploring it. Obviously, there are a range of technical and network engineering elements and all the rest that would need to be worked through, but, from the outset, this sort of thing is what we anticipate seeing more of. Good on Swinger Hill for being amongst the keenest. I will hand to Mr Engele to talk a little around the policy development and how we would approach this sort of interest.

Mr Engele: Thank you, Chief Minister. Stream 3, the neighbourhood-scale batteries, are the most intuitively attractive, but they are the most complex batteries in the policy work that we have had to do in this space. The key thing that we are working on, at the moment, is understanding the commercial model.

The technology has been proven, but how do we deploy it within the distribution network? That requires a few things really lining up with Evo and, also, the broader

competition policy requirements of the AER. That is the work we are going through at the moment. We do not have something that we can put to the community, at this stage, to test.

Of course, we are always happy for direct approaches, and we can do briefings to the community groups, so we are happy to take any direct requests for that. Probably, the other thing in relation to the location, and what will be a strong driver of the location, will be those pinch points on the network. It will come down to the level of constraints around those particular areas that will drive some of the location of those batteries. We are more than happy to receive any solicitations from those community groups.

DR PATERSON: Great, thank you.

Mr Barr: Before we go to the next question, Mr Lawton has some information on one of the previous ones we said we would get back to you on.

THE CHAIR: Okay.

Mr Lawton: I have read and understood the privileges statement. An observation on stream 3. Mr Engele summed it up pretty well that that is where it is intuitively attractive, but the commercial models are not proven yet. We are watching closely what is happening with trials elsewhere in Australia. There are some going on in Melbourne and some going on in Sydney, and we have been talking to those proponents.

They have largely been driven by grants, so paid for by government, if you like. We are looking for other opportunities. I would like to add that we are aware of what is going on with the Jacka battery, and they have come up against the same issue of what the commercial model is to go forward.

We are also talking with the commonwealth, who, you may recall, in the lead up to the election, committed to building three batteries of that scale in the ACT. Whatever we do, we will do it in a coordinated way.

DR PATERSON: Excellent, thank you.

MS CLAY: Minister, I would love to have a chat about the Sustainable Household Scheme, which is performing so well, and uptake is much higher than projected.

I appreciated your announcement today about community groups expanding, and I will run through that to make sure I have got it right. The things that you can currently access as an individual are rooftop solar, household battery, electric heating and cooling, hot water heat pumps, electric stove tops and EVs. Is that right?

Mr Engele: That is correct.

Mr Barr: Yes.

MS CLAY: I am interested in the things that are not on that list, and I have three things in particular. Given that the scheme is designed to avoid emissions, every cabinet analysis I have seen of insulation usually shows that that is one of the cheapest ways to

avoid emissions, and we do not have that in there. E-bikes—and we have gone around that a few times—but they are not in there.

Mr Barr: We have, yes.

MS CLAY: I was at the transport EV forum recently, and they were telling me their price points are between \$2,000 and \$10,000 on those. Also, electric motorbikes—we have EVs but not electric motorbikes. It was not one that was previously on my list, but there are a lot of models coming out and they seem to be in the \$10,000 to \$20,000 price range. It struck me: why are those three things not in there?

Mr Barr: Obviously, we have to prioritise particular elements. They were never part of the Labor policy commitment that we took to the election. We have sought to focus the scheme on the things on which we went to the people in 2020 saying we would do. We have, through negotiation, expanded it somewhat, under the parliamentary and governing agreement, because there was a close correlation with some commitments that the Greens party had made. It was sensible to meet both parties' objectives under a slight expansion of the product offering for the scheme.

We have indicated a process around assessment of new products that could potentially enter the scheme. We also, though, need to evaluate some elements of the scheme as a result of changed circumstances. On current projections, with the current product list and the current take-up, the amount of capital allocated to the scheme will be exhausted within this parliamentary term.

The eligibility criteria that are currently in place reflect circumstances of two years ago. Some of the property value thresholds, for example, sit back at 2020 levels. Also, we have made some further policy decisions as a government, subsequent to the initial phase of the scheme, that were not accounted for at the time that we made our commitment. In 2019, effectively, when we were putting together our work towards what the election commitment would be, we had not yet, as a government, made decisions on the zero-emission vehicle pathway or the gas transition pathway.

In assessing those changed circumstances and looking at potential next steps for the scheme, my directorate and I, through the Office for Climate Action and Treasury, are looking at the next steps and stages for the scheme beyond its current eligibility criteria, product eligibility and capital allocation.

Another thing that has changed, and I suspect it will continue to change, is that the cost of capital has increased from very low interest rates when we commenced the scheme. The cost of the government providing zero interest loans has increased. Another consideration for the scheme in the future beyond the current capital allocation will be whether it moves from being a zero interest scheme to a low interest scheme, whereby the rate of interest is above zero. That decision has yet to be taken, and we are evaluating all of those elements.

Another factor for the government to consider is the cost of each loan and the operation of each individual loan, which, I would have to say, is a factor for, in fact, increasing the minimum loan amount. The current scheme operates between \$2,000 and \$15,000. The cost of administration for a \$2,000 loan, relative to the money that is loaned, is

quite high.

Without foreshadowing or pre-empting all of those elements of review of the scheme, I can say that we will look at each of the categories that you have identified. We have discussed the e-bike issue; we have been around that journey more than once. E-motorbikes are registrable vehicles, and they are, effectively, a substitute for an internal combustion engine motorcycle, so I would have more sympathy on that point, and it would be consistent with the existing EV arrangements. Of the three you have listed, that is possibly the most likely.

With the first one, insulation, I accept that, as an investment, that has significant potential to reduce energy demand, effectively, because you need less energy to heat or cool a space if it is better insulated. I am, however, a student of Australian political history. We have had these sorts of schemes attempted. There are lessons to be learnt there. I do not rule it out, but I am certainly not signalling this afternoon that we are about to get back into the government-subsidised insulation business. We can do it, and we can manage it well within a public housing context, but the sorts of schemes that have operated in the past have created some challenges.

I am open to looking at it, but I am certainly not open to creating an industry where you have unqualified people who come in and take advantage of a government subsidy arrangement, as we perhaps saw 13 years ago at a federal level. There are some lessons to learn there. That probably covers the ground.

MS CLAY: I appreciate that you are looking at the scheme. I understand that funding is finite. I do not know what your criteria are. I would be looking at how much carbon you offset with each thing. When you look at something like rooftop solar, where we already have 100 per cent renewables, maybe that is not offsetting a lot, whereas something like insulation or an e-bike that replaces a car would be offsetting a lot.

The other one that the Greens always look at is just transitions. We really like this scheme, but it is very skewed to home owners, who probably already have access to quite good equity and loans. Things like e-bikes and e-motorbikes would open it up to people who maybe are not home owners. Do you look at those two things, just transitions and the actual carbon offsets?

Mr Barr: Yes, indeed. I appreciate the observation you have made about households that do not own—that rent. Obviously, the scheme is available for landlords, so those households are not excluded.

Mr Engle: There are a range of other programs that target low income households.

Mr Barr: Yes, I think we are reasonably aware of that. We are talking about privately-owned properties, not government ones. I think you are pretty well aware of the programs we have in place there. I am not attracted to some elements of what you have proposed. You know that; we have had this conversation multiple times.

The reason I highlighted, in my opening response to the question, the two policy changes that we have made in relation to gas transition and the sharper EV uptake expectations, is that that dictates part of the future direction for the scheme. I definitely

take the point on rooftop solar. Given where the pricing is at the moment, even without a zero interest loan, and even if you were borrowing the money through a bank at a consumer interest rate, your payback period would still be pretty good on rooftop solar. Of all of the current products in the scheme, and if you were wanting to focus somewhere else, that would be the one that you would not continue.

If you then look at what you would pick up, the two announcements we have made around gas transition and EVs largely dictate that we need to do more in that space, to help ourselves make the transition from gas to electric in space heating, water heating and cooking—although, I suspect, the first two will be easier than the latter. Whether people will want to maintain a gas connection just for cooking, or whether they would just use bottled gas, if that was their preference, it is an obvious one.

On electric transportation, as I say, I would lean more positively towards motorbikes. I am not interested in publicly subsidising expensive e-mountain bikes. I might be more open to considering cargo bikes, because I am not subsidising someone's hobby; it has to be a genuine shift from an internal combustion engine vehicle that is currently emitting to something that is not.

MS CLAY: We need to start commuting together. I take your point. Could I ask one very short supplementary?

THE CHAIR: Very short, because we will move on.

MS CLAY: You can cut me off if it is not. Do we have published figures on how many renters and how many landlords have accessed that scheme?

Mr Barr: I think we can—

MS CLAY: If not, on notice.

Mr Barr: We may not know the property ownership and the rental question.

Mr Engele: We do not have that split.

MS CLAY: You do not collect it for privacy reasons? Would I be able to ask you a question on notice about it?

Mr Engele: We have not been receiving that, at the moment.

Mr Lawton: No, we have not been asking. The loan application process is based on the individual and the property; it does not identify whether it is a leased property, as part of that data collection. We do not have the data.

DR PATERSON: My question is in relation to the extension of the scheme to community groups—the announcement made this morning. Can you speak to what you predict the uptake will be? Have you done consultation on this prior to—

Mr Barr: Certainly, there are a number of keen entities who will be very active early on. As to the new positions—

Mr Lawton: It was great to finish off the commitment by including the community organisations today. We are defining community organisations either using the Access Canberra list of incorporated associations in the ACT—and there are several hundred of those—and/or being on the Australian charities register. There has been consultation, and I would need to take that on notice to tell you exactly what consultation has gone on over the last 12 months. I know that we have had plenty of interest and we have been talking with at least five organisations that are ready to go today. From memory, there was a church, and other community groups.

With respect to what the uptake will be, we are not sure yet. Obviously, the scheme has been very successful, with 7,000 households already participating. We have set it up at the moment with community organisations so that it is just hand-holding on the way through. They will get a service that is face to face, they will have conversations, and we will set up business systems behind that. Time will tell; it is novel and it is new.

DR PATERSON: Going back to the original scheme, is there a breakdown regarding what the 7,000 properties have had, in terms of X number have had solar and X number have had EVs?

Mr Barr: Yes. Rooftop solar has been quite popular, in the order of 4,500 loan applications and nearly 3,000 installations to date. For solar and battery, the figure is about 1,100 loan applications and 700 installations to date. For heating and cooling, it is about 1,250 loan applications and nearly 1,000 installations. For hot-water heat pumps, it is around 500 loan applications and 375 installations to date. For stove tops, it is about 50, of which 35 have now been installed. For new EVs, there have been 32 applications, and 23 have now been approved. For used EVs, there have been 30, with 29 delivered. It tells you a little bit about the supply chain issues, if used EVs are there. A new one can take a little while to arrive. For EV chargers, the figure is 18, of which 12 have been installed. There is a strong take-up of rooftop solar. From the last data that I saw, it had added something like 30 megawatts of additional renewable energy.

Swinging back to that observation, in order to maintain 100 per cent renewable electricity, with an anticipated increase in electricity usage as a result of the transport and gas switch, we will need to procure more renewable energy over time. I think it is defensible that the extra 30 megawatts that we have generated through the scheme now will contribute to that increased supply over time. It is not directly in my portfolio area, but there are a couple of officials here who will know about this more intimately: do we have one more large renewable option coming?

Mr Rutledge: Not in the near term.

Mr Barr: The next couple of years?

Mr Rutledge: Yes, in the mid-term. The Chief Minister is right—

THE CHAIR: Please acknowledge the privilege statement.

Mr Rutledge: I have read and acknowledge the privilege statement. Sorry, Chair.

THE CHAIR: I am sorry, but it is something I have to do.

Mr Rutledge: I am so comfortable that I forget to say the simple things.

In the mid-term, yes, we will be able to maintain 100 per cent renewable electricity. Future options will be required. However, the love of Canberrans for rooftop solar—right around Australia but also in Canberra—means that every time that is installed it defers that need. I think it is valuable for Canberrans to play their own part in making sure that we remain on renewable energy.

The other thing I will just add is that we have seen more recently that when people install rooftop solar, that is actually the start of their electrification journey. They are installing a larger system than they would have done five or ten years ago. Then they think, “Okay; now I have done that, what am I going to do with this excess energy?” and that is when battery storage, electric vehicle and electrification of the household comes into play. The continued support of the government and the continued uptake of rooftop solar is actually seeing longer emissions reduction benefits because those other electrification options become more attractive to the owner. That is a good flow-on benefit from the investment in rooftop solar right now.

Mr Barr: To conclude all of this, we will, over the next few months, be undertaking a review of the scheme and what the next steps will be. I would hope to be in a position to make a public announcement on that, subject to, obviously, the internal government processes, most likely when everyone is back from school holidays at the beginning of 2023.

THE CHAIR: Is there a standard process to address any loan defaults?

Mr Barr: Yes. I do not think we have had any to date.

Mr Lawton: That is right. I can take that one. Yes. There is an eight-step process that Brighte runs that I do not have in front of me now. It is a slowly escalating process of contact, review, encouragement—that kind of thing. Before an external party gets involved, the ACT government is notified so that we can work directly with that customer. But, as the minister says, we have not actually had a default yet. It is quite remarkable.

THE CHAIR: Can you take that as a question on notice and provide the eight steps to the committee?

Mr Engele: Yes.

THE CHAIR: No-one has defaulted yet, so my next question is: what would happen if someone does default and cannot pay the loan?

Mr Engele: Within those eight steps, if someone is unable to, after encouragement and the various steps, then Brighte will rely on the standard approaches under the Australian credit laws. They are regulated under that and they are operating within that. We have, as part of our service contract, added in additional steps to make sure that we are able

to support the community. As Mr Lawton mentioned, if there are other issues going on, we can then refer them to other parts of the ACT government for support.

THE CHAIR: Excellent. Thank you very much.

DR PATERSON: My question is in relation to page 21 of budget statements E. Table 21 shows accountability indicators, and (b) is “Businesses improving sustainability through participating in government initiatives”. I am just wondering: what is that? The target is much lower than the estimated projected outcome, so some more insight into that would be helpful.

Mr Engele: Mr Rutledge might be better able to answer, because that is near his area.

Mr Barr: Yes.

Mr Rutledge: Thank you, Dr Paterson. Yes, the government continues to support business. I think the first thing that we hear when we are talking to business is that they want trusted information, and that is where the government can play that honest broker role in providing that information. Whether you are investigating electrification, insulation, solar or vehicles, there is a lot of information out there and if you are a time-poor businessperson, you do not really have that time to put your money in. I want to emphasise the importance of having that trusted information from government, separate to commercial interest. That has proven to be valuable, and the government has run similar programs for the past decade.

What we have done in the recent term is revamp our online presence. The Everyday Climate Choices initiative, both as a targeted branding opportunity and a more user-friendly website, means that we are seeing a lot more hits through that space.

One of the areas that we are now working on is the fleet advisory service, for when people are thinking of whether they can go EV as a small fleet. It is interesting to hear, again, when you talk to businesses, that they do not see themselves as a fleet provider until you ask them how many vehicles they run and they say, “We only run a dozen,” or “We only run 25,” and then you say, “Well, if you are running 25 vehicles you are running a fleet.” They have not thought it through, so questions on everything from charging infrastructure and then access to vehicles are common.

As the Chief Minister said, there are supply issues right now. Some of the businesses that have come to talk to us about fleet are people like St Vincent de Paul; Woden Community Service; Nordic Blinds, who we did a launch with; and the US Embassy, which is interesting because they have a pretty big fleet here in Canberra—

Mr Barr: They were all Teslas, were they?

Mr Rutledge: Not all Teslas. I had the opportunity just the week before last to attend the EV Summit that the ACT government sponsored. That brought people from around Australia, and I was talking to a gentleman who runs Zip water heaters. They run a national fleet of over 200 vehicles. They just happened to be in Canberra, and we have been providing them with the information. That information will help their ACT fleet, but someone like that—thinking of converting 200 vehicles is quite a substantial change.

That is where information plays a critical role.

The only other one that I will highlight in this space is some targeted grants for community clubs. The government made some commitments around that, and we have been working with clubs. They would say—and I think we would all agree—that they have been hit hard by COVID, so they are looking to make cost savings wherever they can. The Australian Croatian Club in Turner have done some insulation and some air-conditioning upgrades. The government has already provided the rebate on that. We have another 18 clubs ready to go or are in the process—again, getting someone to think about their energy use and their water use, getting someone to walk around with them and then seeing how they can make those changes.

These are the programs that we have delivered, especially since coming out of COVID or moving to COVID normal. As businesses are opening up, they are looking pretty tightly over it. Going somewhere for information they can trust is certainly where the government plays a strong role.

DR PATERSON: Just on the clubs, is that a grant that the government gives clubs to transition those things?

Mr Rutledge: Yes. I think it is up to \$75,000. I have got that wrong. I will take that on notice because I just do not have that in front of me; but, yes, it is certainly one where the government investment has to be less than half what the club themselves are investing, so it is a co-investment scheme. They start by coming to us for information and we provide that information. We say, “Okay; the most efficient upgrade that you can do would be ...” and it is normally insulation or HVAC, heating and ventilation. Sometimes it is even refrigeration. Then we provide a small grant towards that.

It is also about the businesses calculating the return on that investment. If we can work that out with them, then they know it is a little bit of up-front caveat, a little bit of government investment, and then a three- to five-year payback period. For a small business that is a pretty effective thing. Larger businesses want the information. They care less about the rebate, to be frank. The rebates have been targeted at small businesses. Some make that commercial decision, but, again, they need that information. So it is a targeted program around the clubs. Most of our hard-grind work is with smaller businesses, but information available for larger businesses assists at that level.

DR PATERSON: I have a final question. Is it not a double-up with the diversification and sustainability grant fund?

Mr Rutledge: This is the community clubs building energy efficiency program. That is the one I was talking about.

DR PATERSON: Thank you.

Mr Rutledge: Dr Paterson, it is \$75,000. How much they are willing to invest limits how much the government is willing to put in.

MS CLAY: Thank you, Mr Rutledge, for telling us that insulation is one of the most efficient upgrades. That is great to hear. I am interested in what we are doing for

apartment buildings. We have a really good range of schemes to help people transition, but a lot of them are a bit harder to access if you are in an apartment or a body corporate. How are we going with rooftop solar and batteries and EVs for apartment buildings?

Mr Barr: With apartment building EVs there are two issues. One was resolved at the building ministers forum last week, which is around standards and requirements for new builds that will now, as I understand it, require sufficient infrastructure for electric vehicle charging. Then, as part of the Zero Emissions Vehicles Strategy, there is a grants scheme available. It is obviously also open to body corporates, under their fee arrangements, to just do it anyway. Sometimes the constraint is the network capability, depending on the type of vehicle charger that is installed. So if it is a trickle charge, with a wall socket or a slightly faster AC charging arrangement—so what you can normally install to go from three kilowatts per hour charging to, say, seven—that is more manageable than the DC arrangement, 350—

MS CLAY: The fast charger; yes.

Mr Barr: I do not think we are going to have that sort of fast charging in apartments unless they have got a pretty extraordinary three-phase power hub right next to a massive battery. I guess they are the two main strands in terms of future and retrofit. It is going to vary, depending on the age of the apartments and their location. I do not think there are any further planning law impediments to installing chargers. There are body corporate permissions, potentially, and then there would be energy network limitations, potentially. That is the EV side.

In relation to rooftop solar, again, there are fewer planning constraints and more issues around getting body corporate agreement. There would be a consistent theme there of where you are not the only property owner and it is a shared roof space, then there are obviously protocols and legal requirements around body corporate agreements on these things. Occasionally you hear stories of proposals being knocked back, but less so, given the rate of return.

It would also depend on whether there is an embedded energy agreement within the unit title structure. If they are not individually metered, then it would presumably be a little bit less complex if there is one energy contract for the apartment building. The body corporate, I presume, would be more inclined to then want to reduce costs because there is one supply in. It would make it a more straightforward process. I have now forgotten what the third one was that you raised.

MS CLAY: It is solar batteries and EVs in apartments. We are getting a lot of stories. It is great to have planning laws changed for the new ones and it is great that we have this default position that body corporates cannot unreasonably say no, but I am still hearing about a lot of operational problems.

Mr Barr: That is a fair point. I imagine some of the neighbourhood battery policy work will touch on that.

Mr Lawton: I am happy to build on that. We are working with some multistorey building complexes as well. You would be aware that, under the Sustainable Household Scheme, over 90 per cent of apartments are eligible to get a loan, but there is the extra

step of getting permission from the body corporate. Particularly with the charging backbones for EVs, there is a coordination issue. We realise that this is a big deal and we are learning what we can at the moment, as part of the SHS team. There are some body corporates that have taken these steps and put in backbones and then distributed that cost among apartment owners. We have seen that take place in Canberra. That opens the door for people to get an SHS loan for their charger themselves. There is some work to do there, but it is happening and we have supported apartment complexes to do that.

MS CLAY: Do people have a helpline or something? It strikes me that the Business Fleet Advisory Service was a really good initiative. Is there a single helpline that people can go to, to find out?

Mr Lawton: We rely on Actsmart help, which is—

MS CLAY: Just general.

Mr Lawton: Yes.

THE CHAIR: Excellent. Once again, it is with great sadness that the committee must close today's hearing. On behalf of the committee, I would like to thank the Chief Minister and other ministers, statutory office holders and officials who have attended throughout today. Naturally, if any questions have been taken on notice, please provide answers to those questions to the committee secretary within five working days of receipt of the uncorrected proof. If members wish to lodge any questions on notice, please do so to the committee secretary within five working days of the hearing. The hearing is now adjourned. Good evening.

The committee adjourned at 5.28 pm.