



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON ESTIMATES 2023-2024

**(Reference: [Inquiry into Appropriation Bill 2023-2024 and
Appropriation \(Office of the Legislative Assembly\) Bill 2023-2024](#))**

Members:

**MR M PARTON (Chair)
MS J CLAY (Deputy Chair)
MR M PETTERSSON**

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 18 JULY 2023

**Secretary to the committee:
Ms K de Kleuver (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.

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Privilege statement

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Amended 20 May 2013

The committee met at 9 am.

Appearances:

Gentleman, Mr Mick, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

Justice and Community Safety Directorate

Glenn, Mr Richard, Director-General

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

Whelan, Ms Georgeina, Commissioner, ACT Emergency Services Agency

Jones, Mr Jason, Assistant Commissioner, Operations, ACT Emergency Services Agency

THE CHAIR: Welcome to the public hearings of the Select Committee on Estimates 2023-2024. The committee wishes to acknowledge the traditional custodians of the land that 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 the 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.

The proceedings are being broadcast live and with a viewing audience of thousands! The proceedings today are also being transcribed and will be published on the Assembly website. When taking a question on notice, it would be helpful if people could emphatically say, "I will take that question on notice," so that everyone is on the same page.

In this first session we will hear from the Minister for Police and Emergency Services. We welcome Mick Gentleman MLA and officials from the Justice and Community Safety Directorate. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. We will get that confirmation as witnesses speak for the first time. Minister, could you confirm for the record that you understand the implications of the privilege statement and that you agree with it?

Mr Gentleman: Certainly, Chair. Yes, we understand the obligations of the statement.

THE CHAIR: As we are not inviting opening statements, we will now proceed to questions. Minister, I will start. It was with some interest that I read in the Auditor-General's report of the purchase of the hybrid electric fire truck. Was a feasibility study conducted into the potential suppliers of alternative fuel source fire trucks?

Mr Gentleman: Thanks for the question. It is important, as we look to the future, to supply alternatives to normal fuel-based vehicles. We have done quite a bit of work as we looked at the first plug-in hybrid electric fire truck for the ACT. Indeed it is the first of the right-hand drive ones, the first in the Southern Hemisphere, with this purchase. We certainly did some work in looking at the procurement of the truck and

at what we really needed for firefighters on the ground. That was a truck that was ergonomic, that was modern and did not create the emissions that we have seen previously.

In regard to the tender process and looking at those sorts of options that you have mentioned, I will ask directorate officials to go through that for you.

Mr Glenn: I acknowledge the privilege statement. Yes, there was work conducted within the directorate to identify players within the market who were capable of delivering a plug-in hybrid electric fire appliance. As the minister indicated, there was considerable work done with firefighters and staff to be able to establish the required parameters and performance metrics of that appliance.

THE CHAIR: Minister, the suggestion in various public commentaries on this is that you say that there was some work done, but much of it was simple Google searches. How do you respond to that?

Mr Gentleman: No, there was quite a bit more work than that, Mr Parton. Mind you, that sort of work does take place as well, when you are looking at these sorts of alternatives. The important thing here was looking at the opportunity to protect firefighters into the future. Indeed the egress for the truck is completely different to normal fire trucks, as you would notice. Normally, in the current fire appliances, where you have a cab over the engine, firefighters have to climb into the cabin with their equipment. This fire truck allows them to walk in off the side of the road with their equipment and actually don breathing apparatus whilst they are in the fire truck.

Also, it does not produce any diesel particulates. Diesel particulates have been the bane of organising fire stations and the safety of firefighters in the history of supplying vehicles for the ACT and other jurisdictions. This move away from diesel-powered trucks means that we do not have to force firefighters to work in those difficult situations.

THE CHAIR: The very clear suggestion from many that are following this is that your government's haste to be the first jurisdiction in Australia to get an electric fire truck meant that your directorate took shortcuts in the procurement process for an electric fire appliance which ultimately has cost Canberra ratepayers much more money than it should have.

Mr Gentleman: It certainly is more expensive than a normal cab-over-engine fire truck. There is no doubt about that. However, we need to take these opportunities to move forward as we look at safer options for firefighters in the future. I do not know how you would put a price on safety for firefighters.

THE CHAIR: But in—

Mr Gentleman: We have seen in the past, Mr Parton, where we have used materials that have been unsafe for firefighters. It is unsafe for them and their families. PFAS is a very good example where we have had to spend millions of dollars in remediation, not just for firefighters but for the Canberra community as well.

THE CHAIR: Minister, the question specifically is that there is a suggestion that your government's haste to be the first jurisdiction in Australia led to your directorate taking shortcuts in the procurement process.

Mr Gentleman: I do not agree with that comment, Mr Parton. We made a strategic decision here to go forward with this purchase and it was not a hasty purchase. It took quite a while to build the truck. But it is important that we take these opportunities to involve firefighters and make sure it is safe for them well into the future.

DR PATERSON: Minister, I read in articles that the new fire truck is safer not only for firefighters but also for road users, in that it rumbles when it approaches cars. Is that correct?

Mr Gentleman: Yes, that is correct. Because it is electrically driven, there is no engine noise from the fire truck. When approaching areas that have other vehicles or pedestrians, there is a rumble that occurs from the truck. It is like a deep bass rumble to ensure that people who are hearing impaired, for example, understand that there is an emergency vehicle coming. The lights still operate, as with a normal emergency vehicle, but there is a deep rumble, which gives you the opportunity to understand that there is something else happening on the road and you can look around and see a fire truck.

DR PATERSON: Will that be used regularly or is that for special occurrences when the firefighters can use that?

Mr Gentleman: It will be used when it is in an emergency response situation and where they think it is appropriate for pedestrians or people with hearing impairment.

MR MILLIGAN: As I understand it, Minister, part of your goal was for the ACT to be the first jurisdiction not only in Australia but in the world to have one of these EV fire trucks. As I understand it, Germany now have one of them. However, I understand that the cost that they paid for their EV fire truck is significantly less than what we have paid here. Is it true that the ACT government had to fork out a lot of the establishment costs for this EV truck because it was the first, and ended up paying almost double what Germany paid?

Mr Gentleman: No, that is not the case. Certainly, their model was in operation in Germany in tests before ours was produced and brought over to the ACT.

MR MILLIGAN: What was the final figure for the cost of this EV vehicle?

Mr Gentleman: \$1.5 million.

MR MILLIGAN: Was a business case done for the purchase of this fire truck? Was it actually completed?

Mr Gentleman: I will ask directorate officials to answer.

Ms Whelan: I have read the privilege statement. In relation to the question with regard to the business case, there are two parts to the business case. There was the

proposed business case in 2021, which was for the development and delivery of an electric fire appliance. We outlined that that would be approximately \$1.6 million, and that was broken down in the business case to the cost to design, develop and engineer, and bring the vehicle to standard for Australian registration. It also included infrastructure, the retrofit of fire stations, an equipment update of the ESA workshop to manage the vehicle, and the project management costs. All of this was outlined in the business case.

The proposed business case also included components of funding for the ESA, together with other relevant ACT directorates, to evaluate the prototype and further investigate the vehicle's whole-of-life benefits, which is what we are doing now and what we will continue to do when this vehicle becomes operational in the very near future. There was some delay to the business case, and that was due to the COVID-19 health pandemic. ESA, due to the COVID-19 pandemic, paused the business case and decided not to proceed at that point in time.

We then moved on to phase 2, which was post the high-tempo period of the COVID-19 pandemic. We then elected to re-prosecute the business case, which led to a self-funding model as part of the business proposal that went forward. This was made up of \$1 million of self-funding, based on the \$5.24 million loan that was secured through the government's Zero Emissions Vehicle program and \$3.97 million from reprofiling savings already invested in other projects. Together with reprofiling the project savings for the purpose of purchasing the hybrid vehicle, this went to cabinet and was approved by Treasury on 28 January 2021.

As part of the business case that we submitted, ESA highlighted that we would cover the cost of the full-time equivalent personnel for the project team, which consisted of a project executive, a contract manager and, most importantly, four firefighters, including a United Firefighters Union representative, as part of that project team.

Throughout the project, milestones were identified in the business case and throughout that project those milestones were achieved. This has enabled us to receipt the vehicle a short period of time ago, and we are now in the process of preparing for registration of that vehicle.

The vehicle breakdown cost as per the business case was \$1.510 million. There was an additional \$260,000 from ESA funding for the additional fit-out, and the project costs were \$24,153. To date, there is still \$126,410 remaining in that project fund. This was all comprehensively outlined in the business case that was submitted.

MR MILLIGAN: Was the decision to purchase this EV fire truck made and was it instructed to be purchased before the business case was completed?

Ms Whelan: Not to my knowledge. There was productive discussion across the ESA and the whole of government exploring opportunities to introduce this vehicle, or vehicles of this type, into the ESA fleet.

MR BRADDOCK: The Auditor-General in his report highlighted that there were concerns about the governance process, in terms of poor documentation, failure to adhere to the Government Procurement Act, and commitments made in cabinet

documents which were not followed through. Can you please respond to the Auditor-General's comments on that?

Mr Gentleman: Thank you, Mr Braddock. We certainly take those comments on board. There were other parts of the decision-making that I have explained in regard to safety and in moving to a zero emissions vehicle, that were in consideration in the decision-making.

MR BRADDOCK: I am not arguing against the safety of the workforce or zero emissions. I am saying that, surely, governance has a role to play, including adherence to legislation.

Mr Gentleman: Yes, indeed; we take those on board.

MR BRADDOCK: Is anyone accountable for those shortfalls in governance?

Mr Glenn: I am, yes.

MR BRADDOCK: What have you done about that, Mr Glenn?

Mr Glenn: We have had several discussions in other contexts around the work that I have going on in the directorate in relation to procurement, and I will not recount those now. One comment that I would like to make about the Auditor-General's report—and, of course, I acknowledge the Auditor-General's independence and the important role that his office plays—is that I am not entirely comfortable with some of the characterisations that his report makes around the process for the procurement of the fire truck. We have made that clear to the Auditor-General. He takes a contrary view. We will reflect upon the comments that have been made in the report and, of course, seek to incorporate those into our processes going forward.

MR BRADDOCK: Can I please clarify what characterisations you might have a different perspective on than the Auditor-General?

Mr Glenn: There are a number. I have difficulty with the characterisation around the nature of the research and inquiry that was made in relation to the purchase of the fire truck. I think the overall view expressed by the Auditor-General is characterised by a feeling that this truck was more expensive than a diesel-powered truck, which was entirely known to us. That was not actually part of the procurement process. It was known that this was a more expensive product, but it is a product on which we are leading, in order to be able to deliver safety for firefighters and a more sustainable future for the fleet of ESA and across the JACS Directorate.

MR BRADDOCK: You are not disputing the characterisations around record keeping or governance?

Mr Glenn: I do not dispute the characterisation around record keeping. Clearly, I do not have a basis to dispute that. I am happy to reflect upon whether we can improve on governance.

MR PETTERSSON: Are we looking to procure more of these hybrid electric trucks?

Mr Gentleman: Yes, we certainly are looking to the future of safety for firefighters and, of course, meeting our zero emissions programs as well. We have been working not only with Rosenbauer but with Volvo as well. Volvo trucks are built here in Australia, in Wacol, and they are producing electric prime movers as we speak. In fact, at a recent event in Brisbane, it was announced that Volvo sold 88 vehicles at that particular event, and 25 per cent were electric vehicles. This is the future, and it is good to be able to work with these companies and be at a point where we can understand what is driving them, and what we can do for firefighters' safety and meeting our policies in the future.

MR PETTERSSON: Have we ordered or reserved any more hybrid electric trucks?

Ms Whelan: Not firefighting trucks. No, we have not.

MR PETTERSSON: Not fire trucks; something else?

Ms Whelan: We are working, with Volvo, to explore other opportunities to introduce vehicles into our fleet, mainly in the enabling support area.

MR PETTERSSON: I am not an expert here. What does "enabling support area" mean?

Ms Whelan: Logistics.

MR PETTERSSON: Logistics?

Ms Whelan: Resupply.

Mr Gentleman: Vehicles that can carry equipment to and from stations, to and from firefighters on the ground.

MR PETTERSSON: Okay; so they will be for the fire service, but they are not a fire truck.

Mr Gentleman: ESA.

Ms Whelan: They will not be firefighting appliances.

MR BRADDOCK: The ESA executive leadership alignment review identified "examples of poor behaviour, such as withholding information, undermining decisions, blaming and bullying, including by exclusion", and, "stakeholders consistently reported behaviours by executives which are not aligned with ACT public service values". Can I clarify who is responsible for ensuring that the ESA leadership team are held to account for any leadership failings or behavioural shortfalls that might happen?

Mr Gentleman: In the end, Mr Braddock, it is government and I, and the leadership structure in JACS.

MR BRADDOCK: Very good. Are these behaviours acceptable, Mr Gentleman?

Mr Gentleman: No, that is why the report was commissioned. As you have heard from Mr Glenn, all of the recommendations in the report have been accepted and we will be rolling out those changes.

MR BRADDOCK: Has any action been taken to investigate or discipline staff who exhibited unacceptable behaviour of failure to adhere to the ACTPS values?

Mr Gentleman: At the moment, Mr Braddock, this is a program that is moving forward; it takes into account the recommendations from the report and the response from government and the D-G, and we will be working through that as we roll those responses out.

MR BRADDOCK: I have read the director-general's response with great interest and found there was nothing in there in terms of investigating or potentially referring anyone who may have behaved poorly to the Public Sector Standards Commissioner. Has any action been taken in that regard?

Mr Glenn: Mr Braddock, there are two comments. The first is that you will note the report does not identify any particular individual in relation to any behaviours, and that is because the report itself was on how the team works together; it was not an investigation into individuals. The second point is that I do not discuss publicly actions that we take in relation to any public servant in terms of investigation of misconduct or otherwise. I simply do not canvass those questions publicly.

MR BRADDOCK: Fair enough. Do you take seriously the reports from stakeholders and the report of the examples of poor behaviour, and do you plan to do anything about that?

Mr Glenn: Yes, I take seriously the report and the response that has been published and provided to staff in relation to the actions to be taken in response to the recommendations of the report, and a description of the process that is to be followed.

DR PATERSON: Can you outline the time frames for implementation of the recommendations?

Mr Glenn: Certainly. It is at least a 12-month process, I would expect, possibly 18 months. That is the feedback from the review team as to the likely time frame. The first actions will be to respond to the recommendation around creating an oversight committee to help guide the process, and that work is underway right now. There will be a number of recommendations there that I think are relatively easy and quick to deliver. Others have to do with a longer term conversation with the team and amongst the team about their mode of operation.

Mr Gentleman: As that oversight committee works forward, I would ask the D-G to give updates to cabinet so that the whole of government understands what is being done.

MR MILLIGAN: In relation to the oversight committee, who will actually be

involved with that? Will you be involving some representatives of our front line, the firies and ambulance, and will you also be allowing TWU and the Firefighters Union to take part in this oversight committee?

Mr Gentleman: We will certainly be asking for input into the committee from those representative groups.

MR PETTERSSON: I was very excited to see in the budget funding for a new Casey station. I was hoping the committee could get an update on how that project will progress.

Mr Gentleman: Thank you very much, Mr Pettersson. Yes, this adds to our future investments in ESA as we move forward, with a new station for Casey. One at Molonglo has been identified as well. There is some work that needs to be done on both of those, in a planning sense; then there will be an investigation, due diligence, as we design and move forward. As always, we will have firefighters at the base of that design as we move forward in that process. I am very keen to hear from their representatives about what they would like to see at those stations.

As we just talked about, with the electrification of our service into the future, we need to make sure that these stations are available to do that work, as well as looking after the staff. I will go to the commissioner to give you an update on those stations.

Ms Whelan: Thank you very much, Minister. As per the budget papers, we have been allocated \$64.299 million for the construction of the joint ambulance and fire station at Molonglo, and that will progress over the next three years. We are in the planning and design stage for the construction of the new combined station at Casey, and \$1.85 million has been allocated to that.

There are working groups for both projects. The working group for Molonglo station has been up and running for a considerable period of time and there is active involvement, not only from chief officers of ambulance and Fire & Rescue, but also from representatives of the consultative groups, from both ambulance and Fire & Rescue, who have been extensively engaged in the design of the Molonglo station. The same pattern of activity in terms of consultation and co-design will be undertaken for the Casey station.

With respect to the benefits for both stations, obviously, we will be leveraging off the work that has been underway for quite some time in terms of infrastructure across the entirety of the agency. Because of the close consultation with the workforce, we are very confident about producing very robust capabilities for the Australian Capital Territory.

MR PETTERSSON: I am not normally a stickler for details. In terms of how much money is being spent on each station, in budget statements D, I am assuming there is a typo. On page 35, for the year 2025-26 estimate, it is “3-151”, in hundreds of thousands. Do we have a total spend?

Mr Gentleman: I might ask our finance expert to answer that.

Ms Cvetkovski: Yes, it is a typo there. The actual amount should be \$30,777,000.

THE CHAIR: Could I confirm that you have read and understood the privilege statement?

Ms Cvetkovski: Yes, I have read and understood the privilege statement.

MR PETTERSSON: You have provided a breakdown of the spend on the design of Molonglo and Casey. Can you provide a breakdown of the expected construction costs for each of the stations as well? Is there a particular reason that it is one line item in the budget? I am confused.

Ms Cvetkovski: I can provide some detail. It has been grouped. The Casey feasibility study and design has been grouped with the construction of the other station. The breakdown is \$65.951 million for the construction component and \$1.925 million for the planning and design of Casey.

MR PETTERSSON: Just for Casey?

Ms Cvetkovski: That is right.

MR PETTERSSON: What about Molonglo?

Mr Gentleman: There is still some work to be done there.

Ms Cvetkovski: It is \$65.951 million.

MR PETTERSSON: When are decisions going to be made about how many staff and fire trucks will be located in Casey?

Mr Gentleman: In the not-too-distant future. We are doing the actual planning work at the moment. In the detail in my other portfolio, there is the planning work to do a lease variation for that area. I think the purpose at the moment is NUZ, so we have to move it to community facility. As that is going forward, I dare say we will be looking at staff numbers and vehicle allocation for that.

MR PETTERSSON: Wonderful. In regard to the co-location of the fire service and the ambulance service, is there a particular reason that those services are co-located?

Mr Gentleman: It is generally because of access to key points in our traffic system. If you look at some very successful stations like Aranda, their key access is straight into a fast-moving traffic lane, so that those vehicles can get out into the community as quickly as possible. We actually incorporate changes to the traffic light systems as well, so that vehicles can access and egress the stations and get to their destinations as quickly as possible. We have the fastest response times in the country, and we want to keep that up as we plan for the future.

MR PETTERSSON: Whereabouts in Casey is the site?

Ms Whelan: I will ask the Assistant Commissioner, Operations, Jason Jones, to

answer that question. He has been the project lead on that and can give specific details about the site.

Mr Jones: I have read and acknowledge the privilege statement. In relation to the site selected at Casey, there have been a few studies done. There has been site allocation and availability. The site had not been chosen yet. There is a preferred site, and we are working through the groups now to identify, based on those principles, what will be the preferred site. We still have some work to do and, as the minister said, depending on the suitability of the land, we will then determine from that point which block of land will be suitable for ESA.

MR PETTERSSON: Are there certain sites in Casey that have better access for traffic considerations than others?

Mr Jones: There are many factors we consider when we site-select. Traffic access and egress is one of those; also, size of the block, noise, whether it is near residences etcetera. There are several factors. At the moment we have a preferred site that we will be taking to the work groups for consultation.

Mr Glenn: The purpose of the investment that government has made is precisely to conduct this sort of work.

MR MILLIGAN: In relation to Casey, when is that expected to be completed, what services will be included, and who will be part of the design and consultation phase?

Mr Gentleman: As I said, the design and work on that for Fire & Rescue and for ambulance will include people on the ground, part of our service and their representatives in the union movement, as we have done in other stations as well. It is quite important, as we did with the electric fire truck, to ensure that people on the ground understand how the service works, so that they can be involved in that design. The time line is yet to be confirmed because we are evolving through the studies. We need to do the planning changes that I mentioned earlier, and the design and construct as well.

MR MILLIGAN: I would assume that this would be relocating all of the services, for those two services, from the JESC in Gungahlin town centre. Would that then free up that whole centre just for our police service?

Mr Gentleman: Yes, that is part of the plan.

MR MILLIGAN: In relation to the Molonglo fire station, there was money allocated, \$23 million, last year, but nothing has been spent. What has been the delay for this fire station?

Mr Gentleman: As I mentioned, we need to go through the planning changes first.

MR MILLIGAN: How long have you been considering this Molonglo station and why has the planning been delayed for so long?

Mr Gentleman: We are working through quite a change in our planning system,

Mr Milligan, as you would be aware—the whole planning review and design process. We have enacted a new Planning Act and we are now going through the district strategies and the new Territory Plan. Some changes to the Territory Plan have been put on hold. Some are going through the new planning system, so you will see some changes to the Territory Plan enacted as the new Territory Plan comes forward, but there are some changes of use or lease variations that have not occurred yet.

MR MILLIGAN: Recently, in the media, the Chief Minister mentioned that the Civic pool site could be a potential location for emergency services. Can you give any detail or response to what that potentially is or could be?

Mr Gentleman: Only to echo what you have already heard, in that we are looking to centralise some of our services. This includes a possible new emergency services headquarters and a new central police station that could be operating in the not-too-distant future, looking at the constraints that we have at the moment with Winchester and our city police station as well. Could I add that that would still have to go through the normal planning changes as well. At the moment that is a community facility area, and those due diligence processes would have to go forward.

DR PATERSON: I would like to focus solely on the Molonglo fire station. Can you outline the construction time frames, when it looks like it will get started and when Molonglo residents can expect to see a completed station? Give us the details about that, please.

Mr Gentleman: Yes. I have mentioned the challenges for us in the planning system, but we can do some design, in parallel with those changes. I will ask ESA officials to give you some detail on how they plan to do that work.

Ms Whelan: We have already established a consultative forum, led by both chief officers and respective staff from the consultative committees, who have been working very closely with Major Projects Canberra and a project lead on the design component of the facility. We have progressed that work in a very timely manner, and I would expect that we will be sufficiently satisfied, to the standard required from the consultative groups, to move forward with construction once the planning protocols have been finalised and the contracts are in place. There will not be a significant lag between planning approvals and progressing the design and construct that is being run, as the minister said, in parallel.

DR PATERSON: The consultation with the Molonglo community around the design and the location of the new police station: how has that been going?

Mr Gentleman: The location was chosen by us in that sense to have fast rapid response for the services into the community. I think we have the right spot for that. The consultation around that was more about the design and how quickly we can get those services to the community in Molonglo. I will ask the commissioner to give you more detail.

Ms Whelan: Staff from the Justice and Community Safety Directorate, from the capital works area, as well as either the chief officers or acting chief officers at the time, have attended community consultative forums and provided presentations on the

concept which we are seeking to deliver for the combined station. They are also available to answer any questions that members of the community have. The feedback that we have received is that those consultative sessions have been very constructive in nature.

DR PATERSON: Minister, you mentioned the success of the Aranda fire station, and we have also discussed the electric vehicles coming into Canberra. Are there any aspects of the design of this new station that will be really innovative, best practice or exciting that you can share?

Mr Gentleman: Most certainly. The new designs wrap around the staff that are at those stations. We need to make sure that it is safe. One of the parts of that, as I mentioned earlier with the electric fire truck, is that we do not have to be concerned as much about diesel particulates into the future. Mind you, we are still worried about them now. There are large exhaust fans in the current designs to move those diesel particulates out of the crew area. We need to make sure there is safety for firefighters as they enter and exit the trucks, and that they have wash-down facilities, for example, and change rooms that are designed properly for them into the future. There is also the infrastructure for the station. If we are going to have electric fire trucks, we must have charging systems. We are looking at opportunities for solar power and close connection to the power grid.

MR MILLIGAN: On pages 30 and 35, a number of line items mention supporting ACT Fire & Rescue and SES staff and volunteers, totalling over \$6 million over four years, with most of that to be spent this year. What activities and initiatives do these line items actually support?

Mr Gentleman: I will answer quickly and then pass over to the commissioner. One of the most exciting opportunities we have seen is the joint operation training out at Birrigai. The commissioner and her team went through a weekend scenario where we were able to involve all of the ESA staff and volunteers, and indeed educators and other personnel as well, in going through an operation which saw the response to people that could be injured in some sort of event in the ACT.

The feedback to me from volunteers particularly, as well as staff, was that this was a fantastic way to see the interoperability of our staff and volunteers across all of the agency, and across different parts of government as well. We look forward to doing more of those in the future—perhaps two a year, which would be really good. There is some other work that the commissioner will outline.

Ms Whelan: Just to clarify, are you talking about the budget allocation for Rural Fire Service and the State Emergency Service?

MR MILLIGAN: Yes.

Ms Whelan: We have encouraged both chief officers to take a longitudinal approach to the sustainability and viability of both our volunteer services as they are vital to the safety of the community. We have secured funding for, first and foremost, additional staff to work in with what we call the volunteer management team, which is the collaborative component that brings together volunteer management, volunteer

engagement, community education and community engagement, which is a key legislative responsibility of both chief officers.

This will allow us to increase both our community engagement and education activities, and particularly looking at how we can work within our CALD community and other diverse areas of our community to improve their awareness, preparedness and response from a disaster perspective. We have also increased the allocation of protective personnel equipment for both RFS and SES, in recognition of the increased operational activity and to create additional redundancy for the volunteers in terms of the equipment that they have available to them.

We have been working for quite some time, as part of the Australasian emergency services community, on a fit-for-task project for volunteer fitness. There will be a portion of money allocated to continue to develop health and wellbeing and fitness programs for our volunteers.

In response to the surveys that we conducted across our volunteer community as to how they wish to learn and develop their capabilities, we are introducing more online learning opportunities, which will reduce the amount of time that our volunteers will need to spend in our central education area. As you would understand, most of our volunteers also hold down work, jobs and study, and have families. We are trying to reduce the amount of time they will spend away from their primary activities. Online learning, to enable them to better maximise their time, will also be introduced.

We recognise that interoperability is key to both our volunteer community and the agency as a whole. We will be introducing additional ICT to enable our volunteers who are out on the ground undertaking operations to have connectivity back into our operations room. There is an allocation to install interactive screens and iPads for our volunteers.

Regarding the comment made by the minister in terms of the interoperability exercise, we piloted a major activity in Birrigai last year, with all four services actively combining and exercising the combined capability of the agency. The feedback we received on that activity, through the after-action review process, indicated a desire from our paid workforce and our volunteers to continue to undertake those activities. Funding has been allocated for that as well.

MR MILLIGAN: On page 182 of the budget outlook, it talks about supporting measures to improve staff development and wellbeing in ESA. Will any of this money be used for the implementation of the Walker review? If so, how much is to be set aside to bring about the cultural change that is so needed, from the recommendations in this report?

Mr Glenn: None of that funding will be used for implementation of that review. That funding will be allocated for the purpose for which it has been appropriated. The amount likely to be spent on implementation tasks is yet to be determined. That will be managed within the resources of the directorate.

MR MILLIGAN: When do we expect that to come to fruition, in terms of the budget? Who will be part of the review, of the oversight committee, to implement the

Walker recommendations? Is it all about operational costs or will there be external input?

Mr Glenn: The likely sources of cost there are recommendations within the review around provision of coaching support. There is some other work around some facilitated discussion, which I would expect we would seek some assistance to do. There may be some expenditure there. The oversight committee, I would anticipate, will be chaired by a person independent of government. I expect them to charge for their services.

MR MILLIGAN: Will whoever is on this oversight committee be made public, in terms of who is actually participating?

Mr Glenn: It will certainly be made public to staff, yes.

MR BRADDOCK: Mr Glenn, your response to the executive leadership alignment review does not go into the details of governance, structural arrangements or human resource matters, because that was the scope of the review. However, these issues are critical to be addressed, so I am wondering what you are doing to address those particular issues.

Mr Glenn: Mr Braddock, I am not sure that I follow why those issues necessarily flow from—

MR BRADDOCK: The review has only limited scope and the response to the recommendations of the review will only get you so far, in terms of addressing some of the concerns identified within the ESA. What are you planning to do to improve the governance, structural arrangements and the human resource matters regarding what is going on in the ESA?

Mr Glenn: I do not think I accept the premise of your question, Mr Braddock. The review was targeted at a particular question, which was: how does the executive cohort operate together and are there ways to assist them to operate optimally? It has provided some answers to that question and my response to that responds to the recommendations of the review.

MR BRADDOCK: The Auditor-General indicated that there are some issues of concern. Although you may have some differences in perspective from the Auditor-General, you did agree that there were some governance concerns around procurement that needed action.

Mr Glenn: Sure. Procurement reform is a directorate-wide exercise. We have a range of activities going on in relation to that. We are receiving some assistance from a group who are looking at the way we structure our procurement support, essentially, within the directorate and how individual business units within the directorate are serviced by that. That piece of work is ongoing. I expect relatively soon to be making some structural changes within the central corporate area of the directorate to be able to better equip us to deal with our procurement obligations and to meet the government's broader procurement reforms so that we can better address procurement issues across the organisation.

MR BRADDOCK: The workforce have also been raising concerns since 2017, which is quite a long time. Have you been listening to the workforce and addressing their concerns?

Mr Glenn: Yes, I have been listening to the workforce.

MR BRADDOCK: Have you been addressing their concerns?

Mr Glenn: I have been seeking to address workforce concerns. I am not sure which concerns you are referring to.

MR BRADDOCK: There were concerns about the leadership of the ESA and whether it was abiding by the ACT public services values, apparently.

Mr Glenn: In 2017?

MR BRADDOCK: I would have to go back and check.

Mr Glenn: What we are talking about in 2017 was a staff survey, which was a different instrument, asking different questions of different people, than what has happened with the leadership review, which was a much narrower set of activities. I think it is not helpful to conflate the two issues. Certainly, there is always work we can do across the organisation to be able to support our leaders and our staff to provide the best service they can for the ACT community.

Mr Gentleman: Mr Braddock, you would have seen quite a number of changes since 2017 in the operation of the ESA and support for staff. Indeed, you see the response to that in the way the ESA, as a group, and its individual components have been able to respond to the most difficult times that we have had in the ACT.

There is no doubt that we were in the lead during the 2019-20 bushfires, and during the COVID pandemic our team has done an exceptional job. I do not know how to express my thanks for the work that they have done over that time. I was with them, outside the IMT, at the pressers every single morning during those bushfires. They responded in an amazing way. I congratulate them on that work not only during that time but also during the COVID response.

MR BRADDOCK: Likewise I am very thankful for our frontline staff. Professor Tony Walker, as part of his review, stated that they work exceptionally well together. The issues seem to have been further up the chain, which is why I am asking you these questions.

The other question I have is in terms of the next scheduled statutory review of the ESA, which is next year, I believe. Given the issues and concerns that have been raised, is it worthwhile having an external review conducted?

Mr Gentleman: We are doing the review that has been pointed out to us from the Walker report. Certainly, as we reach the next step, we will look at that.

MR MILLIGAN: In terms of the operations—Mr Braddock mentioned that—who in ESA actually manages the operations of our fire service and ambulance? What are their qualifications and experience, and who do they actually work with from the front line of our fires and paramedics?

Mr Gentleman: The control goes through the commissioner and our chief officers. Each of them has exceptional representation and responsibility regarding the work that they have done in the past. Each senior officer works with their particular groups. The chief of Fire & Rescue, for example, will work with his individual group, and they have come up through the ranks as well, which is quite important. Of course, with our Rural Fire Service, Rohan Scott has done a fantastic job, and our SES continues to do a fantastic job as they work going forward. They have had a lot of experience in the past. In regard to any particular qualifications, I will ask the commissioner to expand on that.

Ms Whelan: The current chief of Fire & Rescue is a career firefighter. He has worked his way through the ranks and has undertaken professional development as he has transitioned into his executive role. The chief of the Ambulance Service is a career paramedic with tertiary qualifications, who has also undertaken professional development as he has transitioned into his executive role. The chief of the Rural Fire Service is a career volunteer in a private profession who transitioned into a senior management role, then transitioned into the chief officer's role, and has also undertaken professional development to develop his executive skills. The chief of the State Emergency Service was a volunteer in the State Emergency Service prior to his transition from Defence into his role in SES. Correction: he transitioned into a training and development role in the Emergency Services Agency prior to his appointment as the chief of the State Emergency Service.

Both assistant commissioners have an operational background. As you are aware, I have a military background and was chief of the State Emergency Service prior to my appointment. All of us are level 3 incident controllers, which is the nationally recognised qualification for operational and strategic-level incident management. On a day-to-day basis, all four chief officers deliver operational service and oversee the technical aspects of their respective services in accordance with their legislative responsibilities.

Mr Glenn: Regarding the extraordinary talent and skills that we have available to us through our chief officers, through the commissioner and through the staff of the ESA and each of the services, it is actually quite stunning. If you talk to the people and note the experiences they have had in their professional lives and the work that they have done in support of this community and others, we are extraordinarily well served by this group of people.

MR MILLIGAN: You mentioned professional development. The Walker review mentioned coaching for executives. You would put coaching and professional development in the same category, I guess. I know you mentioned earlier that you still have to work out the budget associated with the oversight committee, but have you considered the budget for this coaching and professional development? What would it look like? Who will that be made available to? When will it be delivered and what sort of outcomes are you expecting from it?

Mr Glenn: Each of the executives will be offered the opportunity for executive coaching, consistent with the recommendation that has been made in the review. The directorate already has an internal budget allocation to be able to provide professional development support for staff and executives, so the source of funds for that activity will come from there. I do not know the precise amount that would be spent, but there is already a source of funds allocated for that.

The purpose of coaching is to assist in the continuous development of staff and executives in particular, given the challenges of their roles. The outcome of coaching is to help good people become better people, in terms of the way they manage their responsibilities and lead their staff.

THE CHAIR: Minister, on page 31 there are two line items pertaining to the modernisation of the ACT Ambulance Service. The total over four years is \$18.3 million. Minister, can I get you to explain the difference between these two initiatives and what they are actually going to deliver?

Mr Gentleman: Yes, certainly. Could you point to the line items that you discussed? Page 31?

THE CHAIR: Page 31.

Mr Gentleman: Under “workforce strategy”?

MR MILLIGAN: It is towards the bottom of the page, where it talks about modernising the Ambulance Service.

Mr Gentleman: Certainly. I will ask the commissioner to give you that response.

Ms Whelan: The ACTAS modernisation program is made up of several elements to progress the Ambulance Service as we move forward with an increasing size of population and acuity of patients. There are several elements of it. The first element is what we call the secondary triage system, which is an ICT decision-making supports tool that will be introduced into our communications centre, along with additional clinical staff who will enable the Ambulance Service to undertake additional triage and assessment as it prioritises and allocates resources to the community.

The chief officer is seeking to get national accreditation for the ACT Ambulance Service, so there is a portion of funding that will go to the accreditation consultancy to assist with the quality assurance team in developing that capability. There is training for cardiac arrest and stroke management, both a feasibility study and the delivery of additional training for the paramedics, and the introduction of a public notification app for stroke management. There is an immunisation program that is being introduced, some ICT infrastructure work, and a degree of funding for the ongoing professional development and training of staff within the Ambulance Service.

MR MILLIGAN: Pages 179 and 180 mention that money for the communications centre staff has been abandoned. You just mentioned that money will be put into communications. Is that money for the centre?

Ms Whelan: Into the secondary triage system that will sit in the communications centre. It is an ICT system that will be embedded into the communications centre, which is made up of the call takers, the dispatchers, and the supervisors; there are also clinicians embedded into that team that assist in the assessment and prioritisation of ambulance response.

MR MILLIGAN: Obviously, there have been some issues recently with who is working in the call centres and their experience and knowledge. What has the government done to rectify that and work with our frontline officers to ensure that we do have adequately trained and experienced staff in these call centres?

Mr Gentleman: It is important that we do have the right call-taker experience in the call centre and use the skilled workforce that we have in response to emergency calls in our jurisdiction. As I mentioned earlier, we still have the fastest response times, which is really good, and we need to keep that up, of course. But we do need to look at the opportunity regarding call takers and the ability to be able to work through the skills that we have with the Ambulance Service and our other services in ESA, and the skills that the call takers have as well.

THE CHAIR: We will wrap up this session. On behalf of the committee, I thank Minister Gentleman and officials for their attendance today. If any questions were taken on notice, please provide answers to the committee secretary within five working days of receiving the uncorrected proof transcript.

Short suspension.

Appearances:

Gentleman, Mr Mick, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

Environment, Planning and Sustainable Development Directorate

Ponton, Mr Ben, Director-General

Brady, Dr Erin, Deputy Director-General, Planning and Sustainable Development

Alegria, Mr Stephen, Executive Branch Manager, ACT Parks and Conservation Service

Cilliers, Mr George, Executive Group Manager, Statutory Planning

THE CHAIR: In this second session we will hear from Mr Mick Gentleman MLA, Minister for Planning and Land Management, and officials. Programs are being broadcast or the proceedings are being broadcast live.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Now, it is my understanding that I can get a universal yes from people. Can I get a universal yes if indeed you have read and understood the implications of the privilege statement and that you agree to it. Magnificent.

As we are not inviting opening statements we will now proceed to questions.

Chief Planner, can I ask what is the policy for recording meetings with stakeholders in your diary? Do you make a record of all meetings? Do you make notes after each meeting even informal short form ones?

Mr Ponton: Thank you, Chair. My diary does have a record of all meetings that I attend. If it is a meeting between my staff then either I would make personal notes or the officer that I meet with would make notes. If it is a more formal meeting then, yes, I would have somebody from my office attend to take notes.

THE CHAIR: Sorry, I just did not hear properly. You said if it was a formal meeting?

Mr Ponton: Yes. So, if I were meeting with an external stakeholder then as a matter of course I would have somebody attend that meeting also to take notes.

THE CHAIR: What about if you were just meeting informally?

Mr Ponton: I tend not to have informal meetings.

THE CHAIR: You tend not to or you do not have them?

Mr Ponton: I do not.

THE CHAIR: You do not have informal meetings? So at no point do you meet just

perchance with stakeholders. If you were waiting for coffee in wherever and a stakeholder just walked by and said “Mr Ponton” you would say, “No, I am not having a discussion with you”?

Mr Ponton: Again, I do not have coffee meetings. If somebody has seen me have a coffee meeting then I am happy to take questions on that. The only one that I can think of recently was I did have a catch up with somebody but it was actually not in relation to work matters.

THE CHAIR: Okay.

MR CAIN: Chief Planner, have you ever met a developer at their personal residence?

Mr Ponton: Absolutely not.

MR CAIN: And I think it is your practice in your department to have a conflicts of interest register.

Mr Ponton: Yes.

MR CAIN: Have you recorded any conflicts where you have a personal relationship with developers?

Mr Ponton: I do not have personal relationships with developers.

MR CAIN: You have not recorded any conflicts of interest regarding developers in the ACT?

Mr Ponton: No, because I do not have any conflicts of interest with developers in the ACT.

MR CAIN: Thank you.

Mr Gentleman: Chair, I actually take the same approach. So, it is very rare that I would have a meeting with—well, I do not have meetings with developers unless they are formal meetings in the office and we take notes.

Mr Ponton: Can I just say again, the one that I can think of probably in the last three years, where I have met somebody at a coffee shop, somebody saw me, that was actually in relation to—

THE CHAIR: It was just an example I gave.

Mr Ponton: But I am letting you know because I have mentioned it, Chair. That was actually somebody who was a potential candidate for employment.

THE CHAIR: Mr Gentleman, you have suggested that you do not meet with developers. How would you know? Is there a process whereby if someone is going to talk to you that they have to sign a waiver to say that they are not a developer because they do not—

Mr Gentleman: They have to explain what their reason for the meeting is, Mr Parton. We, of course, receive a great deal of requests for meetings, and with those requests we respond with saying, “What is the reason for the meeting and what is your activity in regard to the meeting?” So if they are a developer, for example, then they will state their position in a development company or a private sector company.

Mr Ponton: From my perspective, my normal course of practice whenever somebody approaches me, whether it be verbal but usually via email, and you can FOI this, my usual response is, as is my normal practice, “I will refer this matter to the relevant team who deal with development matters for a direct response.” That is the approach that I take, and that is because it is important from my perspective as Chief Planner to make sure that I do not get involved in day-to-day decision-making so that I can get involved should the matter need to be escalated through a formal reconsideration process. So that is my standard practice.

MR CAIN: What is your definition of a developer?

Mr Ponton: Well, again, as the minister said, if somebody were to approach me in relation to a proposal—

MR CAIN: No. What is your definition of a developer?

Mr Ponton: Well, I do not have a formal definition, Mr Cain—

MR CAIN: How do you know you are meeting with a developer?

Mr Ponton: I am about to continue to answer the question, if that is okay? Or did you want to answer it?

MR CAIN: Well, I am asking—

THE CHAIR: Mr Cain, if you can let Mr Ponton answer.

Mr Ponton: As I was saying, I do not have a formal definition that I have written down that I would apply on a day-to-day basis. But if somebody were to approach me who was proposing a development of any kind or had even an inquiry in relation to a potential development then I would encourage them and refer them to the relevant area to explore that further.

As the minister also said, if somebody were to ask to meet with me I would never meet with somebody without actually finding out the reasons why. When they articulated the reasons why they were wanting the meeting, that would help me understand whether or not they were—on face value and in the ordinary meaning of the term—a developer.

MR CAIN: Do you have a definition of a developer?

Mr Ponton: Again, I think I answered the question, Mr Cain.

MR CAIN: No, I do not think you did.

Mr Ponton: I do not have—

MR CAIN: What is a developer in the ACT? Who is a developer?

Mr Ponton: Somebody who invests in property development.

MR CAIN: And is that an official departmental definition?

Mr Ponton: No. I just said to you that I do not have a formal written definition that I apply on a day-to-day basis. I think I answered the question.

MR CAIN: It does seem strange that EPSDD does not have a definition of a developer. The whole theme of our questions was the relationship with developers.

Mr Ponton: Well, if I needed to look a definition I think I would probably go to the definition in the Electoral Act.

THE CHAIR: Minister, is that the accepted definition from you as minister in your directorate of what a developer is? The terms of the Electoral Act?

Mr Gentleman: Usually, Mr Parton, it is a proponent that seeks to do a development, whether it is an individual one or one of a larger scale. That is the way I would view it. I think it is appropriate that we do look at the Electoral Act though when we are looking at definitions, and ensure that we are well above board when it comes to that.

Mr Ponton: Going back to Mr Cain's earlier question around my conflict of interest declarations—which are publicly accessible if you wish, Mr Cain—in relation to developers I have not declared any personal relationships with developers but I have declared, just for the record, that my son is purchasing a property off a developer, and that has been declared.

MS CLAY: I refer to budget statements E, page 12, strategic objective 1:

... A key focus is limiting urban spread and increasing density by building up to 70 per cent of new housing within Canberra's existing footprint and along major transport routes, while supporting housing diversity for greater choice. ...

Strategic Indicator 1.1: A well planned and compact city

Minister, in your understanding and in the directorate's understanding, is that 70 per cent target an aspirational target or is that a minimum mandatory floor that government is meeting?

Mr Gentleman: That was a target set in the 2018 planning strategy.

MS CLAY: I am actually surprised to hear that. So you do not consider that to be an actual government commitment to deliver 70 per cent of our housing within our infills?

Mr Gentleman: Yes, it is. The planning strategy was agreed to.

MS CLAY: Is it a target, is it an aspirational goal or is that actually a minimum commitment that you will deliver at least 70 per cent?

Mr Gentleman: It is a commitment we made during the 2018 planning strategy, and it is rolling out in our forward plans.

MS CLAY: Great. So why have we got it phrased in here as “up to” 70 per cent rather than saying “at least” 70 per cent?

Mr Gentleman: Well, I was looking at the page that you referenced and I cannot see it?

MS CLAY: Budget statement E page 12. I am referencing strategic objective 1.

Mr Gentleman: I see what you are saying. The 70/30 was set in the 2018 planning strategy and of course we are moving forward to deliver on that announcement.

MS CLAY: Sure, but in here it says, “up to 70 per cent” and up to 70 per cent might be 20, or 30, or 57 per cent—

Mr Gentleman: I see what you are saying.

MS CLAY: Whereas I thought the commitment in our parliamentary and governing agreement was at least 70 per cent, which might be 70 or 80 or 90. They are quite different numbers; “up to” and “at least” are opposite numbers, actually.

Mr Gentleman: I think if you are looking at this you need to understand that whilst government is delivering quite a bit of that strategy, indeed the private sector is as well.

MS CLAY: Sure, but can you just tell me what the government commitment is? Is the government commitment to deliver at least 70 per cent, or is the government commitment to only deliver up to 70 per cent?

Mr Gentleman: 70 per cent in our current footprint and 30 per cent in greenfield.

MS CLAY: At least or up to?

Mr Ponton: Why do I not take that on notice to check what the planning strategy says? I suspect Dr Brady has the exact words, but I suspect those words have come from the planning strategy, and if they are not aligned with the planning strategy then it is something that we could certainly have a closer look at.

Dr Brady: I have read and acknowledge the privilege statement. The wording in the planning strategy was “up to” but the parliamentary agreement confirmed 70 per cent. So the wording in the parliamentary agreement is of a higher level of commitment in many respects, because the planning strategy preceded that. Our approach is that the

PAGA agreement has committed more firmly to the 70 per cent and potentially above.

MS CLAY: So can you—

Dr Brady: Yes, we can take that on notice, if you like, to confirm the wording.

MS CLAY: I am not interested in the wording. What I am interested in is: is government committed to at least 70 per cent or is government only committed to up to 70 per cent? I will go on with the rest of my question if that might help.

We have actually had a look at what amount of our new land releases were delivering infill versus brownfields—greenfield versus brownfields. Between 2016 and 2021 we have only seen around 57 per cent delivered as infill. So that is “up to” 70 per cent; it is nowhere near “at least” 70 per cent.

Because you guys set the ILRP and all of our land release—and this is pretty key in our district strategy and our planning review—can you just tell me is the government committed to delivering at least 70 per cent or has that commitment now been watered down to just doing “up to” 70 per cent?

Mr Ponton: I might just start before Dr Brady answers. In relation to the Indicative Land Release Program, that is the government contribution. As part of looking at the Indicative Land Release Program, we also analyse what the private sector is delivering through planning changes or the existing planning system. So if you looked at the numbers in terms of what is being achieved overall in terms of public and private sector—and I think we do have the numbers—we have been achieving 70 per cent over that period of time.

MS CLAY: I would be grateful to see those numbers. We have looked, we have asked repeatedly in here and we have never had a clear answer. The numbers that we are looking at show that we have only got about 57 per cent, so we are miles off it.

Mr Ponton: Through the ILRP.

MS CLAY: Across our new dwellings, for all of our new dwellings. If you have a different set of numbers I would be really grateful to see them, and if they show that we have got 70 per cent that we are delivering with infill, that would be great.

THE CHAIR: So, Mr Ponton, are you taking that on notice?

Mr Ponton: Yes, I think we will take that on notice.

Dr Brady: Yes.

MS CLAY: We heard quite a few calls yesterday for greater transparency on this. Including from the MBA, who suggested that we might report transparently on how much housing is being delivered infill versus greenfield. There is clearly quite a lot of industry confusion as well. It would be great if you could take it on notice and also if you can take on notice can you tell me what is the government commitment across the board—not on the ILRP, not on public versus private. The PAGA commitment is that

70 per cent of Canberra's dwellings will be infill, so can you just confirm whether that is still the government commitment?

Dr Brady: I think the PAGA agreement says at least 70 per cent with the ambition to increase that share. So that is what we work towards. As Mr Ponton said, the land release program relates to government land. We track how much of that is released in greenfield and infill. The land and property reports, which sort of lag six months, also report on the amount of delivery, but we do keep track of the delivery, so we can provide that on notice.

Mr Ponton: We will provide it on notice, but I do have some data here. In 2018-19 81 per cent was within the existing urban footprint; 78 per cent for 2019-20; 69 per cent for 2020-21; and 73 per cent for 2021-22; and for 2022-23 at January it was 65 per cent.

MS CLAY: Where do you report those numbers?

Mr Ponton: Presumably that is through the Land and Property report.

Dr Brady: Yes. Some of it is in the land and property report, but we can provide it.

Mr Ponton: Yes, we will provide that to you.

MS CLAY: We are looking at census figures, so it would be great to get your set of figures and to know where they are transparently published.

Mr Ponton: We use building approval data, but we can get that information to you, as I said; I thought it would be useful to flag that now.

MS CLAY: The other thing is that, if the commitment is at least 70 per cent, it would be good to see the budget papers amended so that the budget papers also say at least 70 per cent.

Mr Gentleman Reflect the PAGA. Yes, certainly.

MR CAIN: Just to confirm, when you made the 70/30 commitment, obviously you are measuring your outcomes based on the footprint that existed at the time of that commitment, is that correct?

Mr Ponton: The existing urban footprint at the time.

MR CAIN: At the time of the commitment? Thank you.

MR PETTERSSON: Minister, how are the recovery efforts progressing following the Black Summer bushfires?

Mr Gentleman: Thank you very much, Mr Pettersson. It has been quite a deal of work that our PCS staff and some of our volunteers have been doing as well in recovery from those fires. The amount of damage from the Orroral fire was quite extensive, right through Namadgi National Park. Our team have done a fantastic job

in remediating some of the areas of damage but in building back there as well. So we have received some investment from the federal government alongside the efforts that we are putting in to build back better so that these tracks and trails that we use are able to withstand pressures into the future from bushfires. I think it might be good to ask our team.

Mr Alegria: The works, as the minister mentioned, particularly in Namadgi National Park, which was impacted by the Black Summer fires, have been ongoing ever since that event took place. I guess some of the work that perhaps is not so visible is targeted at our water supply catchment and improving and remediating the bogs and fens and those very important catchment areas that ultimately feed our water supply for the city of Canberra and the region.

So there have been a lot of rehabilitation works going on in the high country bog ecosystems, as we will call them, things like installing leaking weirs to slow the flow of water, monitoring the effectiveness of these types of activities, and I guess setting the framework for what is going to be an ongoing effort. So these sorts of ecosystem recovery activities really do not have an end date. They need to be continued in perpetuity in order to ensure that we have a clean, healthy water supply for our city and also of course for the benefit of the biodiversity and the environment out there. That has been some really, really good work happening.

Some of the other things that visitors and others who interact with our parks might see are things like the walking trail upgrades, where we have gone, as minister said, to build back better. So instead of using timber, we are using stone and steel. We are rerouting the trails in some places to make them less susceptible to erosion and so forth. So a whole lot of really good learnings there.

We are also conscious that the popularity of our parks really increased through the COVID period, and we are providing additional visitor facilities as part of the recovery program. For example, we are about to kick off work at Woods Reserve and Honeysuckle Camping Ground, and we have recently re-opened the Orroral Valley to recreation and visitor access. We are going to install a new amenities block there shortly.

So all of these kinds of relatively small but significant improvements are really intended to encourage the community to come back and revisit Namadgi National Park and witness the really quite incredibly recovery that has taken place over the last few years.

MR PETTERSSON: Are all tracks and roads open?

Mr Alegria: Most of them are, but there are a couple of exceptions. So a trail that goes from Honeysuckle down into the Orroral Valley remains closed. We need to get in there and repair that trail. Of course, it has been very difficult to get machinery out on the ground in the past few years due to the consistent really wet weather and the saturated catchments.

I think that is probably it for the main roads. Generally speaking, apart from seasonal access closure—say for snow along the Mount Franklin Road—generally speaking,

the park is open for business.

THE CHAIR: Why is the Tidbinbilla Visitor Centre closed and when it is expected to re-open?

Mr Gentleman: Thank you, Mr Parton. We have had some water egress into the centre and it has caused some damage which is not necessarily structural, but we have some concerns about algae growth, that sort of thing, for the staff and for visitors to the centre. So that is the reason it has been closed.

We are looking at an opportunity for a new centre, and we have announced that quite a while ago. So there is some work that is happening at the moment in looking at where we could allocate a new centre, and of course, how much funding we would need to build a new visitor centre. But it is reasonably old, I think it has gone past its use-by date in providing the service that visitors from the ACT and others expect.

So first of all, we want to keep people safe, but secondly it is important that we look at a new opportunity as well. But I will ask Mr Alegria to—

MR CAIN: I have a supplement. How long has it been closed?

THE CHAIR: Well, Mr Cain, I think Mr Alegria was going to—

MR CAIN: I am just mindful about time.

Mr Alegria: Further to the minister's comments, yes, we are conscious that we need an interim facility at Tidbinbilla, an interim visitor centre there, because it performs a very important role in visitor orientation and safety. So we are working with our colleagues in ACT property group to put in a temporary demountable visitor centre basically in the same location as the existing visitor centre.

THE CHAIR: So Mr Alegria, what we are saying is that the Tidbinbilla Visitor Centre as it is will never re-open?

Mr Alegria: Well, that is still up in the air. At the moment, the advice is that it is not safe to occupy.

THE CHAIR: Okay. And so the minister's alluded to the fact that obviously there would be another centre, but are you telling me that you do not know where that would be?

Mr Alegria: No. I am not telling you that. I am telling you that there is an existing process that was already underway before the current visitor centre was closed to look at design and feasibility for a new building because—

THE CHAIR: Do you know where that will be?

Mr Alegria: The likely site is up at the Dalsetta area, which is the first little hill as you go into the reserve, about a kilometre from the current site. That is the current thinking, but that is yet to be locked in.

MR CAIN: How long has it been closed for?

Mr Alegria: It was closed on 26 May this year.

MR CAIN: I note that funds allocated to the 2022-23 and 2023-24 financial years have been rolled over to 2024-25. Why is that?

Mr Alegria: So that funding was to undertake some detailed design work and a whole lot of collaborative engagement work in relation to the potential new centre, and in fact not just the visitor centre but the visitor experience at Tidbinbilla. So that work requires a level of engagement with a broad range of stakeholders, particularly including the Ngunnawal community. So the project has been delayed for those sorts of reasons—needing to engage correctly and needing to undertake the required procurement. In essence, the project is on track.

MR CAIN: And has not a fresh budget line been opened for this new proposed centre?

Mr Alegria: At this stage, we have funding to progress, I guess, a detailed design sufficient to then put a further business case to government to seek funding for implementation, should that be the government's wish.

MR CAIN: And that is under the Brindabella entry? That is where that funding sits, or does it sit separately?

Mr Alegria: I am not sure what you mean by “the Brindabella entry,” but it is —

MR CAIN: On page 37 of the budget statements F.

Mr Alegria: Budget statements F, yes. Look, I would have come back to you with the detail on that. I am sorry.

MR CAIN: Take that on notice?

Mr Alegria: Yes.

MR CAIN: Thank you.

DR PATERSON: In the 2023-24 priorities listed in the budget statements, the Western Edge investigation is not listed as a specific priority. I am just wondering, is there budget allocated to investigations out there currently and what that is?

Mr Gentleman: Yes. Thank you, Dr Paterson. Yes, that originated a couple of budgets ago when we started that due diligence work for the Western Edge, and that is rolling out as the extra work has been allocated. EPSDD has been reporting back to cabinet on those deliberations and those research opportunities too.

DR PATERSON: How is that process going and where are we up to with it?

Mr Gentleman: Well, at this stage, there has been quite a bit of work done in the due diligence. It shows that there is some limited opportunity for residential development in the Western Edge. There is a lot of important habitat that needs to be protected, but there may be some opportunity for some residential into the future. So we are certainly looking at what opportunities there could be, and with that work as well, looking at what areas need to be set aside for habitat, particularly for endangered species.

MS CLAY: Minister, you waived quite recently the requirement to conduct an environmental impact study in that area. Can you explain to me why you chose to waive that environmental impact study, given the value of the area?

Mr Gentleman: Yes. Thank you very much. It is a good question, and of course, we do not waive a study; we look at the previous work that has been done. This was for the area of Denman Prospect, so it is not actually in the area that we are studying at for future use of the Western Edge. This is the area that has already been allocated for residential development, and we looked at environmental studies that had already been done up to date and made the decision that those were sufficient enough to understand the implications of residential development in that area.

MS CLAY: And how did you communicate that decision?

Mr Gentleman: I think I put out a press release, from memory.

Mr Ponton: I would expect that through the normal course of once a minister has made a decision, there is a process for notification, but I will ask Mr Cilliers to respond.

Mr Cilliers: Any exemption is granted pursuant to section 211 of the Planning and Development Act, so the typical way in which this is notified is through the notifiable instrument on the legislation register.

MS CLAY: So no press release, no notice to the friends of Bluetts Block group and no notification to the organisations that have been campaigning on the issue?

Mr Gentleman: I will take that on notice, and we will see what was provided and come back to you.

Hearing suspended from 10.30 to 10.45 am.

Appearances:

Gentleman, Mr Mick, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

Justice and Community Safety Directorate

Glenn, Mr Richard, Director-General

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

Aloisi, Mr Bruno, Acting Commissioner, ACT Corrective Services

Pamplin, Ms Narelle, Assistant Commissioner, Offender Reintegration, ACT Corrective Services

THE CHAIR: Welcome back to this public hearing of estimates 2023-24. In this session, we will hear from Mick Gentleman MLA, this time in his capacity as Minister for Corrections, and officials. Proceedings are being broadcast live. Proceedings today are also being transcribed and will be published on the Assembly website. If you take a question on notice, be emphatic with it: “I will take that on notice.” That is what we would like you to say. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw attention to the privilege statement. My understanding is that I can get a universal yes if this applies to you. Could you confirm for the record that you understand the implications of the privilege statement and that you agree to it? Good. We are not inviting opening statements, so we will proceed to questions.

Minister, my question is in regard to electronic monitoring. The government has funded a feasibility study to consider the introduction of the electronic monitoring of offenders. This has reportedly been attempted before—once in 2001 and again in 2017. Neither attempt resulted in a permanent electronic monitoring system. The 2001-02 budget paper No 4 had an estimated cost over four years of \$1.422 million and delivered nothing. Records of the attempt in 2017 could not be found. Minister, what has changed since the last attempt to introduce electronic monitoring in 2017 that makes this government think that electronic monitoring could be successfully implemented in the ACT?

Mr Gentleman: Technology, Mr Parton. We have looked at what other jurisdictions are doing with electronic monitoring and the ability to have a different way of looking at apprehended detainees and whether we might be able to use this aspect of monitoring to ensure that they abide by conditions of their internship, if you like. We have seen how other jurisdictions have used it and the end result has been less interaction with other convicted people, if you like, and there is the ability to allow them to stay in place in other components, rather than in a jail, for example.

THE CHAIR: You talk about technology changes. What are the changes in technology that have led you to this new position?

Mr Gentleman: It is the software and monitoring that we have seen in the other jurisdictions. I will be able to get our staff to give you some updates on this. Mr Aloisi will be able to provide that for you.

Mr Aloisi: One of the major updates has been the move to GPS and GSM. That is one of the major technological updates since initial trials. Also, just expanding on the minister's comment, we have the benefit now of seeing electronic monitoring in practice in a number of jurisdictions. It has given the opportunity to learn from them. We have a lot of research coming out of a lot of the electronic monitoring use in Australia at the moment. We had Project Vigilance that was used in Tasmania, particularly around DFV. They have shown good outcomes in reducing incidents of domestic violence, in terms of the use of electronic monitoring in that area.

When we talk about electronic monitoring, it is not just the electronic monitoring itself which provides the value. We have to acknowledge that it is also the wraparound services that accompany electronic monitoring which add to its effectiveness. We have a long history now to reflect on, in terms of our learnings.

THE CHAIR: We have just heard some pretty positive things about the great benefits of electronic monitoring. Why then have we failed to deliver it twice? And what benefits have we missed out on that we could have had if the program had been implemented effectively 20 years ago?

Mr Gentleman: That is a good question. I will ask the director-general to give you those answers.

Mr Glenn: That question is a little bit difficult. The first examination of electronic monitoring existed at a time of different technology, and it simply proved not to be of value. I think that has been the experience with other jurisdictions as well. As technology has improved, the electronic monitoring has become more feasible, particularly for smaller jurisdictions. I have had some brief discussions with the commissioner of the Tasmanian police, who is very supportive and enthusiastic about the use of electronic monitoring in that jurisdiction.

The 2017 examination was essentially a desktop cost assessment, and, again, things have moved on in that time. We will be able, through the investment the government is making in the feasibility study, to identify technologies that may be useful in this jurisdiction, their costs and, as the acting commissioner has said, the wraparound services that need to go along with the technology to actually make the scheme effective.

THE CHAIR: As a specific example, if we had electronic monitoring in place—and I am asking because I just do not know the answer—could we have avoided a situation like we had in June last year where there were seven offenders at large, one for 594 days, because they simply could ignore the directives of the Sentence Administration Board without fear of being electronically tracked?

Mr Glenn: Chair, I do not think I can answer a hypothetical, other than to say I think the circumstances are different where people are in community and otherwise not being monitored. I think that is a different scenario to situations where, as part of a judicial outcome, people are required to be monitored.

MRS KIKKERT: I have a supplementary, please. You spoke about how technology

has evolved and that is why you are currently not using it, but, when it was first introduced to the Assembly back in 2001, they spoke about electronic monitoring. They said:

... intensive supervision will be used to ensure compliance with curfews imposed under home detention. This involves the installation of a home monitoring unit in the offender's residence. Each offender will be required to wear a tamperproof wristlet or anklet that sends a continuous signal to the home monitoring unit.

This was in 2001. Technology was pretty good back then, 20 years ago, to have electronic monitoring, when the Liberals were in government and introduced it back in 2001, and then in 2006 you basically cancelled electronic monitoring. Why did you cancel electronic monitoring when it was proven to be quite effective with the electronic system at that time?

Mr Gentleman: There is a bit of research for us to look at to understand why that changed in 2006. I would be happy to take that on notice and come back to you, though.

MRS KIKKERT: You do not know why you cancelled a perfectly good electronic monitoring system in our justice system back in 2006? You cannot answer that, Minister?

Mr Gentleman: No. I said I would take it on notice.

MRS KIKKERT: You will take that on notice?

Mr Gentleman: Yes—

MRS KIKKERT: Okay. That is great—

Mr Gentleman: unless directorate officials have some idea.

Mr Aloisi: I could probably add to that. My understanding as to the reason it ceased at that time was low numbers. In terms of the utility of it, it was not seen as being beneficial. There was really low uptake of the product at the time. The other issue is that, when it was initially introduced it was based on—what you are talking about is radio frequency monitoring. All that would allow for is the home detention model. Newer models of electronic monitoring that rely on global positioning technology, for example, have much wider use. You can geospatially limit where people can go and you can restrict them in terms of access to victims. There have been quite significant changes in the technology since that system, which I think was radio frequency based.

MRS KIKKERT: Of course, sir. I completely understand that, and you could update the system as time progressed. You referred to having low referral to electronic monitoring and that is why it was cancelled in 2006, but who does the referring? The government does the referring on electronic monitoring?

Mr Aloisi: It would come from the courts. It would be part of an order that someone would undergo home detention.

MRS KIKKERT: Your target at that time was eight. Would you not say that, even if you had one or two people on bail and on electronic monitoring, that would be quite sufficient to keep the general public safe?

Mr Aloisi: It then becomes an assessment of the benefits versus the cost. From a financial point of view, it would have been a justification.

MRS KIKKERT: At what cost would you put the safety of the community?

Mr Glenn: Mrs Kikkert, to be clear, the evidence has been that the use of electronic monitoring at that time was for home detention, which is a sentencing option that was available to the courts at the time, not for bail.

MRS KIKKERT: Whatever the case may be—

Mr Glenn: They are different things. They are distinctly different things.

MRS KIKKERT: the cancellation of the system was due to low referral, and the target was eight at that time, so you must have reached a number—two or three or four people that required electronic monitoring. I am wondering: is that not enough to have kept the system going instead of cancelling it in 2006?

Mr Glenn: Mrs Kikkert, I do not think anybody at this table was actually involved in that decision-making. I do not think we can answer that question.

Mr Gentleman: That is why I took the question on notice.

MRS KIKKERT: Okay; thank you.

THE CHAIR: Thank you, Mrs Kikkert. Ms Clay.

MS CLAY: Minister, the healthy prison review's recommendation 29 was about increasing transparency in government use of the Transitional Release Centre and the Transitional Release Program. The government has not agreed with that recommendation. Can you tell me why the government does not want to be more transparent about how many detainees we have in that program and in that release centre?

Mr Gentleman: Thank you, Ms Clay. Yes. It is not that we do not want to be transparent. It is usually in response to this: the work has already been done or there are other aspects that are referred to. The inspector looked at the healthy prisons review. We agreed to most of the recommendations, of course, but there were a couple, as you said, that we did not agree to. Those findings are usually because the work has been done. In this respect, though, I will go the director-general and Mr Aloisi for the detail.

Mr Aloisi: We would maintain the view that regular reporting does not necessarily impact on the numbers. We obviously have processes and policy that speak to eligibility for the TRC, and we also have other avenues of reporting around TRC

numbers, such as hearings and today. That is our primary reason. We have already got those sorts of functions, those reporting mechanisms, out there. We do not agree with the view that regular reporting on it will somehow change the constituency of TRC.

MS CLAY: I would say, though, that, if a healthy prisons review has asked for the numbers to be reported, it is not necessarily intended to change the numbers; it is intended to make sure that there is a regular report of the numbers.

Mr Gentleman: There is reporting of those numbers through other avenues.

MS CLAY: Excellent. What are those avenues?

Mr Glenn: The annual report, which is obviously annual, and we regularly receive questions at these hearings.

MS CLAY: Great. Can you tell me, as of today or last week or whatever the latest handy date is, how many detainees we have in the Transitional Release Centre?

Mr Aloisi: We have 11 detainees in the TRC.

MS CLAY: It has a capacity of 20?

Mr Aloisi: That is correct.

MS CLAY: How many detainees do we have in the Transitional Release Program—not in the centre but in the program?

Mr Aloisi: We only have 11 in the program, and that is the 11 in TRC at the moment.

MS CLAY: Okay; so there are 11 in the centre and 11 in the program at the moment.

Mr Aloisi: Yes.

MR PETTERSSON: I have a quick supplementary on that. In broad terms, what is the profile of the 11 detainees?

Mr Glenn: I might defer to my colleague, Narelle.

Ms Pamplin: Could you be a bit more specific in terms of your question around the profile?

MR PETTERSSON: It has been put to me that people who are serving short sentences and detainees assessed as being at low risk of reoffending are the people in TRC.

Mr Glenn: The eligibility for the program?

MR PETTERSSON: It is broader than just eligibility. Broadly, who are the people in TRC right now? What are they being detained for, broadly, and how does that line up with eligibility and the stated intentions of the program?

Ms Pamplin: We are at a transition point, oddly enough, in terms of our TRC. We have done a lot of work in terms of reviewing of our policy. We have done a lot of work in terms of rebuilding the security classification policy as well. The notable change that we have now is that people are eligible for TRC for two years prior to their earliest release date. We do have a change in the demographic of people. Previously, we tended to have people on shorter sentences in that 12-month period. We now have a lot more people who have served lengthier sentences in that period.

We are struggling a little bit as it is a new policy between the expectations of community safety and how long someone should spend in the AMC custodial environment versus how long they should be in preparation for reintegration into the community. We are looking at a phased approach in terms of our work within that two-year period. Overall, the profile of people is quite mixed in that cohort of 11 because we have some people who were able to access it under the previous policy and some people who are now coming through under the newer policy.

MR PETTERSSON: Thank you.

THE CHAIR: We are back to you for a substantive.

MR PETTERSSON: I was wondering if the committee could get an update on the transition to a smoke-free prison.

Mr Gentleman: Thank you very much, Mr Pettersson. I think it was just last week that the sale of tobacco items to detainees ceased, and we are going through the period of assisting them into a smoke-free environment. There are still some smokers there that we need to help, but we have instituted the health response to that as well, with nicotine replacement therapy and the opportunity to keep the detainees engaged in other activities. With that, Mr Aloisi will provide the detail for you.

Mr Aloisi: As the minister referenced, we moved to stage 3 of our transition plan, which was the removal of tobacco and related products from purchase by detainees. Just to describe our general approach around smoke-free, we are very much taking the health perspective. That is obviously our primary focus in providing that support. We do have NRT provision, but, beyond that, we are also looking at other means of support.

Detainees have access to the Quit website, for example, through the detainee computer system. We also have Quitskills training provided to our staff so they can help support detainees in this journey. A number of case managers are also trained in this area. We have three activity officers, who are employed on a rotating roster to ensure that we have coverage across the week, basically scheduling more activities for our detainees. That might be gym training sessions or time on the oval—a lot of diversionary activities like games, sensory items and DVDs. We are really putting our focus on providing that sort of support.

Obviously we are working closely with our colleagues in Health around the health implications, particularly noting that it will be a challenge for some people to quit smoking. In summary, I think we are on track for 7 August, when the smoke-free

environment will be in place at AMC.

MR PETTERSSON: Are you tracking how many detainees are on nicotine replacement therapy?

Mr Aloisi: Yes; we are. Apologies: I do not think I have the number. But, yes, we have been keeping data around the number of detainees on the RT.

MR PETTERSSON: Can you take that on notice?

Mr Aloisi: Yes.

MR PETTERSSON: Thank you.

Mr Gentleman: From my notes, we have 220 detainees.

DR PATERSON: Is this the appropriate session to discuss the funding of the ACT Office of the Inspector of Correctional Services?

Mr Gentleman: It is not really part of this, no.

DR PATERSON: My question is in respect to the educational program being run at AMC. Last year at estimates we were discussing the procurement process, the delays and all that kind of thing. I was just wondering where things are up to now and how the educational offering to detainees is tracking.

Mr Gentleman: Thank you very much. I am pleased to advise that we have had some success in rolling out these programs. We have more people engaged now than previously and more people are interested in being engaged in the education programs. But, for the detail, I again refer to Mr Aloisi.

Mr Aloisi: Thank you. Obviously, we recognise the importance of education. There is research that shows that people who participate in education are less likely to re-offend. We also know that improving literacy and numeracy among our detainee population helps with sustainable employment post release. Beyond the employability aspects, in terms of the benefits of education, we also know it has positive impacts on people's mental health, wellbeing, personal success and self-confidence. We absolutely acknowledge the important role that education plays in the correctional environment.

In terms of our progress, we have a full-time senior education officer who is there to support detainee education. Following those procurement processes that we last spoke about, we facilitated several requests for quote processes to engage a number of registered training organisations already on the ACT government's procurement panels to provide an education. When we look at what is being provided now, the units that have commenced include Certificate II in Cookery; construction units; the white card course; safe work practices; an asbestos awareness course; and language, literacy and numeracy assessments.

We currently have another round of procurement around Aboriginal art and cultural

studies, retail services, business, hairdressing, and business services. Those are out for response from the market as we speak. We are always making sure that we are looking at sourcing as many additional educational options for our detainees as we can, because we know that is an important part of their rehabilitation progress.

DR PATERSON: How has the uptake of those educational programs been?

Mr Aloisi: Again, I do not have the exact figures in front of me, but my understanding is that the uptake has been very positive. We have some data, which I do not have in front me—apologies—around the completion rates around those education courses as well.

DR PATERSON: Have there been challenges, given that the educational program was put on hold for quite a while? Have there been challenges in terms of re-instating the program in the prison? Have there been lessons learnt from the past and are we doing it better now or it is more accessible?

Mr Aloisi: My sense is that those additional educational services have come online fairly smoothly. We have not anticipated any issues in terms of, maybe, reluctance or resistance or any ambivalence about engaging in them. I think they have been welcomed by our detainees. In terms of lessons and making sure that we are providing education that meets the needs of the detainees, in terms of what they are interested in, it is very critical. We are also thinking about the employment market and the skill shortages out there. There are opportunities to target these education programs to those shortages.

DR PATERSON: One of the recommendations of the healthy prison review was to enable tertiary education accessibility and improve that. What steps have been taken to improve that and how are detainees getting access to computers to be able to do online courses and things?

Mr Aloisi: Detainees get access to online courses they can do. Sometimes there is a bit of a process. The security requirements of our system, to make sure that the software underpins the education courses, can be adapted for our system. That sometimes presents challenges. By and large, if a detainee identifies an education need or desire, we will try and facilitate that through that online system.

DR PATERSON: Do you have the data on how many detainees are currently accessing tertiary education?

Mr Aloisi: I do not. I could take that on notice.

Mr Gentleman: We can take that on notice.

DR PATERSON: Thanks.

MRS KIKKERT: I would like to talk about the reintegration centre, Minister. At last estimates hearings, you said one of the causes of the delay for the reintegration centre was assess to the long-term future accommodation needs of the facility. This year's budget paper states that funding has been committed to developing a master plan for

the AMC, including planning for a future reintegration precinct. Minister, why are we still in the planning phase of a project that was committed to in the 2019-20 budget?

Mr Gentleman: Thanks, Mrs Kikkert. There have been some changes to the operation at the centre and, of course, some challenges for us in regard to damage that occurred at AMC that we needed to address. We still need to do that work. With that, I will hand over to the directorate to give you some more detail.

Mr Aloisi: As the minister highlighted, there have been changes. We spoke about the current utility of the TRC. That has provided opportunity in terms of taking the time to look at the reintegration centre. What we are focusing on now is the changing environment. It has given us the opportunity to take stock of those changes and plan more wholesomely for the future, so we can look more broadly than at just the reintegration centre—to look across AMC. There are a lot of interdependencies, not only with the reintegration precinct but with other areas in the AMC. One key step of this business case is to develop accommodation which will then free up spaces in AMC so that we can dedicate more to the education and industry programs. There is the benefit of that. It is about taking stock of things and acknowledging that there have been changes since the initial business case was submitted, giving us the opportunity to develop the site more holistically.

MRS KIKKERT: In the 2019-20 budget papers, it was scheduled to cost \$35 million for the construction of an 80-bed reintegration centre, and that was canned. Then, in the 2021-22 budget papers, the minister said that it was on hold due to storm damage and the damage he just mentioned. It was in addition to a strategic assessment of the long-term future accommodation needs of the facility. So, even back then, in 2021-2022, you were talking about planning, and this year we are still talking about planning. Why the delay for so long?

Mr Glenn: Mrs Kikkert, I am not sure there is a delay. There is a planning process around the needs of the facility and the needs of the community that the facility serves. You will see also in this budget that there is just over \$8 million, as Mr Aloisi was saying, for a unit for staff accommodation, which is actually going to free up space to be able to run programs and educational activities which go to the whole reintegration program. We are taking active steps within the campus to be able to provide a better facility and to engage in rehabilitation and reintegration of detainees whilst also looking at the long term. By “long term”, I mean about 10, 15 or 20 years of the needs of the facility and what the campus can deliver, and where the investments need to be made in the capital infrastructure. That is consistent with work we are doing across the community safety portfolio, across ESA and policing.

MRS KIKKERT: In the budget outlook for this year, you say the phrase, “reintegration precinct”. Is this just a rebranding of the reintegration centre or has the scope of the centre changed sufficiently to now be considered a precinct?

Mr Glenn: It is a different concept. If you think of a reintegration centre as being essentially a residential facility in a low security environment for people who are transitioning out of the AMC into community, the reintegration precinct is designed to be more available to all detainees at whatever point of their reintegration journey, so that we can best facilitate their rehabilitation and reintegration over time. Through the

policy work that is being done at the moment, we are seeking to start reintegration from the day of admission and run through a process that supports our detainees for their ultimate release date, and most of that happens inside the AMC. It is only at a much later point in their journey that they actually move into the Transitional Release Centre, which is—and this is not the correct way to say it—“half in and half out”. It has lower security and more access to the outside world and to employment opportunities. It is part of the journey, but it is not the entire exercise. The reintegration precinct is designed to support the entire exercise.

Mr Johnson: Perhaps I could add to the concept of a precinct. One of the things that we became aware of in the original concept of the reintegration centre is that it was it was conceived around a lower security footprint. Even with policy updates and the like, we still have a relatively low number of people on that low-security pathway out of the centre. The idea of the precinct will allow anyone, at any point on their journey in custody—and that could potentially be at maximum security or medium security—to access what will be reintegration capabilities. There will be opportunity for training and work skills, whereas the original model was much more isolated from the mainstream. We think it will provide better outcomes and will allow more detainees, at any point in their journey through the custodial system, to be able access the system. That is the primary difference with the precinct. The idea, obviously depending on the work around feasibilities, is that it may be built outside the fence but have the same standard of fence, and having interconnectivity with the existing facility will be part of the plan so anyone can access it, as appropriate.

MRS KIKKERT: Thank you, Mr Johnson. That is a lot clearer. At this point, when is the soonest date we can expect a functioning reintegration precinct or whatever you will be calling by then?

Mr Johnson: The first phase of the work, as you will see in the papers, was the money invested in—and I do not like the term—the demountable facility, the temporary facility, primarily for staff accommodation, but not in and of itself, because staff have inevitably, over time, occupied, for all sorts of good reasons, space which exists within the custodial environment, within higher security or within the prisoner-available spaces. This is designed for our staff to move out of that space so that we can free up a whole heap of areas to start that work, as infrastructure work can be done immediately, and, in parallel, we will start the work on the feasibility study to build the precinct itself. There are two phases to it.

MRS KIKKERT: So you will be moving staff into a demountable facility and then using existing infrastructure for the beginning of the reintegration precinct.

Mr Johnson: That is right. We think we can free up reasonably large spaces. I have been there and looked at where we will free up spaces that can be used for education programs and other things that are now occupied by either staff or some of our providers of service that need space out there.

MRS KIKKERT: Is that the psychology part?

Mr Johnson: Not necessarily.

MRS KIKKERT: I remember doing a tour and, for the psychology part, there was just one room being used, and there were maybe six or seven different rooms that were not being used at the time.

Mr Johnson: One of the examples I could use in the education space is that there is a room that we use for our service providers. For example, Karralika can come in and provide programs. They needed space to prepare and plan and do their administration. This will give us an opportunity to free up that space in the education facility and convert it into more training and education space. That is one example.

THE CHAIR: Let us move on, to talk recidivism. The government has a goal to reduce recidivism by 25 per cent by 2025, and that means a figure of, I think, 31.7 per cent overall by 2025. So far, the government is moving in that direction but likely will not get there in time. My understanding is that you started at 42.4 per cent recidivism in 2018 and that this last year it hit 37 per cent. Given that you have only reduced the rate by five per cent in five years, you would have to suggest it is unlikely that you will reduce it by another six per cent in two years. After a large drop in recidivism, from 42.4 to 37.1, in the first year of this goal, the rate of recidivism today sits just 0.1 per cent lower than that first year. So my question is: will the government hit its recidivism goal of 31.7 per cent by 2025, despite the rate of decline suggesting that this is unlikely, Minister?

Mr Gentleman: It is a real target, Mr Parton, and a real challenge at the same time. What we are seeing is increased numbers of recidivism in certain areas. Whilst we can assist detainees during their process and assist them as they leave the service of the AMC, coming back into the community often those particular detainees will go back into the same friendship groups and family associations that they had before. That is why we are seeing that level of recidivism. It is a challenge for us. I am not sure if we will meet it. We certainly do want to meet it and we are putting as much as we can in place to go through that. I will ask the directorate to give you some of the detail of the work we do to try to keep these offenders from offending again.

Ms Pamplin: I might just jump in there. We have invested quite a lot of time and energy in improvements to our reintegration unit team. We did a scope of work last year across all people exiting AMC in the 2021-22 year, to try and tell us where people were exiting to. What we found was that, broadly, 50 per cent of detainees were exiting into their family situation—into the house of their family or their partner. Our scope of work now is to work with those detainees.

We do a thorough risk assessment, a reintegration needs assessment, before they exit into the community. What that reintegration needs assessment tells us is what plan we can put into place for them. It also gives us a rating of low, medium or high risk in terms of the reintegration needs. We then design our plans extensively around working with that offender in the community, post release.

Where we are shifting to, working with the data that we have got, is working with their families—and I use that term very broadly—those people that are supporting them upon their release. That will be the next stage of work that we do to ensure that we can make real change, not only on an individual basis but on a systemic basis, to ensure that those reintegration risk factors are reduced significantly.

We use brokerage, we use a number of community services, and we use our own staff and a number of staff that we broker our services to, to make sure that we have intensive case management models, assertive case management models and lower level case management models that are targeted specifically at what we need to do to reduce recidivism in that cohort.

Mr Gentleman: Mr Parton, the trend is good. If we look at the ROGS figures, in 2017-18 it was 61.4 per cent and in 2021-22 it was 47.2, as you mentioned earlier.

THE CHAIR: Yes.

Mr Gentleman: The challenge is meeting that target that we have set the aspiration for.

THE CHAIR: You say, “The trend is good.” I am not sure that is absolutely reflected by figures from the last three years. If we are talking about the recidivism rate for all adults, in 2019-20 that rate was 37.1 per cent, and the estimated outcome for 2022-23 was reduced by just 0.1 per cent, to 37 per cent. I ask specifically: can anyone explain why there has been such a minimal decrease in the recidivism rate for the last three years?

Mr Glenn: Chair, I do not think we can answer that question. We will need to see some of the subsequent releases of ROGS data to see where that goes. There is certainly an active discussion around the impact of COVID, through the COVID period, on crime rates and activity in the community generally. That is an impact that we will not be able to assess until we see more data. One of the things about ROGS data is that it is a snapshot of two years in the past of every release, so we will not be able to properly assess the impact of COVID as yet. The trajectory has been okay. We will find out whether we are sustaining or improving that trajectory with further releases of data.

I should also add that we have a range of programs and activities outside of the correctional space which are designed, as part of the government’s justice reinvestment agenda, to deliver services to individuals and families to support them and the community, in order to address both recidivism and, in many cases, the over-representation of First Nations people in the justice system. There are a range of activities, all of which are complementary and lead to what we hope will be the achievement of the recidivism reduction target.

MRS KIKKERT: The Justice Reform Initiative has called for the establishment of a justice reinvestment coordinator-general. This position does not appear to have been funded in this year’s budget, though. If it was funded, would this ensure that the government hits its recidivism goal?

Mr Glenn: Not by itself, no.

MRS KIKKERT: Sorry? Say that again.

Mr Glenn: The funding of a position by itself would not enable us to hit the goal.

MRS KIKKERT: Do you see a pro in having a reinvestment coordinator-general?

Mr Glenn: I do not have a view on whether there ought to be a justice reinvestment coordinator-general. We have a range of governance mechanisms around the work that we do in justice reinvestment and our other programs. I believe they are providing oversight to the programs and to the activity effectively. It is a matter for government, of course, if government chooses to go down that path, but that is not something I am working on actively at the moment.

MRS KIKKERT: With all due respect, Mr Glenn, with the recidivism rate so low in the past three years, would you not be looking at other ways of improving how you are running that system? The Justice Reform Initiative has a really good submission online. Maybe you should read it.

Mr Glenn: I am always looking at ways to improve the efficacy of the programs that we run. I am aware of the Justice Reform Initiative's submission. It is a matter for government as to whether there would ultimately be a justice reinvestment coordinator-general. We have lots of work that we are pursuing in the justice reinvestment space fruitfully. That is all I can say.

MRS KIKKERT: Fruitfully. Okay. Thank you.

MS CLAY: Minister, can you tell me how we are managing transgender detainees out of AMC and what sort of access they have to particular programs that they might need?

Mr Gentleman: Yes. It is a very important question. As we look at supporting people as they go through programs in the Alexander Maconochie Centre, we look at these aspects of self-determination and how people make us aware in the gender sense. I will just touch on Aboriginality as well, because we are looking at how people identify in that sense. It is a challenge sometimes, as you would imagine, for people to identify and seek support for a particular gender that they have chosen. I will ask the director-general and staff to give you an idea of some of the support programs that we are doing there and the support work.

Ms Pamplin: We have had a number of transgender detainees, and a number who have exited into our Justice Housing Program as well. There is a very clear policy and direction for us on how to support, and that is based upon individual identification. All programs in the AMC are accessible to people, regardless of their determination. We do so on an individual basis, and we house on an individual basis. Importantly, we have also extended that out into our Justice Housing Program. At one point we did have a full house dedicated to former detainees who identified as transgender. That was a very successful program and had the necessary wraparound community supports as well.

MS CLAY: Thank you.

MR PETTERSSON: What COVID protocols are still in place at AMC?

Mr Gentleman: We are still doing some testing. In fact, my adviser and I had to be RAT tested or prove that we were RAT tested prior to the NAIDOC visit last week. There are still some protocols in place. I will ask Mr Aloisi to give you those details.

Mr Aloisi: Thank you. Yes, to ensure that we are maintaining our commitment to minimising the spread of COVID throughout the prison, we are engaged in a number of strategies still. We still have PCR testing for our new receptions at AMC. That is still occurring.

We still use things like AVL technology, for example, to minimise transmission where we can and to minimise movement throughout the facility. That is actually the preferred method of interacting for a number of detainees. We are still encouraging precautionary measures around hand washing and maintaining physical distance. We still have ongoing COVID vaccination clinics. They are conducted every second week to vaccinate new arrivals at the AMC, if they are not already vaccinated. We are still monitoring vaccination levels as best we can. There is still a lot going. For positive cases we are still doing isolation for detainees and asking staff not to attend the AMC.

MR PETTERSSON: Is the detainee visitor cafe still closed?

Mr Johnson: Yes. We are working actively to try to get it up and running again, but at this point it is still closed.

MR PETTERSSON: What are the challenges you face in reopening it?

Mr Johnson: Detainee training, which we will have to get back up and running. That is probably the main one at this point in terms of getting it back up and running. I know the Assistant Commissioner Custodial was working hard on that just recently, so I would expect it to be happening as soon as we can get it functioning again. It is a genuinely positive activity in terms of skills and abilities. We have seen it work in other jurisdictions, so it is certainly not something we do not want to do; it is something we are keen to do.

MR PETTERSSON: So it is not to do with COVID directly; it is a lack of skills?

Mr Johnson: It did have to do with COVID originally: a major concern around COVID. The transition from the COVID world into the slightly less COVID world is what we would call it now in terms of visits. One of the greatest risk areas is visits, so the decision to transition back to making coffee for people has been not a difficult one but one we will consider very carefully because it does become a particular risk area. We would not have launched back into doing that as soon as we might have done some of the other things. It has been delayed based on the fact that it creates a COVID risk, but I think we are at a point now where we try to normalise the place as much as possible, and it provides another training opportunity.

MR PETTERSSON: You said you wanted to get it open as soon as possible. Is that weeks, months, years that we are looking at?

Mr Johnson: That one we would have to take on notice. To put a time frame on it, I would not like to commit myself or Bruno or anyone else in the room just yet, but,

yes, we will take that on notice and give you some ideas.

MR PETTERSSON: Barbecues: are they in operation again?

Mr Aloisi: Yes. In fact, as part of the smoke-free implementation we have used the barbecues quite regularly, as part of an engagement strategy with our detainees, so, yes.

MR PETTERSSON: Thank you.

DR PATERSON: In the budget papers it says there is going to be the provision of additional custodial staff at AMC. I am just wondering how many extra staff will be employed.

Mr Gentleman: Thanks, Dr Paterson. It is important. When we looked at the Blueprint for Change opportunities earlier on, we looked at staff numbers and at morale among staff and it was quite low at the time. I am very pleased to see that the extra numbers have assisted. Indeed, the work of the commissioner has done a lot towards building morale. We need to train more staff each time, and I have been to quite a number of college graduations in the last couple of months, which is great. We want to keep that going. With regard to the numbers I will pass to Mr Aloisi.

Mr Aloisi: That includes 15 correctional officers, a custodial training leader and a cultural change leader. There is one FTE AS06 and one AS05 to support intelligence gathering as well, but in terms of just custodial officers, there are 15 correctional officers.

DR PATERSON: One of the questions I have asked a few times in hearings is about the gender breakdown of officers and new recruits and the recruitment of more women in AMC. I am just wondering if there is any focus on that in terms of the new recruits coming through.

Mr Gentleman: Yes, absolutely. At the last graduate ceremony I think it was 50 per cent of that cohort. We had 20 graduates and 10 of those were women, so there is definitely a focus on it. The custodial environment is probably where we have our lowest representation, but if you look across our other areas within corrections our representation is actually quite high. When you look at community operations and offender reintegration areas, we are tracking close to a high of 70 to 80 per cent in those areas. We still have an ongoing focus on increasing our women officers in AMC.

DR PATERSON: In terms of continuing to improve morale and improve the culture for custodial officers, I am wondering what activities are undertaken. Are things done to achieve that, or are things going well generally?

Mr Gentleman: I think most of the work is ensuring that we have enough staff to man the posts during difficult times. It is shift work as well, so there are fewer staff on evening shift or night shift than there are during the day shifts, but previously we were struggling to meet our post targets and operational numbers at AMC. That has changed quite dramatically since the commissioner took on the role—and thanks to him and the other staff that have been assisting in that—but that is the challenge. They

felt pretty well unsupported; I think that is a good way of putting it. That change has been quite deliberate and we have seen the result now in the change in morale.

Mr Aloisi: In terms of a couple of the specifics, as the minister said, the increase in staff numbers has helped staff to feel like they are supported. The amount of overtime they feel like they are having to do support their other team members is reduced, they are getting more time to themselves and leave balances are improving. We have had a really positive relationship with our EAP provider, who had been providing us in the beginning with one, and now two, specific psychologists who attend the centre and the Court Transport Unit. They have been providing much closer support to staff, particularly in critical incidents or around particular incidents, but also assisting staff in their day-to-day challenges and stresses, as you would imagine.

We have been running a pilot program with Fortem Australia, which you might be aware of. That arose primarily for first responders, which did not include corrections, but we are being piloted with Fortem now. What they do is engage with families, as well as staff. There have been some really positive outcomes from some of the family day events and other things that have been run in recent times. We are seeing, I think, some really positive progress on that. Staff saw it as a great initiative because, in the early days, Fortem asked questions of our staff about what they thought they wanted and what they needed, and that is what they modelled their work on. There has been really good engagement with staff. It is always a journey, but I think we have made some ground.

DR PATERSON: Will that pilot project become permanent or will aspects of that be carried on?

Mr Aloisi: We got funding to continue in the most recent Blueprint budget business case. Obviously, we will need to finish the pilot and then go through appropriate procurement to get all the processes tickety-boo but, yes, I hope we are going to continue with a model similar to what we have got with Fortem and/or learn from them in delivering it into the future.

DR PATERSON: Thank you.

MRS KIKKERT: You mentioned the 15 correctional officers. Mr Johnson, I direct this question to you: is that enough to cover the overtime load that correctional officers are currently facing?

Mr Johnson: It will not remove the need for overtime completely, but I do not think any numbers will. There are all sorts of reasons, from time to time, that people will do overtime: perhaps as a result of an incident or perhaps as a result of somebody going sick off a shift. There will always be an amount of overtime. This will reduce the need for overtime. I could not say it will remove it altogether.

MRS KIKKERT: Sure, but would you say that having 15 correctional officers in this budget is enough for the AMC to function in an appropriate manner?

Mr Johnson: Yes, I do.

MRS KIKKERT: How often are we seeing lockdowns, cancelled escorts and cancelled activities at the prison due to staff shortages?

Mr Johnson: We would have to take that on notice to give you the right numbers and the purpose for such things. Obviously, we would have had, historically, lockdowns related to COVID matters. We have had lockdowns related to staff shortages, absolutely, but I would have to take that on notice. I think it would be wisest, just to be sure we get the numbers right. I would not have it right in front of me; nor would, I suspect, the acting commissioner. If that is okay, we will take it on notice.

MRS KIKKERT: Sure. Would you say, then, that these extra 15 correctional officers would eliminate the lockdowns due to staff shortages?

Mr Johnson: I would expect them to, yes.

MRS KIKKERT: Okay.

Mr Johnson: It would certainly reduce them significantly, if not remove them altogether. There are all sorts of reasons that you would run short on staff on a particular day, so I could never guarantee it. But do I think it is going to improve it out of sight? Yes, I do.

MRS KIKKERT: Great. Thank you. Minister, you made an election commitment to conduct a review of the rates and causes of Aboriginal and Torres Strait Islander incarceration, which would be led and informed by the Aboriginal and Torres Strait Islander community. The leaders of this community unanimously called for a board of inquiry, instead of a review, yet your government ignored this and decided that your way was better. Will you consider this commitment fulfilled, despite the method of investigation being led by you, instead of the community?

Mr Gentleman: Thank you, Mrs Kikkert. This is a question that we have been working on with the Attorney-General, looking at how we can best support those detainees in the system. I think that the decision has been correct. There are still, I think, challenges from the community as to whether they think that is the correct response to their request and there is still work that we need to do with the Attorney-General and the government.

MRS KIKKERT: If the review has not handed down its recommendations in a reasonable amount of time before the election, will you still consider the commitment fulfilled, Minister?

Mr Gentleman: That is a hypothetical question.

MRS KIKKERT: Given that Aboriginal and Torres Strait Islander recidivism has risen from 44 per cent to 47.2 per cent in the last two years, why has it taken your government so long to commit to an investigation of their over-incarceration, when you were given clear direction from the Aboriginal and Torres Strait Islander community leaders on how to proceed? Why have you dragged your feet on this and waited until the last year of the term to investigate?

Mr Gentleman: Thank you, Mrs Kikkert. I do not actually incarcerate those offenders. They are incarcerated by the courts. We work across government, with the Attorney-General and the judiciary, to understand why those numbers are at that point and where they are travelling. I can say that, whilst the numbers are high and it is a concern for government, we recently had a corrections ministers' meeting in Queensland and it is the same in almost every other jurisdiction. The numbers are quite high in a number of the other jurisdictions. In the NT it was 82 per cent, or something like that. It is something that we need to work on as a whole community, not just in the corrections portfolio but right across the ACT.

MRS KIKKERT: Minister, you spoke about working as a whole community, yet you disregarded the community's voice—the Aboriginal community asking for a board of inquiry. Instead, you said, “No, thank you. We do not appreciate your view. We prefer to have a review.” So you are not actually working together with them.

Mr Gentleman: No. I disagree with your comments there, Mrs Kikkert. We certainly did take on board their reflection and what they wanted to see. We felt that it could be delivered in a different way.

MRS KIKKERT: Why so? Why is having a review better than having a board of inquiry?

Mr Gentleman: It was explained in quite a lot of detail at the time, when the response was made by government. I will take that on notice and provide that response to you.

MRS KIKKERT: Okay. Thank you.

THE CHAIR: Can I move on to a question pertaining to the Transitional Release Centre? How many people have successfully completed their time in the Transitional Release Centre and been released from prison since the last estimates hearings? I understand that it is quite possible we may have to take that on notice.

Mr Gentleman: I will hand over to my colleague Narelle.

Ms Pamplin: I am just checking my data. I believe that the data would be over the 12-month period. The data that we have is only for the last six months, but I am happy to share that data and take the rest on notice. Eleven people have exited the program in the last financial year and have been released on parole.

THE CHAIR: I know the numbers are small here, but have any of those people since returned to prison with a new custodial sentence or because they breached their parole?

Ms Pamplin: I would have to take that on notice.

THE CHAIR: What is the current capacity of the Transitional Release Centre?

Mr Gentleman: 20.

THE CHAIR: 20. All right.

MRS KIKKERT: Are there any detainees with sentences of less than a year being admitted into the TRC?

Ms Pamplin: No.

MRS KIKKERT: Do caseworkers assigned to individuals in the TRC exclusively work with individuals in the TRC?

Ms Pamplin: Yes, they do.

MRS KIKKERT: Thank you. Your previous answer was no, with regard to detainees in the TRC with sentences of less than one year. We are going back two years now. Do you want to take that question on notice?

Ms Pamplin: Yes.

MRS KIKKERT: Okay. Great.

THE CHAIR: Are we clear on what the actual question is?

Mr Johnson: Perhaps if you could ask it again, that would be good.

MRS KIKKERT: Yes. I asked if detainees that have been sentenced for less than a year are being admitted into the TRC, and your answer was no. Could you please take on notice how many in the last two years?

Ms Pamplin: Certainly.

MRS KIKKERT: Great. Thank you. If there were any.

THE CHAIR: Excellent. Thank you, Mrs Kikkert.

Mr Johnson: If this is an appropriate time I could provide answers to a couple of questions we took on notice, if that suited the chair, or would you rather—

THE CHAIR: Yes. I am happy with that. No-one from the committee objects to that? No. Let's go.

Mr Johnson: One that I have an answer for is the number of people who are currently accessing tertiary education. There are 14. The other question was around the cafe and when we might be able to get that up and running. Three or four months, we think, would be a reasonable period of time, as we do barista courses and safe work courses and so forth for detainees to undertake that task.

THE CHAIR: Excellent.

Mr Johnson: So we can take those off notice.

THE CHAIR: Yes.

Mr Johnson: Thank you.

THE CHAIR: Agreed.

MS CLAY: Minister, we have had a lot of concerns and recommendations over the years about women's accommodation at AMC.

Mr Gentleman: Yes.

MS CLAY: The latest one, from the healthy prison review, was that there needed to be more flexibility in accommodating different cohorts of women. The government response to that was that it would examine the need for expanded secure accommodation for women as part of the broader planning. What does that mean? What is the broader planning that is going on for women's accommodation over at AMC?

Mr Gentleman: It is looking at whether we can provide accommodation specifically for women, either at the centre or perhaps in another location. That occurs in other jurisdictions. In fact, I was just recounting the visit to Queensland, where they have a completely separate women's prison. Due to some constraints in AMC over the last couple of years, we moved women out into the general population for a period. Now they are back in a separate accommodation class. There are, I think, 25 women in custody at the moment. We will certainly look at how we can provide support for them. There are concerns from some women about the proximity of male detainees at AMC. If there is an opportunity to provide separate accommodation, that is what I would like to look at.

MS CLAY: Is that broader planning work funded in the budget? We could not see a line item.

Mr Johnson: There is an item in the budget that talks about planning generally for the long-term future of the campus. A component of that will be the consideration of appropriate infrastructure for women.

MS CLAY: Okay. When is it likely to deliver a firm plan and then a facility—or whatever the outputs are from that firm plan to deal with this problem? I note that there have been a lot of recommendations in this space and this has been an issue for years.

Mr Johnson: I think that planning process is going to be at least a 12-month exercise. People are nodding; that is great. That will then determine what the future infrastructure plan looks like. Of course, we would need to approach government for the funding pipeline for that infrastructure.

MS CLAY: Does that mean that it is likely that at estimates next year there would be a plan for what will happen for women's accommodation and then the following budgets might include funding to deliver on that plan? Is that the time line?

Mr Glenn: I would hope we would have a plan which we can be engaged with

government on, but precisely what the pipeline of work looks like I do not know, because we have not done the work yet. That is the point at which we would be looking for that conversation.

Mr Johnson: In the short term, also be aware that we have talked about alternative accommodation for staff. That will free up space in the women's area. Whilst it will not perfectly address the accommodation issues, it certainly will address, in some respects, space to do programs, health, education and other things for women in the shorter term.

MS CLAY: Is that short-term solution going to deal with different cohorts of women: women on protection, women on separate confinement orders and those sorts of things?

Mr Johnson: That is still something we will have to deal with in the current accommodation footprint, to put it that way. The women's population changes so dramatically. I think it might have even dropped again. In my recent numbers it might be a little closer to 20, whereas at one point we were up into the 30s. The lower the number, the easier it is to deal with any issues around separation, segregation and the like. Some of the issues were more about interpersonal relationships between the women—and Narelle may speak a little bit about that, if it is useful to you—and the work we have done to try to work through some of those interpersonal relationships to make it a more harmonious place for them to be, recognising some of those challenges.

MS CLAY: I would appreciate that.

Ms Pamplin: We have put a considerable amount of work into programming for women, as a result of our integrated offender management suite of work. Some of those things have been focused specifically on helping women gain interpersonal skills. One of those has been our focus on the treatment of alcohol and other drugs in a way that is specifically gender informed. A big part of that has been around relapse prevention and skill building, ensuring that people who are returning to their homes do so with better skills, but it has had a flow-on effect of making sure that we address some of the conflict that is occurring within those accommodation areas. We have learned a great deal over our last 12 months from having those gender-informed programs.

Our next suite of work will be working around conflict resolution. Our targeted suite of programs for our next term or our next program of works will be around working with conflict resolution centres across the ACT to make sure that we deliver specifically targeted programs to reduce challenges in exactly the way that we have just suggested there.

MS CLAY: Are those programs delivering results? Are you finding that you are having fewer problems and incidents?

Ms Pamplin: The evaluation of both those programs is pending, but, anecdotally, I think we are seeing a reduction in incidents occurring within those accommodation areas. The fact that I am confident to say that is also because that is what has been reported through our morning meetings. We meet with women daily in their

accommodation areas. The support staff, the women's treatment team, meet with them daily and they are reporting higher skill levels and greater confidence in managing their own interactions than they had prior to this piece of work.

I can answer the question that was asked by Mrs Kikkert before, with regard to the TRC. There were indeed two detainees who came in with a head sentence under one year, and they came in under the old policy, rather than the new policy.

MRS KIKKERT: Thank you.

MR PETERSSON: One of the projects outlined in the budget papers is the construction of a new unit for staff accommodation, to repurpose space in existing buildings for use by detainees as program and education spaces. Can you provide any more detail on that project?

Mr Gentleman: Yes. I will ask Mr Aloisi to talk to you about that.

Mr Johnson: It is part of the reintegration planning that we talked about earlier. What we discovered was that there are spaces within the detainee accommodation areas that they could regularly use, such as the education centre, which staff occupied. If we did not need staff to occupy them then we could free them up for use by detainees and we could increase the footprint we have for education programs and perhaps other activities.

This was a transitional process to get ourselves started to move the staff out of the spaces that they currently occupy, to make those spaces available for detainees. I will use the example of the education building room, which has Karralika and a couple of the other support services who need administrative space. If we can provide other administrative space then that becomes a fully useable small classroom or program room.

I cannot remember the exact figure, but I think there are six or seven of those spread across the centre that we would free up as a result of this plan. That gives us a transition so that we can continue planning what we have talked about as the reintegration precinct, which will be the next body of work. This gives us a short-term solution to some of our space challenges while we work on the longer term.

MRS KIKKERT: For 2022-23 budget statements D has \$433,000 budgeted for implementing recommendations from the Blueprint for Change. The completion date for this was June 2023. The latest budget has the same amount allocated for the same reason, but the physical completion is listed as August 2023. What was this project and why was it delayed?

Mr Gentleman: I will ask the directorate to give you that detail.

Mr Johnson: Sorry, ma'am; would you ask the question again? I am not sure I quite got that.

MRS KIKKERT: Yes; sure. I refer you to budget statements D. On page 34 it says that \$433,000 was budgeted for implementing recommendations from the Blueprint

for Change, and the completion date for this was June 2023. The latest budget has the same amount allocated for the same reason, but physical completion is listed as August 2023. What was this project and why was it delayed?

Mr Johnson: I might have to take that on notice. It might be the safest, to be sure which program that one relates to. I am thinking of the gatehouse project. We originally thought we could finish that this year. The gatehouse project will go to completion, I think, in September or October, so some of that cost has transferred. I will need to take that on notice, to be sure, because I am not comfortable that I am talking about the right project. If that is okay, we will take that on notice.

MRS KIKKERT: Okay. Fantastic. I refer to the master plan that you have budgeted; would that include the Symonston remand centre in your master plan for AMC?

Mr Gentleman: There is some work in regard to the Symonston centre, for training. That is outlined for some funding there, to ensure that we can train our custodial officers.

MRS KIKKERT: That is right, but, Minister, in answer to a question on notice we asked about the Symonston remand centre you did mention that the ACT government is considering a range of options with respect to the future accommodation needs of the AMC. That was an answer specifically about the Symonston remand centre, so are you looking into having the centre as accommodation for AMC in this master plan?

Mr Gentleman: Not at this point. At this point it is being used for training.

MRS KIKKERT: At this point?

Mr Gentleman: Yes.

MRS KIKKERT: Okay; so it is not included in the master plan that is currently in the budget?

Mr Gentleman: We look at all aspects of our assets, Mrs Kikkert. If there are options that we can look at, we certainly include those in our investigations.

MRS KIKKERT: Great. Thank you.

THE CHAIR: We are now going to draw this session to a close. Thank you, Minister Gentleman and officials, for your attendance. I think there are some questions on notice that are live, so please provide answers to the committee secretary within five working days of receiving the uncorrected proof transcript. The committee will now suspend proceedings for lunch.

Hearing suspended from 11.59 am to 1.00 pm.

Appearances:

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

Transport Canberra and City Services Directorate

Corrigan, Mr Jim, Deputy Director-General, City Services

Fitzgerald, Mr Bruce, Executive Group Manager, Infrastructure Delivery and Waste

Clement, Ms Sophie, Acting Executive Branch Manager, Infrastructure Delivery and Waste

Davidson, Mr Geoff, Executive Branch Manager, Development Coordination Branch

Iglesias, Mr Daniel, Executive Branch Manager, City Presentation

McHugh, Mr Ben, Deputy Director-General, Transport Canberra and Business Services

Cahif, Mr Ashley, Project Director, Light Rail Projects, Major Projects Canberra

THE CHAIR: Welcome back to the public hearings of estimates 2023-24. In the first of our afternoon sessions we will hear from Chris Steel MLA, Minister for Transport and City Services, and officials.

The proceedings are being broadcast live. The proceedings today are also being transcribed and will be published on the Assembly website. If you do take a question on notice, if you can just be emphatic and say, "I will take that on notice," it will allow everyone to be on the same page.

I remind witnesses of the obligations afforded by parliamentary privilege and draw the attention of everyone in the room to the privilege statement. Could you confirm for the record that you understand the implications of the privilege statement and that you agree to it? My understanding is that I can just get a universal "yes" if this applies to you. Magnificent. As we are not inviting opening statements, we will now proceed to questions. I might start with the minister. Minister, my question is about the tram project. The 2023-24 budget outlook makes reference to light rail stage 2B in a number of places. Of course, it has also been the subject of some major reviews, including in the federal parliament. Recent interviews with the head of the NCA have also shared some additional perspectives.

The evidence from the committee up on the hill and the NCA view suggest that the preferred route around State Circle has some significant problems, and no doubt running stage 2B through Barton also has some challenges. The head of the NCA has said that she "does not expect works approval for many years". That is a quote from Sally Barnes. When asked whether or not stage 2B would ever be built, Ms Barnes said that she did not know.

Minister, is there any circumstance or scenario under which stage 2B of this project will not proceed and, if so, what circumstance or scenario would they be?

Mr Steel: We have made it clear that we are going to work through the approval

processes and the planning processes that are subject to this route over the coming years, and we will examine the range of different options, without ruling out options to move through the Parliamentary Zone, which is an area of significant national sensitivity. But, also, from a heritage and environmental point of view, we have always known that there were going to be challenges that we needed to work through.

That is the reason that we split the project into 2, 2A and 2B—so that we could get on with the simpler stage of 2A while we undertook that design work and that planning work that is required. The investment of \$50 million that we have made in the budget is to actually start that work.

Some work has already been undertaken, particularly on working with the National Capital Authority on landscape design and some of the heritage studies, particularly on Commonwealth Avenue Bridge. That will support an environmental impact statement to be developed at the end of next year. We will start doing consultation with the community, we expect next year.

With our technical design partner AECOM, who has already been contracted for this purpose, we will be working through some of those technical challenges and the various options to move through the Parliamentary Triangle. We have been clear that we will work milestone by milestone through those to bring light rail down to Woden.

It is subject to third-party approval processes by both the National Capital Authority, through the EPPC process and the Department of the Environment, as well as the federal parliament itself. We will need to work with each of those stakeholders as we move through.

That is why we wanted to take a more flexible approach that looks at the preferred route, the Commonwealth Avenue-State Circle route, which is of course the transport corridor identified in the National Capital Plan, but also not to rule out other options as well and assess those so that we do not have to go back to square one if there are challenges that come up.

So we will be looking at that in detail. It is too early to, I guess, make hypothetical comments in relation to what acts the parties might undertake in relation to the project. But we are committed to bring the project down to Woden. We will work through the approvals process. We have been working very collaboratively with the National Capital Authority on stage 2A and already on stage 2B, and we hope that that will continue. Certainly with the new federal government in power there has been a lot of cooperation since the change of government, and we expect that to continue in the future as well.

THE CHAIR: Minister, I am not sure that you really answered my direct question, which was: Is there any circumstance or scenario under which stage 2B of this project would not proceed? You have eluded to third-party players in this whole thing. Are you suggesting—and I do not want to put words in your mouth—that the only scenario under which stage 2B would not continue is if somehow a third party put the—

Mr Steel: I think the most likely scenario that stage 2B would not proceed is if the

Liberal Party won government in the ACT.

THE CHAIR: That is not what we are asking, Minister. I am asking you as the Minister for Transport whether, under your government, there is any scenario under which stage 2B of this project would not proceed. You have indicated in a recent Riotact article that there would be no retreat on stage 2B, that you will be pushing on no matter what. If engineering hurdles pushed the project past \$5 billion, would you still be doing it? Is there a threshold cost?

Mr Steel: You are asking hypothetical questions. We are actually at a stage where we have got money in the budget in June to undertake the design work that is necessary to work through the approvals process. I am not going to hypothecate—

THE CHAIR: So there is no threshold cost?

Mr Steel: We are going to work through and examine the options and the costs and benefits associated with those options. We have been clear that we want to undertake that level of design and planning work—

THE CHAIR: Is there a threshold cost, Minister?

Mr Steel: to work through that and actually consider those options in the business case around how the project would be implemented. We are yet to go through that process. We are really delighted to get the money in the budget to be able to progress that with Major Projects Canberra and working with Transport Canberra City Services, which is the subject of today's hearing, to also undertake that transport planning work.

THE CHAIR: Is there a threshold cost for the project, Minister?

Mr Steel: As I said, we will work through and examine the costs and benefits of the project as part of the planning and design work and then the business case that will be developed for the project. But we are committed to extending light rail down to Woden. That is why we are getting on with stage 2A. We have undertaken a business case; we have now got approval; and we will work through the procurement process for that.

THE CHAIR: So there is no threshold cost?

Mr Steel: We will be working through development of the business case and we will consider the costs and benefits of the range of different options. We do not know the scope of the project until we have actually gone through a level of planning and design, because there are, as has been noted, third-party processes that need to be run through the NCA, through the federal parliament and so forth. We will need to consider what comes out of those processes as well, to understand what the final scope is that can be costed and the benefits that are then associated with the scope of that project.

THE CHAIR: All right. I have a final question on this line until I hand over to others. Given all the planning work that the ACT government has put into this proposal over a long period of time, at least five years or more, why are we at such an impasse?

Surely something is badly wrong with the project governance.

Mr Steel: It is not an impasse. We are working through an established process and we have been doing that systematically. We have got approval for stage 2A. That is actually a very positive sign about the collaboration with the NCA and about the ability to get a light rail project approved on Commonwealth Avenue, and we are going to continue that on stage 2B as we continue down Commonwealth Avenue and through the Parliamentary Triangle.

There will be a range of challenges. There always is with a major infrastructure project of this size. But we are going to look at all of those challenges and work through them and look at the costs and benefits of a range of different solutions to get a mass transit solution down to the south side, so that southsiders can benefit, not just northsiders.

MS CLAY: With the \$50 million on the planning for 2B so far, how much of the EIS work has been done?

Mr Steel: That is not the expense thus far. That is a new investment in the budget to continue the work that has been undertaken on stage 2B.

MS CLAY: Okay. How far progressed is the EIS work?

Mr Steel: The focus has been on stage 2A until this point. That is because we needed to get through the planning approvals for that project. We have now got ACTPLA approval as well as the NCA works approval for that project. Of course, we will continue to focus on the procurement aspect of 2A. We will then begin to see the technical design partner, AECOM, start to shift focus onto the development of the environmental impact statement using the funding that is available through the budget, and the team from MPC, the project team, will start to shift their focus onto the development of that EIS.

We have already refreshed the community reference group for the project, which is looking at 2A but will also start to have more of a focus on 2B. So the stakeholders involved there will start to look at the design aspects of that as we move through. We will also be doing broader community consultation next year. So there will be an opportunity to engage with early design on the projects, which will address environmental issues and heritage issues through the corridor.

MS CLAY: Will that be looking at alternative routes? You mentioned looking at alternative routes. Will that consider routes along Windsor Walk?

Mr Steel: We do not want to rule out options. I think the issue with Windsor Walk is the national security precinct. That is obviously a relatively new project that has been conceived by the commonwealth since we did consultation on the stage 2B route with the community—I think it was in 2017.

We have already started conversations with the commonwealth and the commonwealth Department of Home Affairs about what the national security precinct means. It is going to provide significant benefits for that precinct. Up to five or six

thousand people working there could access the mass transit link. But we also need to work through what their security constraints might be as well, with a project moving alongside or near their precinct. They are the sort of things that we will need to be working through over the coming months.

MS CLAY: Sure. That is good. We have got \$196.8 million across four years for light rail stage 2. Can you break down just briefly what the components of that are?

Mr Steel: I might ask Ash Cahif, if he is available, to provide some further information.

Mr Cahif: I am the project director for light rail stage 2, from Major Projects Canberra. I will need to take that on notice as to the specific figures. As to what is contained as broad projects, raising London Circuit is a separate project, but 2A includes not only the design work for 2A leading up to the works approval but also the procurement with Canberra Metro, the LRV and depot mod. Then we have 2B, which also has separate funding.

MS CLAY: The detail on notice would be great; thank you.

I wanted to chat about FOGO. I think you have your waste people at the table.

Mr Steel: Yes, we do.

MS CLAY: Excellent; I thought so. Minister, as you know, I am pretty concerned about the delay we have had with FOGO. I understand why there has been that delay, but can you tell us when your new likely date is for us to have household recovery of food waste and processing of food waste in Canberra?

Mr Steel: In the budget we committed to continue the current pilot that is being undertaken in several Belconnen suburbs. That is obviously providing learnings that we will use for the full rollout. We are still committed to the full city-wide rollout of FOGO, but that requires the establishment of a facility that can take that feedstock. At this point in time, we do not have that—we do not think. We need to go out to market.

Work is progressing through the development of an EIS again for that facility, which we think will be located at the Hume Resource Recovery Estate. That is going to take a little bit longer than we anticipated. With the unfortunate incident with the fire at the materials recovery facility on Boxing Day last year, our priority is very much making sure that we get a new recycling facility up and running as soon as possible to take the commingled recycling waste stream.

But we will also continue the work on the FOGO, in parallel. It is just going to take a little bit longer. We have been upfront about that with the community. But we are still committed to the outcome of a city-wide FOGO collection to make sure that we can stop this material going into landfill because, of course, it has those emissions impacts.

MS CLAY: And you have been upfront about that. I thank you for that.

Mr Steel: Yes.

MS CLAY: I think you previously said 2026, or maybe later. Is that what we are looking at?

Mr Steel: We will test that through the procurement process. If there is a provider that can potentially do it earlier, then we will find out through that process. I might hand over to Bruce Fitzgerald to provide a bit more information about where we are at.

Mr Fitzgerald: We are working through the procurement process. As the Minister mentioned, it has been complicated by the fact that we are now looking at having to fast-track the rebuild of the material recovery facility.

We are hoping for a facility that is operational by 2026 and we have, through our procurement of a household collections contract, allowed for that in the procurement. We are keen to work with providers to understand whether that can be brought forward and we will certainly embrace any opportunity that will bring it forward.

MS CLAY: This ties in with the household collection contract that you have just mentioned. How long did that contract last for?

Mr Fitzgerald: The contract went out with the opportunity for either a five- or eight-year term, depending on the responses received from industry. That also provides for two one-year extensions to that contract.

MS CLAY: Five to eight years. So, in the best of all possible scenarios, if you got this set up by 2026 or maybe 2027, we are still looking at another three or four years of organic waste going to landfill in the interim.

You do not need to comment on this, but, observationally, what is happening with a lot of our capital projects is they are running pretty late. So if we are thinking 2026, I am sort of thinking it is more towards the end of the decade. That is quite a lot of years we have lost on climate action for FOGO. Have you modelled the impact of that on our trajectory to net zero by 2045?

Mr Fitzgerald: We do know that waste, as we get towards the end of this decade, will make up a large proportion of the emissions from the ACT. So we are very conscious in what is possible in reducing those emissions. We are working with our landfill gas operator to achieve a higher level of recovery from methane emitted from that material going to landfill.

We are also keen to progress as quickly as we can with the FOGO facility. There is an opportunity for us to look at different ways to manage that material. We are keen for us to look at not just what an investment composting facility looks like but also whether there are smaller scale alternatives that may be available, as well.

MS CLAY: Are you looking at those alternatives at the moment, noting that the City of Sydney have just announced that they are not doing a large universal composter, that they are actually doing insect composting.

Mr Fitzgerald: We are actively engaging with all councils around the area as to what

their solution looks like. The City of Sydney is a very different scenario to what we have in the ACT. We have a large amount of garden organics that go into the green bin; whereas, in the City of Sydney, it is predominantly multi-unit dwellings. So there are a number of food remnants that can be processed by alternative solutions.

We need to work with what the diversity of our particular situation is and make sure that we are putting in a solution that will last for many decades to come.

MS CLAY: It will—but the waste also lasts for many decades to come. It is my understanding that, if we send waste to landfill in 2026, it will still be generating emissions in 2046. Is that right?

Mr Fitzgerald: Correct; yes.

MS CLAY: So if we do not start doing this now, if we do not get this going until 2026, or 2027 or 2028, we have actually missed net zero by 2045. It is not possible anymore, right?

Mr Steel: We think it is still possible to meet the National Waste Action Plan target of halving food waste and organics into landfill by 2030. We have seen in a very short period of time with the pilot rolling out in Belconnen that, as a result of the waste audit that we have just recently released, which was undertaken in 2022, compared to 2014 when there was 34.9 per cent of food waste in Canberra garbage bins, it is only 15.9 per cent in the FOGO suburbs—so, basically, more than a halving of food waste in the garbage bins.

So once that is rolled out, be it at a slightly later point in time, we expect there to be an immediate reduction that will enable us to meet that National Waste Action Plan target.

MS CLAY: I am pleased to hear that—and I do not doubt it—but, if we are sending organic waste to landfill in 2026 or 2027 or 2028, it is still generating emissions in 2046, 2047 and 2048.

Mr Steel: Sure.

MS CLAY: I think these delays of a few years cause quite a lot of alarm for people in the climate movement who understand the long tail end.

Mr Steel: Sure, and we are going to take several actions to test the market to see what is possible in the short term, and then also, of course, continue to work with the landfill gas capture supplier to look at what options there are to increase the capture of gas.

MS CLAY: I am pleased to hear that you are testing the market on different options. While you are doing this market testing, if you are already going out to market for a household contract that is based on a third bin with mixed garden and organics and a big in-vessel composter, if somebody comes up to you with other suggestions and says, “We can do insect composting,” or “We can do our business compost delivery service,” or “We can do more closed windrow at various sites disaggregated around

the region,” how will you weigh up value for money on those versus a big in-vessel composter, if that is the way we are heading?

Mr Steel: I might hand over to Bruce. We have undertaken significant feasibility work in the lead-up to these procurements. That has recommended a large-scale composting facility which would be in-vessel as the best solution.

Mr Fitzgerald: The household collection contract, by combining the numerous services into a single contract, allows us the flexibility to respond to some of those issues. In the past, we have been restricted in what we could do because we had multiple contractors delivering multiple services. Having a single contractor provides us the opportunity to work with alternative solutions such as servicing multi-unit dwellings in a different way, where we know that the composition of the material being collected there is predominantly food organics. That would lend itself well to an alternative solution if one proved to be viable.

MS CLAY: But how would you know that it is value for money if you are only looking at the cost of the contract and you are not looking at the cost of the in-vessel processor? How are you going to compare what value for money is if somebody says, “I have got a contract service solution for you that does not involve a big capital work,” and somebody else says, “I’ve got a contract solution for you that does involve a big capital work”? How do you weigh those two against one another and say, “This one is value for money and that one is not,” if you are not including the cost of the big capital project in that?

Mr Fitzgerald: It is an interesting question as to how we work through the different iterations of our service delivery. We obviously take into account the total cost of service when determining what is the best outcome. That includes not only the short-term capital cost but also the long-term cost of processing that material.

It also goes to economies of scale when you think about how you generate off-take markets for the processing and distribution of the material. It is one thing to process it into a high quality product and it is another to move it on. What we have seen, with the volumes that we are talking about, is that we actually need large-scale producers to generate the off-take arrangements, to be able to move that material to a higher value use.

MS CLAY: Okay. Thank you.

THE CHAIR: Can I just ask a supp on that? I know that, in earlier parts of this line of questioning, there was a fluidity foreshadowed on exactly when city-wide commences and when the trial finishes. But, Minister, if the trial finishes only when the city-wide rollout begins, how are you going to analyse the results of the trial and incorporate any changes to the program prior to the city-wide rollout? Is that a silly question?

Mr Steel: We are already evaluating the outcomes of the trial.

THE CHAIR: So it is ongoing?

Mr Steel: It is an ongoing evaluation that will be undertaken. We have made some tweaks already to the system as it is running in the pilot, and we will, of course, look to take any learnings away and incorporate that into the city-wide rollout. There will be a need to establish the parameters at that particular point in time.

THE CHAIR: Just in closing the questioning, unless there are any other supps from committee members or guests, has any decision been made as to weekly versus fortnightly regular garbage collection for FOGO households? If not, when can Canberrans expect that decision to be made?

Mr Steel: I might hand over to the NoWaste team to talk about how the pilot is going, but it has been very successful thus far under the current arrangements. There have been some tweaks, as I have noted, and that has resulted in some people being eligible for a larger garbage bin and not moving necessarily to a fortnightly collection. Over time, we have seen the community in those suburbs get used to the program and understand it, working closely with the team from NoWaste, who have been providing that education as well as tips about how to manage their waste.

The waste audit that I have released over the past week has shown a reduction in food waste in the FOGO suburbs. On a broader level, it has also shown that the weight of waste in the landfill bin has also dropped to 4.2 kilograms in the FOGO pilot suburbs. That compares to 9.8 kilograms in 2014 and 8.2 kilograms in 2022. So, overall, there has been quite a significant reduction in the amount going into landfill, which is a good outcome and certainly an ancillary benefit of having a FOGO bin collection.

THE CHAIR: Mr Steel, just as you hand over, although you have said that there are tweaks and some people have been given a bigger bin, of course, they were not given a bigger bin, were they; they had to pay for a bigger bin?

Mr Steel: No, there were some people who were eligible for a bigger bin, I believe.

THE CHAIR: All right.

Mr Fitzgerald: As part of some of the tweaks that the minister referred to, there has been a special consideration policy that has been developed. That was developed in consultation with Carers ACT and a number of other advocacy groups to understand some of the impacts of the change in collection service and to adjust accordingly. Part of that has been the ability to access a free upgrade, if required.

THE CHAIR: All right; okay.

MR PETTERSSON: There is a range of funding in the budget for exciting projects in Gungahlin. I was hoping that we could get some more detail on some of them. I would like to start with Yerrabi Pond. What do we have planned?

Mr Steel: I will hand over to Sophie Clement and the team to talk a bit about the Yerrabi Pond projects. This is part of a very significant investment in suburban infrastructure across the ACT, including a large investment in the budget into some of our most popular parks, including Yerrabi Pond and Telopea Park, and of course the investments that have been made at Acton Waterfront into a new park there as well.

I will table for the benefit of the committee an update to the Better Suburbs Statement, which was a democracy exercise from 2018, where we engaged with Canberrans about what was important to them and what their priorities were for city services. We have been regularly reporting against those priorities that they determined through that exercise, and we have done so again based on the budget in June but also the previous budget as well. There is just some more detail in there about the Yerrabi Pond upgrades as well.

But the focus of the upgrades is based on the planning consultation that we have done with the community over the past few years.

THE CHAIR: Minister, I think I am supposed to step in and say: does the committee wish to further consider this supplementary submission prior to receiving publishing?

MS CLAY: We are happy to receive.

MR PETTERSSON: Happy to receive.

THE CHAIR: This submission will be considered at the next private meeting of the committee.

Mr Steel: No worries. I will give you time to have a look at it. It is available on the Transport Canberra and City Services website.

The Yerrabi Pond upgrades are really focused on meeting the needs of what is obviously a very fast-growing community. It is a very popular park. Currently, the picnic facilities are not adequate. We are looking at providing new picnic facilities, as well as new toilets on both sides of Yerrabi Pond. Parking has obviously been an issue as well. Lighting will be included in the upgrades there as well. I will hand over to Sophie Clement to provide some further detail.

Ms Clement: I am the executive branch manager for infrastructure delivery. On the Yerrabi Pond district park upgrades, there is, I think, \$3.27 million allocated to deliver this project. TCCS completed a feasibility and some detailed design work in the past 18 months. That work was based on the consultation and feedback we had had from the Gungahlin community. A lot of that feedback was around the condition and amenity of the surrounds of Yerrabi Pond and, in particular, the district park toilets.

There is an existing picnic facility there with toilets. Those toilets will be replaced with a new facility, and we will do an adjustment to that facility so it provides more amenable picnic facilities that are better connected to the area.

There was also feedback from the community around additional public toilet facilities, as that was the only facility around the entire Yerrabi Pond, and it is a significant district park area for that community. So we will also be delivering new toilets at the Bizant Street Playground, which is on the north-eastern side of Yerrabi Ponds.

We will be doing some additional car parking to address some of the concerns around car parking availability adjacent to the commercial area. There will be some lighting

upgrades around the park. That will hopefully help with safety and access as well for all users.

We have completed detailed design work on each of those elements. The funding that we have now will be to move to a construction phase.

MR PETTERSSON: What is the time line that we are working towards with construction?

Ms Clement: We are going through the planning phase at the moment. I expect that we will have a construction tender out before the end of this calendar year. On that basis, I would expect that we would be able to start construction across a couple of sites across the ponds in this new financial year. But I expect we will be in a position to complete the following financial year. I would probably be in a better position to give more detailed dates once we have finished this initial planning phase, which we will share with the community once they are known.

MR PETTERSSON: Fair enough. How is work progressing on the Casey Community Recreation Park?

Ms Clement: We are going through a construction tender process at the moment. That is almost complete. There were some delays through the construction tender process that we have been experiencing in that scale of contractor work. We have been experiencing some issues around capacity and some additional due diligence around financials. That is all wrapped up now.

We expect to be starting on site for the construction of Casey in early September. I am being a little bit cautious, as there is a bit of approval work that needs to be done before we actually get on site. So we will probably be on site in early September at the latest.

MR BRADDOCK: I have a series of questions about the update on the Zero-Emission Transition Plan and also bus depots. If you are updating the transition plan, what is the time line expected for the fourth zero emissions bus depot?

Mr Steel: That is what we will need to consider as we update the plan. I draw your attention to the Zero-Emission Transition Plan, pages 12 and 13. The decision was made by government to move forward the Tuggeranong conversion to an earlier period. We expect that to be completed next year, with the infrastructure work that is currently being undertaken by Evoenergy to provide a high-capacity feeder line through to the Tuggeranong depot to charge up to 200 buses.

That was originally slated under The Preferred Pathway, from 2028 through to 2034. We are now bringing that forward by at least four years, if not more. As a result, we believe that a fourth depot, which had been planned earlier in the Pathway, will no longer need to happen until some years into the future.

We have not stopped work on the fourth depot. There is still feasibility work and planning work being undertaken around planning for the fourth depot, which would be located on the north side, and we are looking at a range of different options about

where that could be located. West Belconnen is one option, close to the transmission lines there, which already has high-capacity electrical connections capability, but also potentially at Mitchell as well.

At the moment, with the three depots being able to house electric buses—Belconnen will have a smaller number but it will still have four by the end of the year—we expect that we will have capacity in the short and medium term to house a growing fleet of electric buses.

MR BRADDOCK: Just a point of clarification: you said, “some years into the future”, in terms of the north-side depot.

Mr Steel: Yes.

MR BRADDOCK: Is that like a five- to 10-year time frame?

Mr Steel: That is the work that we will need to do. We have brought forward Tuggeranong considerably. So the need for that fourth depot is now being considered around when that would actually be required. We have to look at the fleet size, and I do not think the fleet will reach a size that will require a fourth depot for some years. So we have to work through what the requirements are for Transport Canberra before we make a decision, but we are updating the plan and the Preferred Pathway to reflect that.

MR BRADDOCK: Surely, to achieve a zero emissions bus fleet we need to expand the fleet quite rapidly in order to meet our emissions targets, do we not?

Mr Steel: We are replacing a lot of the old technology and the old diesel buses and CNG buses with zero emissions buses. We have now signed contracts for 106 electric buses, which will be delivered over the next three years. There will be some replacement, we think, and possibly some growth as well, and then we will be, of course, looking to purchase more electric buses beyond that as well. But, yes, over time we expect the fleet to grow, but there will also be the replacement of outdated technology and buses that have come to their end of life.

MR BRADDOCK: The Woden bus depot is now, according to the budget, expected for completion on December 24. That will deliver, I would say, probably about a 100 bus capacity. Surely there needs to be further expansion in the fleet as well, in order to deliver, for example, regular weekend services and the level of services that Canberrans would expect from that bus network.

Mr Steel: Weekend services do not have a significant impact, in terms of the utilisation of the fleet, because there are typically fewer services on the weekend. Even if services were increased, we still would not run the same level of frequency on the weekend as the week days. So the constraints there with the fleet are not as problematic. It is more around driver availability that there is an issue on the weekends.

With approximately 200 buses being able to be stored at Tuggeranong, 200 at Belconnen and 100 at Woden, that is far larger than our current fleet. But, yes, in the

future, of course, the fleet will grow. That is why we are still planning for a fourth depot—and, indeed, a fifth depot, which is in the transition pathway.

MR BRADDOCK: I am grateful to hear that. You mentioned the recent purchase of 106 electric buses. What was the purchase cost for those?

Mr Steel: I might hand over to Ben McHugh on that one. We have got 12 leased electric buses already in the fleet through one contract. We have also signed a contract with Custom Denning for four electric buses, which will be housed at Belconnen. We are expecting those before the end of the year. We have also signed a contract for a further 90 buses, which will be coming from Yutong VDI.

MR BRADDOCK: Just to refine the question, I should be referring to the 96 electric buses that we have purchased, not the leased ones.

Mr McHugh: We will take that question on notice due to the complexity of the various procurement mechanisms—one being a purchase outcome and the other being a leased arrangement, where the cost of those buses is spread over a 10-year period. We can come back with the details on that.

MR BRADDOCK: Thank you.

MS CLAY: Minister, I think we have around 450 buses at the moment. Is that right?

Mr Steel: Slightly more than that but, yes.

MS CLAY: Thank you. And I think the capacity of the three depots we have is around 500 buses. Is that correct?

Mr McHugh: Yes, correct.

MS CLAY: So, without a new depot, the most buses we could have on the road to provide services would be 500. Do you think 500 buses would be enough to provide Canberra, a growing population and growing city, with the type of service that we think is needed?

Mr Steel: In the short term, yes, but that is why we are planning for a fourth depot.

MS CLAY: Are you acquiring the extra 50 buses? Are you going to expand the fleet to the full capacity that we could currently service in our depots?

Mr Steel: With the current contracts?

MS CLAY: Yes.

Mr Steel: No, we will not be meeting that capacity with the current contracts because large numbers will be for the replacement of ageing buses, particularly removing the Renault PR2 buses from the fleet, which is the old Mack orange buses, but also the compressed natural gas buses, which are at their hard end of life. Then we will be considering how long we want to keep some of the ageing Steer Tag diesel buses in

the fleet.

That is why we think there will be some growth, but we need to do the work in the update of the transition plan—which is effectively a fleet management strategy—over the coming 12 months.

MS CLAY: So not really any growth planned in this term?

Mr Steel: We expect some growth. The exact amount will be determined through the process that we are working through. Of course, we intend to make further purchases as well as we meet our transition pathway outlined in the plan.

MS CLAY: It is great to switch to electric and I am really pleased to see that, but part of the emissions reduction story is actually having more buses so that people can get out of cars and use more buses. So, the slower we are on that, the more our transport emissions are not really going to budge.

Mr Steel: We are also investing in new light rail vehicles as well. That will add capacity to the fleet. We saw that impact when light rail stage 1 started, when huge numbers of buses were freed up on that route which could then be diverted to establishing new rapid routes on the south side like the R5, for example, and the R7 out to Weston Creek, which have been highly patronised.

That mix needs to be taken into account. They provide very high capacity services. That will be considered as part of the updated Pathway.

MS CLAY: Thank you.

THE CHAIR: Minister, my understanding, based on these discussions today and based on everything else that has been in the public space, is that currently the 12 Yutong E12s represent the entirety of the battery electric fleet. That is correct, is it not?

Mr Steel: We do have some other buses.

Mr McHugh: In terms of in-service electric buses?

THE CHAIR: Yes.

Mr McHugh: The 12 Yutongs are the only 12 electric. In our flexible bus service fleet, we are trialling an electric bus there at the moment.

THE CHAIR: Where are the Yutong E12s actually manufactured and how do they get here?

Mr McHugh: Those buses are manufactured, in terms of the majority of the parts, in China. They are shipped to Australia and then Vehicle Dealers International, who are our local supplier of Yutong buses, finalise the fit-out, at a facility in Sydney, to be compliant with the operational requirements of our buses in Canberra.

THE CHAIR: What is the level of locally Australian made, or installed on the bus? It is probably difficult to come up with a percentage of a bus but—

Mr Steel: We do not have manufacturing facilities, I do not believe, in the ACT for buses. I am assuming you mean Australian made.

THE CHAIR: No, I am talking about Australia.

Mr Steel: Okay.

Mr McHugh: I would not be able to give you the exact percentage of locally manufactured materials on Yutong buses at this point in time.

THE CHAIR: That is all right. What is Transport Canberra's battery plan to dispose of old batteries when they are no longer usable?

Mr McHugh: Transport Canberra have been doing a fair bit of work around batteries for a number of years now. As part of the development of the original Zero-Emission Transition Plan, we engaged with some experts at the ANU around second-life battery uses and alternatives.

There is an emerging market in the EV space that is looking to get access to batteries that have been used in vehicles to be used for other alternative uses, to give them extended life. We have been working with a number of those parties over the past few years.

We do not have a formal plan in place at this point in time, but we know we have probably eight to 10 years to continue to work on that.

Mr Steel: The National Electric Vehicle Strategy has also been released by the federal government and we have, of course, contributed to that process as well. As part of that, they will consider what the opportunities are for the disposal and reuse of electric vehicle batteries, including those from heavy vehicles, and including opportunities for a private stewardship scheme. So we will continue to work with them on that.

THE CHAIR: Excellent. Thank you. This is probably on notice unless there is a whiz. There are a few whizzes here so someone might know. I would just like to know how many battery electric buses we expect to be in service by 30 June 2024, 31 December 2024 and 30 June 2025.

Mr Steel: We might take that one on notice. Obviously, the contract is for three years. There have been some supply chain issues with one of our other contracts, which is for diesel buses, which I have been updating the Assembly on as those have been arriving.

It has not been without some challenges in the industry, in terms of getting the materials, labour and so forth to be able to complete the buses. But, certainly, we hope that those extra buses will be delivered within the three-year period that has been contracted.

MR BRADDOCK: I just want to go back very quickly to that contract for the 90 buses. I cannot see that on the contracts register. Has that been finalised?

Mr McHugh: The contract has. There has been some work on confidential text, going back and forth between parties, but I expect that to be published very soon.

MR BRADDOCK: Thank you.

THE CHAIR: Minister, there was a tender awarded to Canberra Metro Project Co on 28 July last year titled “LPRDE modification order”. The total amount of this tender was a smidge under \$200 million. It was listed at tenders.act.gov.au. My understanding is that this tender would cover the provision of new LRVs, as well as retrofitting batteries to the existing fleet and expanding the Mitchell tram depot.

Are you able to confirm if this contract covers the purchase of new LRVs, retrofitting batteries to the existing fleet and expanding the Mitchell tram depot? Is there anything else to be covered by this tender?

Mr Steel: I believe it does, but I will hand over to Ash Cahif.

Mr Cahif: There are associated works in relation to the LRVs and depot, noting that it is to integrate into the 2A project. Where there are efficiencies to be gained as a result of doing that work while in the depot and on the LRVs, that has been done as well.

THE CHAIR: How many suppliers were asked to tender for this project?

Mr Cahif: The sole source was Canberra Metro, as a modification under the existing light rail stage 1 project agreement.

THE CHAIR: Is it the suggestion that that process, because it is a Canberra Metro project, was done at arm’s length from the directorate and government?

Mr Cahif: I am not quite sure what the question is.

THE CHAIR: My question was how many suppliers were asked to tender for this project. I will move on to something else. What is the cost per tram to retrofit the batteries and the associated works?

Mr Cahif: That is confidential, so we cannot disclose that here.

THE CHAIR: Where will the battery retrofitting be completed? Where will it physically take place? If not the Mitchell depot then where? If it is not done here, will the trams have to be road transported? Where will that geographically take place?

Mr Cahif: The Mitchell depot.

THE CHAIR: What work has been undertaken to ensure that the additional weight to be fitted to each tram will not experience the same problems that Sydney and many other cities have had with cracking?

Mr Cahif: A significant amount of work has been done on the engineering—with CAF, the ACT government technical advisers and specialist LRV advisers—to ensure that the vehicles for Canberra have a different design from the vehicles in Sydney. This is very much an issue that is live to CAF, Canberra Metro, Major Projects Canberra, Transport Canberra and all of the interested parties.

THE CHAIR: Did you seek or receive guarantees from CAF regarding cracking and that the cracking will not occur; and, if it does, who will take responsibility for it?

Mr Cahif: There is the responsibility of Canberra Metro for the performance and asset state of the vehicles. That is a liability that is borne under the contract by Canberra Metro.

THE CHAIR: This is probably for the minister. Judith is watching the proceedings online, which is good. We like to have viewers. She has just sent me a question regarding your answer about the cost of retrofitting of the trams. Judith says, “Why is that confidential? It’s taxpayers’ money.” She wants to know why we cannot ask, in a hearing of this nature, about the cost of retrofitting those trams. Minister, can you shed some light—

Mr Steel: We have released the overall cost of the contract, which you have referred to, and released the contract on the contracts register.

THE CHAIR: That being the case, why would it not be possible to reveal the cost of the individual retrofitting?

Mr Steel: Because it is commercially sensitive.

THE CHAIR: I am not sure that that will satisfy Judith, but that is the answer I am getting. I tried, Judith. Ms Clay?

MS CLAY: Minister, the Canberra public like a lot of transparency and scrutiny on transport, which I think is great. Judith, good on you. I am getting an increasing number of calls from people to see business cases for roads, because we spend a lot on our roads, and we heard another call for that yesterday; it is coming up quite a lot. From my reading of the budget papers, it looks like we are spending more than \$650 million on road construction; is that right? I do not want to start out by verballing you.

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

MS CLAY: Can you take that on notice? Check my figures. I will proceed as if it is more than \$650 million, but please come back and correct me if I am wrong—on roads construction, not maintenance. Costs on a lot of these projects are escalating, and we understand the national and global reasons why. How do you determine, with a project that you started with and where the costs have escalated, if it is still value for money?

Mr Steel: Through a business case process in the budget. All of those proposals for

additional funding would come up as business cases in the budget process, and that would be considered. I know that you are particularly interested in William Hovell Drive. There are good reasons and good benefits associated with each of those transport corridor projects. That one in particular supports significant land release on the western side of the city, in terms of Molonglo, west Belconnen and Ginninderry.

It is reasonable to want to augment those transport connections, both for road transport and for active travel, and this is a substantial part of the project. Indeed, the additional costs associated with that project involve the active travel component. That is providing opportunities for people to take those sustainable transport options. We know that many people will still need to use road transport. Potential public transport will need to use the roadway as well.

East-west corridors in Canberra probably are not as significant as the north-south corridors, so augmentation will be required on that one, as well as on others. There is a new east-west arterial that is being planned in Molonglo, which will need to be a substantial road, and again it may provide access to the western edge of Canberra, if that residential and future development ever occurs.

It will be necessary to continue to invest in transport connections that support our growing city in terms of land release, and it has to be seen in that context. Not providing those transport connections means holding up new housing and holding up new commercial land release as well. That needs to be considered when we are considering the costs of delivering these projects. It is why we still remain committed to many of these road projects, because they do deliver such substantial benefits, despite the fact that there has been a cost escalation because of the cost of materials going up—*asphalt, gravel and those sorts of materials*—for a range of different reasons, including the war in Ukraine, the COVID-19 pandemic, supply chain interruptions, the cost of labour and so forth.

MS CLAY: I am pleased to hear that there are business cases. Are these published?

Mr Steel: No; typically, they are not. That is why it has been so extraordinary that we are the only government in Australia, I think, that has released the light rail business case, as it is not the usual practice for governments to release those business cases. They are considered by cabinet; obviously, agencies have input into those.

MS CLAY: Can you release them? Will you publish those business cases, now that we are in a—

Mr Steel: It has not been the typical practice of government to do so, but certainly—

MS CLAY: Is there a reason not to?

Mr Steel: we do release the contracts through the contracts register when we fund those road corridor upgrades. We will typically do that so that it is clear about what we are delivering and what the costs are.

MS CLAY: The costs, we see, but I think the transparency is about value for money, particularly when we have projects. I have a few specific examples, and I will start

with William Hovell, but it probably relates to all roads, noting that it is over half a billion dollars of our transport spend. When people say, “The hierarchy of public transport and active transport are up here, and everything else is underneath that,” it is quite hard to weigh up these things without—

Mr Steel: We do not consider them to be just road projects. Let us be clear about that. We are looking at these as transport corridors, where there is a range of different transport that is provided and a range of different transport infrastructure that is provided to support different modes of travel. That is also supported by new transport planning methodology, which is called the multimodal network planning, which we are undertaking on those corridors to look at how we move people efficiently across different modes. We are not just looking at one mode in isolation.

MS CLAY: That sounds great, and all of that information would be great to see in a published business case. Given that the costs are already out there, I cannot imagine that the content is then commercially sensitive, because the costs are already published.

Mr Steel: We have not gone through a procurement process for that project yet. That is expected in around September for William Hovell Drive. Some consideration would need to be given to releasing cost guidance ahead of a procurement process, which could result in a poorer outcome for taxpayers through that process.

MS CLAY: On William Hovell Drive, ACT costs have tripled. We have gone from \$26½ million up to \$80 million.

Mr Steel: I do not think that is quite correct, actually.

MS CLAY: Great; correct me. Please do.

Ms Clement: I would have to take on notice the specifics of the cost increase. Through this budget we have sought and had approved an additional \$44 million to address those cost pressure issues that we are experiencing on the project.

Mr Steel: I think the original cost was \$63 million, but we can come back on notice and confirm that.

MS CLAY: I would love to get that on notice—both the ACT and commonwealth components, so not just the project costs—

Mr Steel: Sure.

MS CLAY: and what has changed. Also, what are the elements of the changes? Is it supplies? What actually has led to those cost increases? Can we have that whole answer on notice?

Ms Clement: I can speak to what has led to the cost increases now. Primarily, those cost increases are around the escalation that we have seen across the market over the past 18 months to 24 months. That is something that has been shared across all jurisdictions in Australia. TCCS has done some considerable work with MPC to look

at ways of addressing those cost pressures.

On William Hovell Drive, with our detailed design cost estimates, it became clear that it was tracking along the same trajectory, in terms of those increases. Primarily, those are caused by this high inflationary environment that, I think, everyone is experiencing at the moment. That is coming from some of the global instability issues: higher costs and demand for raw construction materials; global demand on international freight; and some of the impacts of goods coming to and from China as well. That is putting some extra pressure on the market.

What we have seen and heard from other jurisdictions is that things like gravel and bitumen have increased by 28 to 35 per cent. With asphalt, concrete and precast bridge decks, we are looking at a 10 to 15 per cent increase; and steel reinforcing is up—a 67 per cent increase. Those cost pressures and escalation costs cannot be ignored, and we have been having to address those across a number of projects.

On William Hovell Drive, we also had to do a little bit of additional work around the alignment of the active travel infrastructure, in order to respond to some community feedback and other site constraints. It is in a tricky position between two high quality nature reserves, so there is some complexity with that particular site. Part of that—not as much—has contributed to some of those cost increases.

MS CLAY: I will be interested in seeing the details. I very much doubt that the active travel component has taken a project from \$26½ million to \$80 million. It would be great to get that detail.

Ms Clement: It contributed.

MS CLAY: It will be a pretty small element, I am betting.

Mr Steel: No, it is a considerable element. We could have de-scoped the project to cut that from the project, but stakeholders would have been screaming about that, and we have been clear that we wanted to develop the multimodal corridor with those elements included. They have not supported the corridor. Pedal Power spoke yesterday about this. They have not supported the road being built, but they would be the first to complain if we did not build it with the active travel component. But it is part of the cost increase that has been associated with the project.

MS CLAY: We had a pretty clear call not for or against the project but to see the business case. Given that we already have published budget figures, it is quite mysterious.

Mr Steel: No, I think they were directly opposing the road project.

MS CLAY: Okay.

Mr Steel: We will have to agree to disagree on that one.

MS CLAY: We have a few other road projects where the costs have escalated. This may turn into one big “on notice”, which is absolutely fine. With Molonglo River

bridge, it looks like it has gone from \$175 million to \$201 million. That is another—

Ms Clement: That is correct. We have had an increase in budget allocation of \$50 million against that project, to bring it up to the \$200 million.

MS CLAY: Can you include those details and whether there are the same reasons for the cost—

Ms Clement: I can, yes. For the Molonglo bridge, it is based around the cost escalation issues that we have experienced. A large portion of that bridge is made out of steel. With some of those figures that I have just read out, you can see there has been a big increase in the cost of steel, and supply is quite difficult.

Mr Steel: If the suggestion is that we should not build these projects—

MS CLAY: Not at all.

Mr Steel: this is a critical project to connect people in Molonglo, on both sides, south and north. There is already considerable congestion on the Cotter Road in particular, so this is really important to provide that connection on the northern end through to the city. Again, it provides that active travel connection, but it will also help to facilitate public transport and the extension of the future rapid route, the R10. These provide multiple benefits. They are not just about road transport, and they are critical to support more housing and the growth of our population.

MS CLAY: I do understand. Asking questions is for information and, as I said, we have moved into a world where we now expect business cases for major transport projects. I am finding it difficult to understand why we do not have public business cases for these major transport projects as well.

With the Monaro Highway, we have gone through the budget papers. On page 39, we have costings of \$160 million, and I think we also have costings of \$230.5 million. I am a little unclear about the Monaro Highway project total costs. Can you tell me the total project cost for that one?

Mr Steel: This was a commonwealth-led project under the previous government; they had contributed an amount of money that was initially, I think, \$100 million and it then went up to \$115 million. Jointly funded, that is around \$230 million. We were working towards construction starting on the Lanyon Drive flyover. That will be the first stage of the project, and there are two further stages that are under design. We still have to go out for procurement on the first stage and various elements of the first stage, and then undertake that further design work on the other stages to determine what the overall cost of that project will be.

MS CLAY: So you will not yet know the overall cost of that?

Mr Steel: There is also a further element. All of the costs will evolve over time as we undertake that design work and understand the full scope of the project. But one of the pieces that we need to fully understand, working with the New South Wales government and QPRC, is the future Dunns Creek Road connection from Googong,

which is an east-west connection. The current thinking is that it could connect with the Isabella Drive interchange, which is notionally stage 3 of the Monaro upgrades. We will need to work out what the contribution from those other governments might be to that holistic project.

MS CLAY: Do you know how much the Lanyon Drive flyover will cost?

Mr Steel: That will go out for tender soon. I will hand over to Sophie.

Ms Clement: Yes, I can speak to that. The Lanyon Drive interchange is currently in a tender process, and we have not finalised that tender process. We are expecting an outcome within the next two months, at which time we will have the final cost for the delivery of construction of that component. It does have a couple of packages attached to it. This is the first package of works for the Lanyon interchange, and we will understand that cost in the next two months.

MS CLAY: With the Monaro Highway, will that have a separated cycleway, or is it still based on the fact that it might have an on-road cycleway, noting that that is not compliant with Australian standards, due to the speed limits?

Mr Steel: Yes. With the intention of the project, because we are making the Monaro Highway safer, there is the possibility of increasing the speed limit to 100 kilometres an hour. It is currently 80 kilometres around the section in Hume. As a result of that, based on Australian standards, you are quite correct. It would be inappropriate to have on-road cycle lanes for safety reasons.

The current approach, based on some feasibility work that has been undertaken, is that we are designing an off-road shared path through the precinct; so they will be separated from the road. There will be a safe connection through. It follows the basic link that has been put forward as part of the draft active travel plan as a future network link. It could provide a connection from Isabella Drive through to the Hume precinct, and potentially a connection into Jerrabomberra as well, if the New South Wales government wanted to link up their cycle network.

MS CLAY: That sounds like a much better approach. I note that we have had a lot of conversations about costs. Most of those are public. Again, we are still struggling to understand; we have heard about the benefits. Why can't we just see them written down? Why can't we just release them? If there are cost-benefit analyses, it would really help to have them published.

Mr Steel: We have had the discussion that there are some commercial sensitivities and, as we go through procurement processes, if we provide cost guidance, that can affect whether we get a value for money outcome through the process. That is why we have to be careful about doing that.

MR PETTERSSON: The budget funds the development of a new Gungahlin transport plan. What does this new plan involve?

Mr Steel: Quite a bit of work has already been happening, based on some funding that we received through earlier budgets, on undertaking modelling work around

traffic in the Gungahlin region, and in the town centre specifically. The next step in that process is developing the actual plan—drawing on that modelling, but also taking the new multimodal planning approach, which I mentioned earlier, and applying that to the Gungahlin region to work out what improvements could be made on the network, testing that with the modelling and seeing what would make the biggest improvements, and what is the evidence base to support specific treatments. It might be road duplications on certain roads that are currently not duplicated, new traffic lights or an extension to existing turning bays. A range of different treatments might be applied. I will hand over to Geoff Davidson to talk further about the funding in the budget.

Mr Davidson: As the minister mentioned, this is the next phase in the implementation of the ACT transport strategy. This Gungahlin transport plan will seek to implement the vision and the strategic objectives of that strategy to provide a long-term plan for the Gungahlin town centre and its surrounding road network.

The intention is that we would have, as part of that plan, a long-term program of initiatives—both infrastructure and non-infrastructure—to look at a more updated methodology for transport planning. It will not just be a predict-and-provide type approach, but one that looks at multimodal network planning, and ensuring that, in addition to providing, where appropriate, an increase in capacity for the network, there are also strategies to try and reduce demand, and facilitate and encourage the update of other modes—importantly, active travel and public transport.

It is about looking at different scenarios, having regard to changing land use for the Gungahlin town centre and how that changing land use might then impact on the surrounding road corridors, and providing that long-term strategy and program of initiatives to achieve that vision.

The Gungahlin traffic model that the minister mentioned was a government election commitment that was completed this year. It provides a very powerful tool for the testing of options, as part of this Gungahlin transport plan. It also provides a tool for testing land use policy and transport policy, and for the assessment of land development proposals for Gungahlin.

MR PETTERSSON: When do we expect the plan to be finalised?

Mr Davidson: The plan should be finalised in the first quarter of 2024.

MR PETTERSSON: Whilst it is great to see that we are taking a long-term approach to transport in Gungahlin, there is also funding in the budget for active travel improvements. Could someone talk me through that \$915,000?

Mr Steel: The transport plan will look at active travel as well, not just the road connections. We will be taking that multimodal approach. Some money in the budget has flowed to the design of a range of different active travel connections in Gungahlin that were identified through a feasibility study. That feasibility study itself was informed by the work that had been done in the Gungahlin centre refresh, the planning work. We will now be taking what was in the feasibility study to the next design stage. I will hand over to Sophie Clement to talk through what those paths are.

Ms Clement: As the minister said, we have completed a feasibility study that looked at how active travel is operating in the Gungahlin town centre area at the moment, where we think we need improvements and what those improvements might look like. It developed a number of links. There are 11 links; they have some subpackages within those. This project will take those concept options and develop the high priority ones up to detailed design.

Our first stage will be, at the planning stage, to test and check the ones that we do take to detailed design. A couple of examples are along Gundaroo Drive, on the southern verge between Mirrabai Drive and Horse Park Drive. There is the connection from Gribble Street to Yerrabi Pond via Wunderlich Street. It is that type of work where we are looking at either a missing link or augmenting and improving the connection or link that is there at the moment.

MR PETTERSSON: What sort of time lines are we looking at to see some of those—

Ms Clement: To see some of that design work? I would expect you would be able to see some of that design work by mid next year.

MR PETTERSSON: That is very exciting; thank you.

MR BRADDOCK: Is it possible that the feasibility study will be published?

Mr Steel: I will take that on notice.

MR BRADDOCK: Thank you. I have some questions around the urban forest. Firstly, I refer to the budget outlook, at page 191. As part of the announcement for the urban forest, there are offsets identified in the table. I want to check exactly what those offsets are and what has been stopped to enable the investment in the new Urban Forest Act.

Mr Steel: No, nothing has been stopped. Those offsets, I believe, are revenue from the canopy contribution scheme, as part of the Urban Forest Act that was passed through the parliament. The scheme is premised on when a tree cannot be replaced onsite, as a result of having to be removed for various reasons that are set out in the Urban Forest Act, then a contribution would have to be made through a canopy contribution agreement to the canopy contribution fund. That fund would then be used to undertake more plantings and fund tree maintenance activities. That is what we have achieved through the budget, using that revenue that has been forecast. We will not know exactly how much revenue will come in until the scheme actually begins next year, but we are forecasting a certain amount of revenue, and we will be using that revenue to fund activities.

MR BRADDOCK: Thank you for that clarification. Further, when we reach the end of the commitment of the 54,000 trees being planted in four years, what will be the ongoing planting after that has been achieved?

Mr Steel: We will need to consider that in a future budget about ongoing funding,

although we have provided funding in this budget for tree planting as well, as part of the initiative that you were referring to. We will also need to consider the updated LiDAR modelling. At the time when we committed to the 54,000 trees being planted, that was based on the previous LiDAR modelling. We will have to update it to make sure that we can meet the target that we have set of 30 per cent tree canopy cover by 2045, to make sure that we are on track to meet that.

MR BRADDOCK: Will that also include the consideration of shrubs and ground cover, not just trees?

Mr Steel: We could possibly consider that. At the moment the focus has been on trees because of the substantial canopy benefit that they provide. I do not know whether Daniel Iglesias wants to comment on that.

Mr Iglesias: The subcanopy element is super important, particularly with regard to all of the ecological and environmental benefits that it brings to the city. The minister is correct; the focus is on the canopy and ensuring that we get that coverage across the city, which will make a real difference to people's wellbeing and even the usability of some of our parks.

We are supporting our ParkCare groups where they see opportunities to expand the middle storey and even the lower storey. We look at our own mowing program and at where we can reassess a site and ask the question: are there benefits to leaving a vegetation layer coming through? That is certainly something that we have been working on with our partners to roll out more and more.

MR BRADDOCK: Is it possible as a government to walk and chew gum at the same time and plant trees, shrubs and ground cover?

Mr Iglesias: Certainly. There will be opportunities to do both, but our focus under the Urban Forest Strategy is to get that coverage of canopy. That is the number one priority. Where we can accommodate other plantings through other projects, we will certainly look to do so.

MR BRADDOCK: I notice in budget statements H that TCCS is focused on its contributions to the 30 per cent tree canopy cover, but it makes no mention of the 30 per cent permeable surface cover. Is TCCS contributing to that target as well?

Mr Steel: It is the same target from the Living Infrastructure Plan, probably presented in a slightly different way. It is a broader target, so it does include those other things. The reason why there has been a big focus on trees is that they make a significant contribution to the canopy. It would be cheaper and far easier to plant more shrubs, but that would be an easy thing to do, and we know that trees are important to the community. Biodiversity is one part of the Urban Forest Strategy but there are benefits for people as well. We have to balance those two as we are undertaking the work.

MR BRADDOCK: The question was also particularly about permeable surfaces, in terms of ensuring that we have all parts of government also contributing to that target.

Mr Steel: Yes. Certainly, it will be taken into account as part of estate development planning for new developments. Our focus is on the tree planting component because that is the component that Transport Canberra has a particular focus on. Of course, as we undertake other projects in the public realm, it will be considering that more holistic target in the Living Infrastructure Plan. Where we undertake upgrades at shopping centres, certainly, part of the thinking there is how we can provide rain gardens, swales and those sorts of things. We will start to see some of that work at Weston Creek, in the Brierly Street upgrades that have just started over the past week. A very concrete environment is being turned into something that has more permeable surfaces—more trees, more shrubs and garden beds that did not exist before. That is certainly part of the changed thinking that has occurred over time with these new strategies.

THE CHAIR: I would like to take us to Southern Memorial Park, if I could. Minister, are you able to provide an update on the progress of the Southern Memorial Park project? Specifically, where are the tender processes up to? When do you expect the design work to be completed and when do you expect construction to start?

Mr Steel: Yes, design has been progressing well. I will hand over to Sophie Clement.

Ms Clement: With Southern Memorial Park, we are currently delivering the detailed design of stage 1. That is progressing quite well. It is somewhat like a mini estate development—developing that land for a future memorial park and cemetery. At the moment we are progressing through getting the documentation ready to submit a development application. We expect that to be submitted in the next couple of months. The focus of that stage 1 works will be the entry; the supporting infrastructure required, such as roads, access roads and the depot; the burial plots; and the layout proposed for the initial stage, which also includes a playground and some other amenity facilities.

THE CHAIR: I do not know whether you have anything else to add there, Mr Guthrie. If I ask this next question, it might be your chance to shine. Are you able to provide a broader time line for the project, leading up to it actually becoming operational? Never mind the construction, but a time line as to when we expect that people will be actually using Southern Memorial Park?

Mr Guthrie: Thank you for your question, Chair. In a practical sense, we are currently in the detailed design process. Sophie has just outlined where that is up to. We have started work. The minister has appointed the cemeteries authority as the operator for Southern Memorial Park, and we are starting to work on the business case for the capital works budget bid, which will go into the budget bid process for 2024-25, the next budget. Assuming that the money allocation is successful, the construction phase would be a two- to three-year phase.

Ms Clement: That is correct, yes.

Mr Guthrie: I am not very good at simple maths; that takes us to 2027-28. Maybe later in 2028 we would be looking at whoever the lucky minister is at that stage opening the Southern Memorial Park.

THE CHAIR: What is the deal; where are we at in terms of the consideration of how the crematorium will be powered? Will it be powered by gas or are there more innovative renewable options that are being explored?

Mr Steel: We have not made a decision about providing another crematorium at this point in time, as part of the scope of stage 1. I do not think it falls within the scope at this particular point in time.

Ms Clement: Stage 1 does not include any of the front-of-house facilities or a crematorium at this point in time.

Mr Steel: It is envisaged that there could be one potentially at Southern Memorial Park, should the demand in the ACT require it. The technology would be considered at the time, having regard to what is available.

THE CHAIR: Does that pose challenges? I am not asking it as a political weapon question; I am asking it as a genuine question. Given that the territory is moving to end gas, based on the technologies that are available right now, does that pose some problems?

Mr Steel: I think there are some examples of electric appliances. Neale will probably have a better insight into the industry than I do.

Mr Guthrie: Certainly, the board and the industry are aware of the issues, and the long-term aim to get off gas. There are definitely existing technologies around water that are about to be implemented in an area of Australia at the moment. It is either in Victoria or New South Wales. There are technologies for alternative ways of disposal of bodies that would potentially, in the longer term, replace gas. But it is early days. We are certainly, from the authority's perspective, monitoring it. We participate in the industry bodies that are associated with it. We are across the issue. Time will work on the problem and come up with an alternative.

In addition, you do have community expectations. It is a pretty large issue to break. We are having a general conversation about it. I would say that it is probably a longer term solution; it will take time for the community to come along with it as well.

THE CHAIR: I am worried that this is a “gotcha” moment for me because these questions were prepared by a different office, and I am a bit worried about this one. It is not an area that I am familiar with. Has human composting been considered for Southern Memorial Park?

Mr Steel: I think that is what Neale was referring to, not explicitly.

Mr Guthrie: Yes, I did not want to—

THE CHAIR: I did not know. I just wanted to find—

Mr Guthrie: Without getting into the gory details, there are several options that have been known and are subject to trial in various locations at the moment, so we just watch and wait.

Mr Steel: Just to be clear on that one, it is not a priority for government to be looking at that. Obviously, we monitor developments in the sector, but it is not a priority for us to look at that. Our priority is getting the site established at Southern Memorial Park to enable burial and, in the future, potential cremation. We are not focused on human composting.

THE CHAIR: Excellent. You learn things at estimates every time! Ms Clay?

MS CLAY: I am excited: we are getting a new materials recovery facility.

Mr Steel: I can tell!

MS CLAY: Yes. That is a facility that takes our household waste and a lot of the commercial waste in the region. I know we have arrangements at the moment to get us through the interim phase. This new facility is a really big opportunity for us to process all of the standard waste that comes out of supermarkets, which was always the original idea with materials recovery facilities. They were meant to take all of the normal packaging waste; in actual fact, over time, new products come out and they slip behind. There are a lot of things that the old MRF could not take. It could not take shredded paper, it could not take any pieces of plastic smaller than a credit card or lots of different types of plastics. A lot of the hard plastics and a lot of the soft plastics were not being recovered. With a long introduction, my question is: will the new MRF take all of the standard waste that is coming out of the supermarket?

Mr Steel: The answer is no. That is a problem, and environment ministers have been discussing recently how we can work, and work in a way that has been different, with the packaging industry to try to get them to move more of their packaging towards recyclable products—moving away from single-use plastic products in particular but also other types of single-use products.

There have been packaging targets set by the Australian Packaging Covenant Organisation. We have been advocating for some time for greater regulation, particularly by the commonwealth government in that space, to make sure that the packaging suppliers are more actively moving towards that transition. Indeed, they have not been meeting their own targets. That is a real concern, so we have welcomed the decision that has been made to look at regulation in that space. It has been a long time coming and it is badly needed.

We have been playing a partial role in that space by phasing out single-use plastic products, some of which are found on supermarket shelves, and we are in the third tranche of that at the moment. We will be considering further products as time goes on. Ultimately, it would be best if the packaging companies themselves made that switch because there are so many different types of products that are available. With a circular approach, they should be designing out those problematic plastics and other products from the beginning, and making sure that, where they cannot do that, they are recyclable.

The new MRF will provide greater capability to process and sort materials, particularly adding capability like being able to flake certain plastic products and

actually sort them into different polymers, so that we can effectively eliminate the waste stream of mixed plastic that used to exist. It was actually the only waste stream that was going overseas from the ACT. We will have those extra capabilities, which means that we can see more of that material go, hopefully, to things like food grade remanufacturing into new products, and we will see them on the supermarket shelves rather than going into landfill.

There are opportunities there. I will hand over to Bruce to talk a bit more about the capabilities of the MRF and what it can do.

MS CLAY: I might ask Mr Fitzgerald to cover soft plastics in his answer as well.

Mr Fitzgerald: One of the considerations for the MRF is around how best we can future-proof this as a facility that we will have for many years to come. Part of that process is looking at whether we have strong end markets for the sorted material. It is one thing to receive the material; it is another to have processing capacity in order to make that material into something beneficial. As part of the procurement, we will ask industry to make sure that the material is not just sorted and stockpiled but that it is actually processed to a higher quality standard.

As the minister mentioned, a lot of that is around making sure that we have, at a national level, the opportunity to standardise plastics and products going through the MRF so that we are not stuck with a range of different polymers that have different means of processing. That has been at the heart of a lot of the problems, particularly with some of the single-use plastics that we saw stockpiled. There was no processing capacity afterwards because the polymers themselves were generally mixed and created a weak product at the end of it.

There are opportunities for us to look at single-use plastics and other materials as part of the new facility. Our preference is to manufacture them out, in the first instance, so that they do not become problematic at the end of the process. That is where we are heavily focused on the product stewardship—as the minister mentioned, working with APCO to try and work out where we can reduce the quantities going through the stream in the first place.

MS CLAY: We have had a new federal government for some time. When will we see those mandatory industry requirements to not produce packaging waste that we cannot recycle?

Mr Fitzgerald: As part of the last environment ministers meeting, there was correspondence provided to APCO by the federal minister, requiring them to come back with a time line, and certainly stating displeasure regarding their inability to meet the targets that had previously been set. The request from the commonwealth is to retain the targets and provide a new time line as to how they can be met. As to the specific time line, I would have to take that on notice.

MS CLAY: Commonwealth are still not looking at mandatory; they are just asking the industry to voluntarily meet?

Mr Fitzgerald: It is part of the consideration that there will be a mandatory

requirement.

MS CLAY: Great. With soft plastics, I believe Adelaide is trialling soft plastics in their yellow-top bin. I do not know about the back end of that. What will we be doing with soft plastics in the near future? There has been a lot of movement.

Mr Fitzgerald: At the moment we are working with some of the large retailers. We know that some of the big supermarkets have been working on solutions with the ACCC as to how they manage that material. Opportunities for collection through the yellow bin have been considered previously. They do come with problems, in that there are opportunities for them to effectively foul in the sorting machine. They have to be considered in the broader sense of value when it comes to their impact in the recycling process.

We have looked at opportunities like Curby, which I think is what is being implemented in Adelaide—a yellow plastic bag that collects the material. I still come back to the problem of processing. We still do not have sufficient processing capacity within Australia to handle the material gathered. We are working with some of those other industries on where the materials go once they are collected. Until we have found those strong end markets for the material, the collection is still problematic.

THE CHAIR: I am going to wrap it up there. We will take a short break and resume in about 12 minutes.

Hearing suspended from 2.34 to 2.46 pm.

THE CHAIR: Welcome back, as they say in the classics, to the public hearings of the Select Committee on Estimates. We will continue to hear from the Minister for Transport and City Services and officials. We will proceed with questions. In the order of questions, we are up to Mr Pettersson, who I believe has a cracker of a question.

MR PETTERSSON: This budget contains further funding to continue the rapid response mowing team. Why has this program been extended?

Mr Steel: We have extended it to continue the work that the team has been doing to keep Canberra looking good, both through mowing and also weeding work throughout the city. We have had a wet couple of years with La Niña weather conditions. We are moving into an El Niño period, we believe, which may bring drier weather. That may change exactly what the team is doing, but there will still be, we think, a need for that work to continue.

I will hand over to Daniel Iglesias to provide some information about how the pilot has been going and the work that the team has been doing.

Mr Iglesias: This is an initiative that has been received well by the public, as well as by our own staff. We have found that the initiative allows for much more responsiveness. To date, 19 per cent of the Fix My Street complaints related to line of sight were able to be dealt with really quickly by the rapid response mowing team.

The rapid response team gets to know where the pressure points are. Over the course of the year, they start to learn where the problems might arise ahead of even the public reporting it to us. These are the sorts of intangibles that feed back, in quite a positive way, to see the public presentation of the mowing area but also staff's perception of their work, which really translates to a great outcome.

So we can see that not only are we getting to the areas we need to get to more often in a challenging period but we are also getting the priorities right in that ever-complex mix of where do we go to next. We do have our schedule, where we go through quite systematically the entire length and breadth of the ACT. This team gives us the capacity to be agile and to pivot when we need to. From my perspective, it has been a great initiative.

MR PETTERSSON: Are there particular hotspots around the city for these line of sight issues that the team is responding to?

Mr Iglesias: There are. It always depends on the season as to where exactly they are. But we have noticed issues with some of the southern arterial roads—for example, around some of the really larger roundabouts down south and up north as well. A good example is the Isabella Drive roundabout, which is a really large roundabout. That one had line of sight issues that we were able to jump on really quickly. There are also some of the feeder roads out of the suburbs onto the arterial roads that had line of sight issues. We were able to respond really quickly.

MR PETTERSSON: The minister mentioned that we might have drier weather coming up. What is the rapid response team going to be doing with potentially less grass growth?

Mr Iglesias: With the amount of moisture that we have had in the system—and let us not forget we have not had just one year of wet weather; we have had three years of wet weather—we have saturated soil profiles. If you go out now to do our soil profiles and you tested the moisture content, it would be close to saturation.

As soon as the weather turns and we start to get the warmer period come back in, the grass is going to respond. If we have very little rain between now and the end of the year, we are going to have a busy season. We are really not going to see the impact of lesser rainfall until the second half of the year—so after Christmas.

MR PETTERSSON: All right. Thank you.

MRS KIKKERT: Just a follow up question please, Chair.

THE CHAIR: Go ahead.

MRS KIKKERT: Thank you, Chair. There is \$2.688 million for the rapid response for mowing. Is any of that funding for weed control?

Mr Iglesias: The fact that we are able to engage these people and focus them on the rapid response mowing during the off-season—so around these sorts of periods—we are able to reprioritise work into weed control. So some of these eight FTEs that

would otherwise be running around on the mowers when we need them to be on the mowers can be repurposed to do things like weed control.

MRS KIKKERT: How then do you audit a suburb with regard to which part of a suburb needs weeding?

Mr Iglesias: Our teams have a good picture of their region. They understand where the public areas are that require mowing, that might require horticultural work and that might require weeding. Superimposed on that is the feedback we get from our community groups and from the public in general.

Typically, weeding is prioritised around high public use areas, such as around schools and around shopping centres, But we also invest a lot of time and effort in weeding—if you can envisage—the centre lines on roads, the drains along roads and public areas that might impact the line of sight for people who might be riding their bike to work. They are all prioritised ahead of other areas.

MRS KIKKERT: We heard from the Belconnen Community Council and the Woden Community Council that their districts are a bit shabby and that that is due to mowing, as well as weeding. I have a list here of areas. Just one area in eight suburbs in my electorate, Ginninderra, has only one street that was focused on weed control.

Why are other parts of other suburbs not actually being taken care of and their weeds are not maintained in a very timely way? For example, I have pictures here of Companion Crescent and Ginninderra Drive. There are lots of weeds there. I live near that area and I know that that weed area has been there for maybe two years now. Tillyard Drive and Lhotsky in Charnwood are a huge mess. We have parts of Starke Street in Holt that are not being maintained. Why aren't these streets—which are in heavily trafficked areas—being maintained?

Mr Iglesias: We have a program of weed control that is a priority-based program, as you might expect, and we try to get to those areas that tick the boxes for as many people as possible. What that means is that, during the growing season, during the mowing season, our mowing efforts kill two birds with one stone, if you like. Because, let's face it, a lot of the roadside vegetation we say is grass, but it is a mix of grass and weeds.

During the past 12 months, where we had incredible growing conditions, it is absolutely correct to say that the grass grew very quickly and very long. Our teams did an exceptional task of getting to those areas as best they could. We had people working weekends and we had people working longer hours. But we do draw the line at overextending staff when we know that we are going to have a long, difficult season.

There are areas out there that had longer grass for longer than we would like. We hope that we will be given a respite in the next few years, and you may see that turn—

MRS KIKKERT: Thank you, Mr Iglesias. I am just referring to a pedestrian crossing, not long grasses, that has long weeds—and I can table it for the committee—that have been there for two years and has not been looked after. Can the government improve

on their auditing style in relation to which part of a particular suburb that needs weeding, rather than just looking at one area.

Mr Iglesias: We are always happy to take advice from the public. Whenever we get concerns, we try our level best to get to them. The incidence of those weeds that you describe, it is for the same reason. When you get exceptional years you will get exceptional growth.

We are in a position where we have to prioritise our response so that we can get the best result for the community. There will be some areas that we will not be able to get to as often as we would like.

MRS KIKKERT: It has just been neglected.

Mr Iglesias: I would not say it has been neglected.

MRS KIKKERT: It has been neglected, because Yarralumla does not have those kinds of issues. It is just a West Belconnen issue.

Mr Steel: I reject that comment. The fact that we have put \$2.6 million into this area in the budget demonstrates that we are not neglecting this issue. We are putting more investment into it to make sure that we can get on top of that weeding during what has been an exceptional season.

MRS KIKKERT: We will see, Minister. Let us hope that those areas will be maintained in the next couple of months or six months, maybe.

Mr Steel: Certainly, bring them to our attention. I am happy to have the team have a look at them. That is what it is there to do—to respond to community concerns.

MRS KIKKERT: Yes. If you have a proper auditing—

Mr Steel: Weeds are going to continue to grow.

MRS KIKKERT: For two or three years? It cannot be maintained, Minister, within those years? After a certain time, it is called being neglectful.

Mr Steel: They are going to continue to grow. When people bring them to our attention we can get on top of those, as well as undertaking the routine schedule program.

THE CHAIR: Thank you, Mrs Kikkert. I think you have made your point.

MRS KIKKERT: Thanks.

MR CAIN: Minister, can you tell the committee more about the trial of a new landfill capping process at Mugga Lane Landfill—for example, how long the trial is expected to run?

Mr Steel: Sure. I will hand over to Bruce Fitzgerald.

Mr Fitzgerald: We are undertaking the trial of photo capping at one of our older cells within the Mugga Lane Landfill. At the moment, we are looking to raise the levels of material in that cell. Once that is completed, we expect that capping will occur over a two-year period. Once the capping is done, we expect a constant evaluation of the success of that program over a period of two to three years before we implement that for future capping exercises.

MR CAIN: What evidence do you have that this trial will reduce the odour regularly experienced by residents in Macarthur and Fadden?

Mr Fitzgerald: The trial itself is actually about making sure that we have a better amenity to the space. It provides a higher level of amenity by managing fire, planting trees and making sure that the facility is brought back to a more naturalised environment.

The management of odour is largely controlled through our landfill gas operator and making sure that we have the right levels of systems in the landfill to capture, particularly methane—which is the more odorous gas that is emitted from the landfill—and use it for electricity generation.

MR CAIN: Is the landfill gas operator a contracted service?

Mr Fitzgerald: It is, yes.

MR CAIN: And who is ensuring compliance of their oversight of this?

Mr Fitzgerald: We, ACT NOWaste, are the responsible contract manager. We also work closely with the EPA to ensure that they meet their environmental authorisation.

MR CAIN: Regarding the new waste facilities planned, how do you plan on reducing the odour worsening when these new facilities are operational?

Mr Fitzgerald: The facilities themselves are designed to reduce the odour impact around the suburbs. Taking putrescible waste from the landfill, where it is uncontrolled—apart from the landfill gas management—and putting it into a facility like an in-vessel composting facility, actually allows us to control that odour much better. We are able to provide filtration and we are able to properly manufacture the end product, if you like, which is the FOGO material, so that we actually reduce odour as a consequence of that action.

MR CAIN: What kind of information are you providing to the local residents to assure them that this is going as well as you have described?

Mr Fitzgerald: There are multiple stages of consultation that we will be undertaking with the FOGO procurement and also the MRF procurement. The assurances that we provide will be documented, particularly through the EIS process—the environmental impact statement process. We will also be working with the EPA and the successful contractor to make sure that those assurances and safeguards are in place.

MRS KIKKERT: My question is about the green waste facility in Strathnairn. Who will be operating it?

Mr Fitzgerald: On a short-term basis?

MRS KIKKERT: And long term.

Mr Fitzgerald: On a short-term basis, the operation of that facility will be Canberra Sand and Gravel. It is likely that a procurement activity will need to be undertaken in the future.

MRS KIKKERT: How long are you expecting the short term to go for?

Mr Fitzgerald: The development application is for a three-year period, at which time we expect that Canberra Sand and Gravel will run the facility for that period.

MRS KIKKERT: We are talking about the new one in Strathnairn; correct?

Mr Fitzgerald: Correct, yes.

MRS KIKKERT: When will this green waste facility open?

Mr Fitzgerald: The development application is still pending approval by EPSD. Until we have approval for the facility, I cannot give you a time.

Mr Steel: To clarify, I do not think it is in Strathnairn. It is technically in Belconnen.

MRS KIKKERT: Which suburb in Belconnen?

Mr Steel: It is not a designated gazetted suburb. It is a rural block.

MRS KIKKERT: But you understand what I mean? It is like next door to Strathnairn?

Mr Steel: It is near Ginninderry, but it is not in Ginninderry. It is technically in Belconnen.

MRS KIKKERT: So next door to Strathnairn; correct?

Mr Steel: Correct, yes.

MR CAIN: The reconsideration of the DA that was originally rejected was promised, I think, back in May. Why is this decision taking so long?

Mr Fitzgerald: There has been a request for additional information from EPSD so that they can fully consider the application.

MR CAIN: When do you expect this reconsidered decision to be issued?

Mr Fitzgerald: We are currently expecting a decision by the end of July, but that is

subject to potential extensions if EPSD require additional information.

MR CAIN: Minister, can you guarantee that West Belconnen will have a green waste site?

Mr Steel: We certainly are committed to it, but it depends on whether it is given approval by the planning authority. It is subject to a third-party approval. Not that we want to pre-empt that approval, but we are certainly very keen to see that facility continue, be it in a different location in Belconnen.

MR CAIN: Is the ACT government committed to seeing a green waste site in West Belconnen?

Mr Steel: Yes. We are absolutely committed to seeing this, but obviously it is subject to approvals which are out of our direct hands. We have an independent planning system, Mr Cain, and they will assess it based on its merits.

MR CAIN: They are not independent of government.

Mr Steel: They are independent from government. They are at arm's length from government.

MR CAIN: The planning department is independent of government?

Mr Steel: The planning authority is independent. It is part of the government but it is independent.

MR CAIN: It is part of the government?

Mr Steel: Yes.

MR CAIN: Thank you.

THE CHAIR: I am going to take us back to light rail 2B, if I could. Minister, the chief executive of the NCA, Sally Barnes, as we covered off briefly earlier, said in a recent committee inquiry that the government's preferred route may be proving technically difficult. In this regard, are you able to explain in this hearing what technical difficulties Ms Barnes is referring to specifically?

Mr Steel: As I mentioned before—I am providing the same answer, because you have basically asked me the same question—we are going through the design process over the coming year, which will lead us through the planning process as part of stage 2B. We have the money to do that work now, and the focus will start to shift from 2A to 2B to start to look at some of those technical challenges.

With a major infrastructure project of this size, there will always be technical challenges. It is one of the reasons why we split the project into two as part of the EPBC referral, because we recognised that this was always going to be more challenging and that we needed the time to be able to work through those processes.

THE CHAIR: Minister, it is not the same question. Sally Barnes, from the NCA, has specifically stated publicly that there are technical difficulties with the light rail encountering the preferred route, and she has specifically referred to the transition of the light rail from Commonwealth Avenue to State Circle. If she is able to talk about that publicly, why are you not?

Mr Steel: Because we are still going through the process of assessing that technical design, and that is not just on that route. We will be looking at a range of other technical challenges along the way. That is one of them. We will be looking at the heritage aspects of the bridge. We have done some studies on that already.

We will be working through that in a systematic way and then we will be developing an environmental impact statement, which will address many of those environmental and heritage issues. There will be a range of technical issues that need to be worked through—there is no doubt about that—and we are starting that work now that we have funding in the budget to do so.

There is an amount of work that will be required, but I appreciate your intent, which is to undermine this project every step of the way. We are getting on with the work milestone by milestone.

THE CHAIR: Mr Steel, we are here at estimates hearings questioning the government on budget decisions.

In response to the widely reported comments from Sally Barnes in the *Canberra Times* story regarding that you, as minister, seemed to almost endorse the reviving of the Barton dogleg route. Minister, I just need to ask: if the government revives the Barton dogleg route, what will the journey time be between Civic and Woden?

Mr Steel: At this stage the preferred route is still the Commonwealth Avenue-State Circle route, which of course reflects the National Capital Plan. We do not want to rule out other options, though. Whilst the dogleg was preferred by the community when we consulted with them back in 2017, ultimately, we need to take into account the heritage and environmental issues and technical challenges that will arise during the design process. That is the process that we are now embarking on with the funding that we have got in the budget, and we will be addressing those.

We have said that we do not want to rule out any options, and we will look at what options are feasible to get light rail down to Woden and that balances a range of different factors. There will be different costs for different options and there will be different benefits. Time transport benefits are one thing, but there will be different land use benefits. There might be different infrastructure that is required that will have different costs. Those will be considered.

That is why we are not considering a business case until we have gone through that—so we can assess the options in the business case and the costs and the benefits of those.

THE CHAIR: In the consideration of community feedback and all the other things that you spoke of regarding the preferred route, was the journey time between Civic

and Woden one of those considerations in moving from the Barton dogleg to the preferred route?

Mr Steel: Journey time is one of those considerations. It is relatively marginal. It depends on a range of factors, including how many stops you have along the section of stage 2B, which particular streets will be used for the route and the speed of those streets. We will need to work through all of those options. That is what we will now focus on now that we have approval for stage 2A.

THE CHAIR: Minister, are you able to, at this hearing today, indicate when the government anticipates the first light rail service between Woden and Civic will commence?

Mr Steel: As we have said before, we expect that the project will be completed this decade. Stage 2A has obviously just received approval. We expect that to get underway next year following the completion of London Circuit. We are still expecting operations to commence around 2026.

We will be continuing work as that construction gets underway on the planning and design for stage 2B, and we want to see it delivered as soon as possible. It is quite clear that you would never deliver it.

THE CHAIR: Exactly. Thank you for highlighting that position, Mr Steel. Just in closing on this line, in case anyone else wants to take it up, you have eluded to the business case for light rail stage 2B and the reasons why it has been delayed somewhat. Did the Labor Party violate its Parliamentary and Governing Agreement with the Greens by not completing this business case before the end of the 10th Assembly?

Mr Steel: No. It reflects the decision that our government has made—both parties together—to make sure that we deal with the planning risk associated with this project by going through the planning process first and undertaking that design before we consider the business case.

When business cases are completed years ahead of actually going through a procurement process, we know that things happen in between. What we found with stage 2A is that we have had multiple things happen—a global pandemic, the war in Ukraine and a range of different things—that have impacted on that project.

That is typically the way that things would be done with a business case completed first, before we go through the planning process. But, with this one, the level of risk is so high, because we are literally having to go through four different planning processes, we need to understand what the scope of the project is and if there are any changes that need to be made to the route and an alignment of light rail stage 2B. We need to consider what the options are in the business case and we need to go through this process first. That is important. That will enable government to make better decisions about what we do and how we deliver stage 2B.

We have also committed, of course, to examine an extension to Mawson as part of that business case, as well, which is part of the parliamentary agreement. When we

commit to projects, they are often delivered over multiple terms. We are a long-term government and we have long-term visions for the city.

Those projects are not based on political cycles. Projects, particularly large infrastructure projects, often go for a long period of time. We are committed to delivering it, and we are going to work milestone by milestone through that process.

THE CHAIR: Thank you, Mr Steel. Mr Cain, I believe you have a supplementary.

MR CAIN: Yes. Minister, what is the anticipated cost for the entirety of the stage 2B project, or an estimation of that cost?

Mr Steel: We are going through this design work and planning work to try to fully understand the costs of the project so that they can be considered in the business case, as well as the benefits of each of those different options for implementing the route.

MR CAIN: You must have a figure in mind now?

Mr Steel: The bogus assertions from the opposition about the costs of the project are really fabricated based on a range of assumptions, none of which I am sure anyone is aware of, of what the scope of the project is, before it has gone through this design process. So it assumes a level of detail that has not yet actually been developed. We are going to properly consider those costs at the right time of the project.

MR CAIN: Minister, given the failed HR system which you presided over, with \$76 million wasted, and a blow-out of Acton Waterfront of \$34 million, are you the right minister to handle a billion dollar project?

Mr Steel: I do not have carriage of Acton Waterfront, Mr Cain.

MR CAIN: The HR system—the \$76 million blow-out?

Mr Steel: We delivered light rail stage 1 under budget compared to the amount in the business case. We have delivered as a government on that project, which has delivered better benefits than we expected in terms of transport patronage. We are looking forward to delivering a project that is value for money, but we are going through the procurement process at the moment.

MR CAIN: So \$76 million is—

Mr Steel: Mr Cain, I have confidence in the management by the government of the project and Major Projects Canberra, who has the expertise to deliver complex infrastructure projects of this scale.

MR CAIN: Despite losing \$76 million on an HR system?

Mr Steel: This is not an IT project, Mr Cain; it is a large infrastructure project that will deliver a transport system for Canberrans. It will have different complexities that will need to be worked through; and I have confidence that we have the expertise, both in-house at MPC and throughout our technical and other partners, that will

enable us to deliver this project.

MS CLAY: Minister, I could not see any funding in the budget to plan future stages of light rail beyond 2B. Has that been funded yet?

Mr Steel: The focus at the moment is very much on stage 2 of light rail, not future stages. There is planning work that is being undertaken by EPSDD as part of their district planning, which of course does not necessarily just focus on land use planning but also focuses on transport planning. That work is certainly happening at the same time.

MS CLAY: When would we see targeted funding to plan future stages?

Mr Steel: We expect—and we have said this publicly before—that a stage of light rail could, conceivably, be delivered each decade. So I would not expect stage 3 to be a focus for us at this particular time. But we are, of course, as part of that planning work, trying to understand those future routes. We do have a light rail network plan, of course, to consider development around those routes and making sure that we are not constraining the extension of future transport corridors, including mass transit light rail.

MR CAIN: Minister, with regard to my concerns about you handling a billion dollar project after losing \$76 million on an HR system, it was actually Minister Fitzharris who had prime responsibility for light rail stage 1, not yourself. Is that correct?

Mr Steel: Yes, that is correct. We have many of the same staff working on the project in government that will continue onto stage 2 as well.

MR CAIN: But not the same minister.

Mr Steel: I reject the premise of your question. We will continue to make decisions based on various different projects on their merits to try to get the best outcome for the taxpayer. In that particular case, we made the decision to not spend good money after bad.

MS CLAY: I was excited to see the release of waste audits yesterday, or the day before—I have lost track of all time. Estimates is long! Was that just a waste audit of FOGO, or was that a general household waste audit and landfill audit?

Mr Steel: That was an audit of household waste bins, both from single residential and multi-unit properties.

MS CLAY: Was that just in the FOGO trial, or was that a sample of all of Canberra?

Mr Steel: There were both. Both were undertaken. I will hand over to Bruce.

Mr Fitzgerald: It was a sample of all of Canberra, but specifically and uniquely for this audit we did look at FOGO, to be able to understand the benefits that have been derived through the FOGO trial. It also covered our transfer station and our material recovery facility, to understand contamination and other opportunities to improve

service delivery.

MS CLAY: That is excellent. Have you done the landfill audit as well, as part of that?

Mr Fitzgerald: Yes, that was part of the work.

MS CLAY: Are you publishing the results of that?

Mr Fitzgerald: Yes. The audits are now available on our website.

MS CLAY: Thank you very much.

MR PETTERSSON: The budget makes a number of commitments to improve the safety of children on our roads, particularly around schools. What are some of the key investments in the budget?

Mr Steel: Through the School Safety Program, we continue to work with schools around road safety issues, and that often informs infrastructure improvements that are required around those schools, whether it be new school crossings. I will hand over to Geoff Davidson and Sophie Clement to talk to the range of improvements.

Mr Davidson: As the minister mentioned, there is further investment in the schools program at TCCS. This program includes infrastructure improvements, typically minor new works with new footpath connections, pedestrian crossings and other improvements. The philosophy is really to try to encourage the uptake of active travel to reduce congestion around those schools. The more kids we have riding and walking to school, the less cars that you will have in those environments. So it is really about trying to work with the schools and school communities to identify the infrastructure upgrades, and they are in the best position to advise TCCS about those infrastructure needs.

Within this budget, there is funding to provide for new crossings at multiple locations, and there is also funding to investigate pedestrian signals across Canberra Avenue near St Clare's College and St Edmund's College. There is also a continuation of the Active Streets program, which provides good funding to work with the schools that are participating in that program. There are around 80 schools participating, and that funding is sufficient to deliver the infrastructure that those schools ask for as part of the consultation that is undertaken.

There is also ongoing funding for continuation of the expanded School Crossing Supervisor program. That program covers 25 schools. There are an additional five schools that were added to the program approximately five years ago. That provides ongoing funding for that expanded program, and also FTE for TCCS to continue to manage programs including the Ride or Walk to School program, which works with schools not just to promote active travel to and from school but also to help the teachers in teaching kids about riding practices as well.

MR PETTERSSON: Wonderful. Could you provide some further detail on the schools that are the site of the infrastructure upgrades? You mention one—the traffic lights.

Mr Davidson: You are testing my memory here, Mr Pettersson! St Mary MacKillop College is one of those schools which is listed. There will be a raised crossing delivered at the Isabella campus for St Mary MacKillop College. There are also two other schools, but I cannot recall exactly what those schools are, sorry.

MR PETTERSSON: Take it on notice.

Mr Davidson: I take that on notice and will come back to you.

MR PETTERSSON: That would be wonderful. Is the extra funding in the budget for school crossing supervisors just to cover schools that already have supervisors? What is the consideration to get further schools added?

Mr Davidson: When it was first established, that program covered 20 schools. It was expanded to a further five schools, as I said, approximately five years ago. The purpose of the expansion of that program was to help those schools in, again, encouraging active travel—cycling and walking. That initial expansion of that program was for a short-term period, and this funding then provides for that continued expanded program.

Regarding consideration of further expansion, at the moment there are currently no plans to further expand that program, but we do continue to work with all of the schools to identify what options there are that will best meet the needs of those schools. As I said, the schools and the school communities are often best placed to be able to advise TCCS about the infrastructure or other support that is necessary to help get the kids onto bikes and walking to school.

MR PETTERSSON: Wonderful.

MR CAIN: Minister, the incorrect disposal of batteries was found to have caused the fire which destroyed Canberra's recycling plant on Boxing Day last year. However, in October 2022, a review was undertaken into safety procedures. Minister, was the disposal of batteries looked at during the October 2022 review, and if not, why not?

Mr Fitzgerald: The potential risks, particularly in the Material Recovery Facility, come from a range of places. Batteries, of course, we know. The prevalence of fires has increased over the last few years. It certainly formed part of our assessment. It more broadly looked at how best we could manage safety on site. It did not necessarily look at specific risks, but more broadly looked at the mitigations that could be undertaken in the event of a fire or a similar event.

MR CAIN: When you say specific risks were not looked at, how then is that a risk assessment?

Mr Fitzgerald: When I mentioned specific risks, I think the source of combustion when you have multiple inputs into a facility—we recover from facilities from a range of different regions across the Canberra region. We look at what the different sorting mechanisms could be to reduce the risk—at options for segregation if trucks are delivered with hot loads. There were a range of different risks that were looked at.

The source of ignition, uniquely, I do not think was investigated. But I am happy to take that on notice.

MR CAIN: Just for my sake, to clarify: you are saying you never looked at the risk of batteries and the potential for them to cause a fire?

Mr Fitzgerald: We have actively been engaged with a number of operators when it comes to batteries in the waste stream and are looking at ways in which to remove those from the waste stream. It has been noted as a risk, but in the risk assessment specifically—which you are referring to—on the facility, it is about the mitigation strategy of how we reduce that risk.

Mr Steel: This is a known risk across all materials recovery facilities, and hot loads have been occurring in waste trucks right across Australia. It has been increasing over time, as we see the proliferation of batteries used in consumer electronic goods. We have been running an education campaign, together with the Canberra Region Joint Organisation, for some time. It is called Recycle Right, which had as one of its core messages “Keeping it Safe”, particularly not putting batteries into either bin—whether it is the garbage bin or the recycle bin that goes to the MRF.

It is a known risk, and we try to address that in a range of different ways, including through educating the community, because, at the end of the day, it is the member of the community who is responsible for what they put in the bin. We receive that material at the materials recovery facility, and then it is sorted. It is contamination in the waste stream, and that is ultimately what has led to the fire, despite that education that has been done. So we are going to ramp up the education, and we are certainly continuing to work with our local government neighbours on that to try to get a consistent message, because that is important, too. It is an issue that affects everyone, and if we all work together that will achieve a much better outcome.

Regarding the other major thing that we are doing, I have been advocating nationally to try and have the existing products stewardship scheme, which is called B-cycle, extended to include the medium-sized batteries. At the moment it includes the regular household batteries—AA and AAA style batteries—but it does not have the medium-sized batteries that are starting to find their way, unfortunately, into the waste streams as contamination. Having drop-off locations for those products is important, because it’s one thing to educate the community, but if they actually do not have a place to drop off the battery that is a problem. We do have two locations at Mitchell and Mugga where they can do that for that type of battery, and that will go off for proper disposal, which I believe is down to Victoria. But, by having it added to the B-cycle scheme, it suddenly opens up a large number of return points right across the territory. I think there are over 50 at the moment for the AAs and AAAs. That is important to provide the actual locations for drop off.

MR CAIN: Apart from educating the community, are you saying you will not be doing anything else to change your risk assessment, because you are just going to say, “Well, the community did not fit in with the way we told them to dispose of things”?

Mr Steel: I think that the risk is a known risk, and it will be taken into account in the design of the new Materials Recovery Facility in terms of fire suppression—in how

we manage the fire risk at the new facility. The reality was the MRF was an older style facility and did not have some of that state-of-the-art, modern fire suppression technology. We will be looking at that as part of the design and procurement requirements for the new MRF. Bruce might have some further detail on that as well.

MR CAIN: Fire suppression means there is a fire. But the whole point, surely, is to make sure there is not a fire.

Mr Steel: Sure.

Mr Fitzgerald: Part of it is also looking at opportunities. A lot of the ignition points are where waste is under compression in waste trucks. The opportunity for AI, as part of the new fleet of waste collection vehicles to ascertain whether these contaminants are in the truck before the point of compactions, is an important element. It is not just looking at the material recovery facility; it is looking at the whole life cycle and making sure that we take every opportunity to manage this risk.

MR CAIN: What are you actually doing—apart from educating the community—to make sure a fire does not start again in one of these facilities or in other similar facilities?

Mr Steel: I have just provided a very comprehensive answer to that.

MR CAIN: I do not think so. Are you changing your risk assessment of batteries that are in the wrong place at the wrong time?

Mr Steel: It is a known risk that is increasing over time as the proliferation—

MR CAIN: Of course, so—

Mr Steel: —of handheld consumer electronics increases. I have answered that quite comprehensively, Mr Cain, so I think we will rest it there.

MR CAIN: What guarantee can you give that there will not be a similar fire in a facility, going forward?

Mr Steel: Well, we cannot, because, ultimately, it is up to and is a responsibility of individual citizens to do the right thing—to recycle in the right way and not contaminate our waste stream with batteries. We can try to better educate the community, provide them with better drop-off points and try to manage those contaminants better when they reach the facility. But if people do not do the right thing, it makes it very challenging. It is an issue that all local governments are facing right around the country at the moment. It is becoming an increasing risk over time; there is no doubt about that.

MR CAIN: Apart from enhanced fire suppression, what else are you doing to prevent the outbreak of such fires—just in summary, perhaps?

Mr Steel: Education.

MR CAIN: Yes, I have said that.

Mr Steel: Improved drop-off points.

MR CAIN: Yes, acknowledged.

Mr Steel: Improved technology in looking at the opportunities for artificial intelligence in the trucks and looking at the processing within the MRF as part of the establishment of a new MRF and fire suppression.

MR CAIN: Would you take on notice the improved technology that you will be adopting, please?

Mr Steel: No. I think we have comprehensively answered that one.

MR CAIN: I have not heard any technical explanation, except general statements. Could you take that on notice please, Chair?

Mr Steel: No.

THE CHAIR: Minister, is it possible for you to take on notice just some specific details about potential improved technologies in that space that will limit the fire risk?

Mr Steel: I think we have mentioned some of those. I mean, it is not difficult to understand. Artificial intelligence—

THE CHAIR: If there is more detail—

MR CAIN: If it is not difficult to present—

THE CHAIR: If there is more detail, is it possible for you to take that question on notice, respectfully?

Mr Steel: I do not think there is any more detail.

THE CHAIR: There is no more detail?

Mr Steel: Yes, but we will be providing more detail through the procurement process as well, and that is yet to be actually announced.

THE CHAIR: Thank you, Mr Cain. I am going to Light Rail Stage 2A. Minister, in regard to contracts for Light Rail Stage 2A, Alinga Street to Commonwealth Park, have you received tender submissions and, if so, on what date were they received for Stage 2A?

Mr Cahif: Stage 2A is being procured by way of an amendment to the Stage 1 project agreement. In terms of a tender, we have received a proposal from Canberra Metro, which was received on 30 June.

THE CHAIR: So the next question that I had is answered—in terms of how many

suppliers were asked to tender for the design and construction of Light Rail Stage 2A.

Mr Cahif: It has been done as an amendment to the Stage 1 project agreement, noting that Stage 2A will not operate as a standalone system. It operates from Gungahlin to Commonwealth Park.

THE CHAIR: Is it a given, then, that every stage of this project will end up in the same process?

Mr Cahif: No, it is not a given.

Mr Steel: No, it is not.

THE CHAIR: Why not? The suggestion from Mr Cahif is that because Stage 2A is a continuation of Stage 1, well, Stage 2B is a continuation of that. So would it not then be that we will follow the same process?

Mr Steel: There will always need to be the connection of light rail systems to make sure that it operates as a single line, where it is an extension of an existing line. But it is conceivable for future stages—say Stage 3—that that could potentially operate independently. We do see that in some countries around the world, as well.

THE CHAIR: But it is unlikely?

Mr Steel: The procurement process is considered with each different stage.

THE CHAIR: Can you advise when the final cost figure for Light Rail Stage 2A will be announced to the public? I am asking if you can provide an actual commitment date for when the final costs figure for Light Rail Stage 2A will be announced to the public.

Mr Steel: No. We will be publishing the contract once we finalise the procurement. We expect that to happen around the end of the year, but there is no specific date at this point.

THE CHAIR: Will there be a power station located at Commonwealth Park as part of Light Rail Stage 2A, and, if there is, where will it be located?

Mr Steel: I think there are five traction power stations located on Stage 1. Yes, we will need to look at further traction power stations as extensions are made. I will hand over to Ash to talk about Stage 2A.

Mr Cahif: For 2A, there will not be a traction power station at Commonwealth Park. There will be a traction power station in Lyneham, as a substation to augment the existing traction power substations to allow charging of the batteries under wire on Stage 1.

THE CHAIR: What is the expected travel time from Alinga Street to Commonwealth Park on Stage 2A?

Mr Cahif: That is being discussed at the moment. Part of the proposal depends on the priority through traffic lights and is impacted by speed, patronage and also priority through traffic lights.

THE CHAIR: Can I ask what is the expected frequency from Alinga Street to the Commonwealth Park stop on Stage 2A? Will it be different to the Gungahlin to Alinga Street current frequency?

Mr Steel: It is expected to be the same.

THE CHAIR: What is the go-live date for commencement of services on Stage 2A as it appears in the Stage 2A tender documentation?

Mr Steel: That will be determined through the procurement that is underway.

THE CHAIR: But surely you are able to tell us what is the go-live date for commencement of services on Stage 2A?

Mr Steel: No. I provided a general guidance that we do expect the project to be completed around 2026, but the exact date will be determined through the procurement. We have said that consistently the whole way through the project.

MS CLAY: Minister, we have \$5 million in the budget for early works on Parkes Way. Can you tell me what that is for?

Mr Steel: Yes. I am happy to hand over to the team, and Geoff Davidson may want to come down as well, to speak to that one.

Mr Corrigan: This is a link to when the commonwealth government put forward the \$100 million for the whole south-west corridor and all those sorts of things. Part of that was the early feasibility work to look at Parkes Way.

Mr Steel: It was not initially part of it, but we argued that it should be part of the project.

Mr Corrigan: It is useful. The south-west corridor is what we transferred over to other projects, but we continued with that feasibility work because Parkes Way is such a pretty good part of the transport network, particularly that east-west corridor movement. We needed some feasibility work about looking at network capacity, other utility issues, stormwater, and the like, to look at what further improvements may be needed as the network grows, the city grows and those sorts of things. That is what that component is about. That project is still underway.

MS CLAY: Is that work that you will publish when it is complete?

Mr Corrigan: Obviously, we will be going through it with the minister.

Mr Steel: It will inform cabinet process around future budget business cases, if there are projects that come from it. We will need to consider first what is actually in it. This is a critical road on the road network. It is one of those express roads that I was

talking about. We do not have many. This is a major one and it is a significant bottle neck. There is no doubt about that. We have made some changes to the road, some of which is actually a commonwealth government asset, not an ACT government asset. We have signalised the Coranderrk Street roundabout on Parkes Way. That has made a significant difference to traffic flow heading eastbound.

That has led us to think, “What other improvements have been made to the road?” There is Belconnen traffic, Gungahlin traffic and traffic from Tuggeranong, Weston Creek, Woden and Molonglo converging on Glenloch Interchange and going into Parkes Way. It is a very significantly trafficked area. Despite the changes that we have made, which have been successful, at the other end, at Coranderrk Street, there are still some challenges along the route, so we are going to look at the opportunities there. There are some form-one-lanes through there that often provide choke points on the road. There is obviously going to continue to be an increasing amount of traffic on that road with the growth of the city. From the other direction, we have the growth of the broader Canberra region using Morshead Drive and coming onto Parkes Way in the opposite direction, so we need to consider what improvements need to continue to be made to that road.

MS CLAY: They are general improvements. It might be signalising; it might be road widening. You are actually working through what—

Mr Steel: Yes, a variety of things. Everything will be looked at in terms of what the potential benefits are. It could be a range of things.

MS CLAY: Thank you.

MR PETTERSSON: It is always good to see collaboration with the federal Labor government. I was wondering if we could get an update on stage 1 of the Garden City Cycle Route.

Mr Steel: This is a Labor election commitment, and the federal government has made a commitment of \$5 million for this project, which we have matched in the budget to get on with stage 1. We are going through a period of consultation with the community at the moment on the route. The vision for that route was provided in the City and Gateway Urban Design Framework. We have been undertaking feasibility on the route in terms of what is possible to deliver a path. It is a little bit harder than on the western side of Northbourne Avenue because we do not have the open space green corridor running down Sullivans Creek on the eastern side. It has been quite a detailed process.

Now that we have presented a plan, we will get feedback and that will then inform where we head with the next stage of design. I will hand over to Sophie Clement to provide some detail, but at this stage it is looking like most of the route will be way of a new three-metre share-path connection. There will be some elements where we are suggesting there could be, in a Canberra first, an active street design, which is the conversion of an existing urban street into a shared zone, with various elements that indicate that it is a shared environment—a slow-speed environment that can be used by cyclists as well as motor vehicles. That has been part of the consultation as well. I will hand over to Sophie Clement to talk further.

Ms Clement: Thanks, Minister. The budget has the \$5 million from the commonwealth and the ACT allocation, so we have \$10 million to proceed to the construction phase. As the minister described, we have been doing feasibility work to finalise the alignment. It is a constrained environment, but it will generally be a three-metre wide shared path in the verge. There might be some adjustments to that, depending on the site constraints or the volume of users in that area. It starts from, I think, Kooyong Street at that point, with Torrens Street, and then it hopefully collects people from the suburbs on the eastern side, all the way out to Watson.

We have shared the alignment with the community. We are finalising our preliminary sketch plans at the moment. We will be stepping into planning with the construction funding that has been received. We will be looking at bringing forward some packages for progressing detailed design, to get started with priority sections for construction first, and then we will use that information to test which sections we think are most important to start with—most likely starting at the city as that is where the main catchment comes in and then working back.

MR PETTERSSON: That is great. Thank you.

Ms Clement: Just thinking about timing, we expect that in the next 12 months we will see a construction tender go out. We need to complete the detailed design stage for the first priority section, but we would be looking at getting a construction tender out in the next 12 months and starting works.

MR PETTERSSON: Wonderful. Thank you.

THE CHAIR: Let us talk buses. Minister, it is increasingly obvious that you do not have a genuine commitment to disability compliance or that you do not know how to manage your fleet strategy. Can you please advise: what is your strategy to replace the aging parts of the fleet, separate to the already released electric bus fleet strategy?

Mr Steel: It is a fleet management strategy and it has as a clear objective of trying to remove inaccessible buses—of which there are only small number in the fleet—from the road as soon as possible. We undertook procurement for a range of lease buses to address that, but unfortunately one of the contractors has not been able to deliver their buses on time due to a range of supply chain issues, which I have outlined in extensive detail to the Assembly. We are trying to get those off the road as soon as we can, and, at this point in time, we are expecting that before the end of the year.

THE CHAIR: The Labor-Greens government is phasing out natural gas, obviously. With the 70 CNG buses in the fleet, will the gas buses be withdrawn one for one as the new Yutong buses are put in service? Is that the plan?

Mr Steel: The new Yutong buses are replacing our buses one for one. They have proven that they can deliver services reliably on the network for long periods of time, which is great news, because the technology has improved over time. The CNG buses have a particular date when they need to be removed from the network. I will hand over to Ben McHugh to explain.

Mr McHugh: The 90 Yutong buses will replace buses at the end of their useful life. The majority of those will be CNG buses. The CNG fleet has a different endpoint for each. The bulk of the 90 will replace those, but there are some CNG buses that have a useful life beyond the expected procurement of the 90 buses, and they would be replaced by a future process.

THE CHAIR: Finally, Minister, you continue to say that you will be growing the bus fleet, but again, under some pretty extensive questioning from Ms Clay today, you were not really able to elaborate other than to say, “There might be a few extra.” That is pretty much the vibe that we are getting from the answers to your questions. Can you please provide how you will be actually growing the bus fleet and how that is going to lead to not even an increase in services but a situation where we are getting back to what should be considered a regular timetable?

Mr Steel: The two are not necessarily linked. Let us be clear about that: the timetable and the number of buses. Certainly, just before the election, when we released the plan, in 2020, we committed to purchase 90 buses. That was the election commitment. We have now exceeded that. We have actually purchased 106 electric buses and will continue to make further purchases as well to meet the target that is outlined in the strategy. We will be updating the plan going forward over the next year and we will be looking at the growth needs of the fleet as part of that. The 90 that we have purchased will be largely going into replacement, but there may be opportunities for growth as well.

We have had extra funding in recent budgets for expansion. For example, when we provided a new route from Belconnen down to Denman Prospect, that required some more buses and we were able to get that funding. We will continue to invest in the bus fleet with new buses that will replace existing buses and we will look at the growth opportunities that will require extra depots as well.

In relation to the timetable, since you mentioned it, we are of course exploring the opportunities. Now that we have a sense of the disruption on the road network associated with major infrastructure projects, public and private, and there is still more disruption to come, we are planning for improvements to the frequency of services. That work is underway and we will be looking at that as soon as we can.

THE CHAIR: Thank you, Mr Steel. On behalf of the committee, I would like to commend Mr McGlenn. I just love the bow tie and I think there should be more of it in offices. I assume Mr Garrison will be a chance later on, but I think you are wearing it very well and I admire the confidence and the style. Thanks to Minister Steel and officials for their appearance. If witnesses have taken questions on notice, could they please provide answers to the committee secretary within five working days of receipt of the uncorrected proof transcript. Thank you very much, I appreciate your time.

Hearing suspended from 3.48 to 4 pm.

Appearances:

Office of the Solicitor-General

Garrison AM SC, Mr Peter, Solicitor-General

THE CHAIR: In this session we will hear from the Solicitor-General of the ACT. Proceedings are being broadcast live. The proceedings today are also being transcribed and will be published on the Assembly website. When taking a question on notice it will be useful if you just say, “I will take that question on notice,” specifically so that everyone is on the same page. Can I remind you, Mr Garrison, of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Can you confirm for the record that you understand the implications of the privilege statement and that you agree to it?

Mr Garrison: I do, to both counts.

THE CHAIR: All right, excellent. Mr Garrison, can I ask you, how many mediations took place to achieve the deed of settlement between the Ngambri people and the ACT government?

Mr Garrison: Two.

THE CHAIR: There were two? There were not three?

Mr Garrison: No, there were two.

THE CHAIR: There were two. Did you attend all of the mediations?

Mr Garrison: No.

THE CHAIR: So it was the final session that you did not attend?

Mr Garrison: Correct.

THE CHAIR: Was there a specific decision made to exclude you from that final session of the mediation and, if so, why?

Mr Garrison: No, it was that I determined that it was better to bring in another senior counsel to manage the second settlement conference—sorry, the first was an informal settlement conference. The second was actually a mediation. We had got it to a certain point at the first conference, and it settled following the second.

THE CHAIR: All right. Obviously I have never been involved in a process of that nature but to me it just seems odd that, having participated in that process, you in your position then would not participate in the final mediation session.

Mr Garrison: It had reached a different point in the proceeding, that was all.

MR CAIN: Mr Garrison, are you able to kind of say what the particular issue was, in

general terms, that meant that you felt you needed to get a new senior counsel?

Mr Garrison: No, it was just a judgement call on my part.

MR CAIN: And what was the issue that led to that judgement call?

Mr Garrison: Just where the matter had got to, that was all.

MR CAIN: Anything more specific than that?

Mr Garrison: No, not really.

MR CAIN: Okay. Well, normally when—

Mr Garrison: I suppose the other issue was that I also had other matters coming up in the High Court as well, which served to, shall I say, distract my attention a little.

MR CAIN: But were they determinative of you not attending or was there—

Mr Garrison: Say again?

MR CAIN: Were they the determinative reason for you not attending or some other issue?

Mr Garrison: There was no particular issue, Mr Cain. It is just in the course of conducting the proceeding I determined that it was better to have another senior counsel on board with a view to the possibility that the matter might, in fact, run. And if the matter ran then it may well be that there would be me and another senior counsel involved in running the matter. I felt it better to get a new set of eyes on the matter, which we did, and in the end there was a resolution. There is nothing particularly unusual in that.

MR CAIN: And again I guess I am pressing the point. There must have been something of substance to cause you to say, well, you need to bring in new senior counsel.

Mr Garrison: No. It is just that the matter had reached a point where my professional judgement was that we were better having another senior counsel in there for the second mediation, with a different set of skills to be able to manage the process, and that is really what we did.

MR CAIN: Which I guess surprisingly, as Mr Parton said, which you considered you could not do in your capacity as Solicitor-General? You considered you could not take the matter forward yourself at that point?

Mr Garrison: No, I did not say that, Mr Cain. I said my judgement was that I thought we were best served by having another senior counsel brought into the matter and to run the mediation, given where we had got to in the previous process in which I had taken a leading role, because we did not settle at that process. And so I thought, “Well, all right, we will try another senior counsel to see if we can then progress it

beyond where we got to before.”

MR CAIN: And what did this new senior counsel bring in that was determinative and perhaps new or different?

Mr Garrison: Mr Cain, I am not going to dive into the details of the abilities or otherwise of different counsel and why they are used. It is just not appropriate. The counsel who was engaged is highly competent and has appeared with me in a number of matters in the Supreme Court, in the Court of Appeal and in the High Court. So I have complete confidence in her abilities, and she is highly capable. That is why she was briefed to conduct the mediation in a matter where we had tried to settle but had not quite got there.

MR CAIN: So are you able to indicate who that senior counsel was?

Mr Garrison: Ms Houda Younan SC.

MR CAIN: How much of the deed of settlement are you able to reveal to this committee? Any terms at all?

Mr Garrison: That is a matter that I have to take up with the Director-General of CSD.

MR CAIN: Could you take that on notice then to make that inquiry?

Mr Garrison: I can. It also involves the other parties as well because it is confidential at this point.

MR CAIN: Sure. So would you take that as a question on notice?

Mr Garrison: I will take that on notice.

MR CAIN: Thank you.

MS CLAY: Mr Garrison, what types of litigation have you been primarily involved in? Have there been any patterns or—

Mr Garrison: Me personally or the office?

MS CLAY: The office in the past 12 months. Are there any sort of trends in what types of litigation are coming up a lot?

Mr Garrison: Personal injury litigation has been exceptionally busy. Our claims practice involves medical negligence; slips and trips, for want of a better description; damage claims; commercial litigation; and dispute resolution in the ACAT for housing, licence issues and dog issues. It covers the whole field and all jurisdictions, from the ACAT, the Magistrates Court, the Supreme Court, and we also have matters in the Court of Appeal. I have been this year in the Court of Appeal and the High Court a couple of times. So we have a very busy litigation practice but it covers the field—public and constitutional law, regulation, licensing, planning, commercial

disputes.

MS CLAY: Are there any new areas that have arisen during the last 12 months or any particular areas that are getting busier than they used to?

Mr Garrison: Yes, there are, which of course was the subject of the budget initiative, which we were successful in, which is in human rights litigation. It is interesting. There has been a modicum of litigation ever since the act was first introduced. Initially it was a relatively small number of matters that related principally to people who were facing criminal trials seeking to get the trials stayed because of delays in having the matters listed—this is 20 years ago, or not quite—and so applications were brought to try and have the proceedings stayed on the basis that the right to a fair trial had been breached by them not getting a hearing date. There were maybe four, five or six of those in which the applicants were unsuccessful, because in most of them the hearing date had already been appointed, therefore they had got their remedy. So that evaporated.

Then, from about 10 years ago we started to get a little more litigation in the human rights field in the courts. Most of the work we were doing, however, was in the tribunals, where human rights were argued as an ancillary to looking at other decision making processes—housing and others as well. Relatively recently, as in the last four years or thereabouts, we have had an increasing number of matters brought in the Supreme Court in which either damages have been sought or declarations that rights have been breached in relation to corrections, housing, one or two other things. This has led to the point that currently we have approximately 36 matters in the Supreme Court, and five years ago I think it was about two. That has had fairly obvious resourcing implications for my office.

The litigation is complex, the law believe it or not, remains unsettled, and so a number of issues keep getting relitigated because they have to be dealt with on the facts of a particular case. For us it has meant a reallocation of internal resources and also moving some of the work between different practice areas depending on the nature of the matters that were being brought. For example, a number of the matters in which I have appeared, the facts are not that much in contention and it is generally an argument of law, but the matters that are going to trial at first instance, there is a significant amount of factual dispute as well and a lot of evidence that needs to be called, and they can take some considerable time and a lot of energy and resources.

MS CLAY: Housing has come up quite a bit and it was interesting, we had a very interesting conversation yesterday with a number of stakeholders, including Canberra Community Law, because they obviously spend a lot of their time assisting clients on ACT Housing matters. Their take was that quite a lot of the legal services that were needed were actually coming out because there were too many people on the wait list and the notion of eviction or the notion of not being granted a place was quite difficult. Also they had a take that public housing tenants were having to project manage their own repairs; ACT Housing was not sort of taking responsibility. Are you involved in those sorts of issues?

Mr Garrison: I could not tell you the detail of the matters we are dealing with, but I mean they cover a range of things.

MS CLAY: Yes right to housing and then how well properties are being maintained and the fact that these matters seem to end up in ACAT rather than simply being handled as a resourcing issue.

Mr Garrison: Well, I guess all I can say is that I am aware that several matters end up in the tribunal in relation to housing conditions, in relation to evictions, in relation to rent arrears and those associated issues. I cannot really comment on Housing's internal processes in relation to that.

MR PETTERSSON: The budget provides additional resourcing for your office to respond to claims of alleged breaches of the Human Rights Act 2004. Can you provide any more detail?

Mr Garrison: I think I have sort of touched on what those are in my last answer to Ms Clay. It is the litigation in all of the areas that I have identified and it reflects the increase that has occurred, particularly in the last four to five years in Supreme Court litigation involving the Human Rights Act, and it covers a range of issues. There was of course the *House* litigation, which was based on the Human Rights Act, but that was a fairly unique piece of litigation. There have been some other major pieces of individual litigation over the years. But the litigation that has really put us under pressure is those matters that are being brought as claims and that are being run at first instance as trials, and which show no particular sign of abating at the moment.

There are some legal issues that remain to be determined at an appellate level. We have a number of decisions at the single judge level on some of the issues arising from the interpretation of the Human Rights Act and what it means. In context, the budget gives us approximately three and a half FTE, which is not a lot but it is better than nothing; it also provides a small top-up to the territory legal expenses account for the use of counsel, and of course we brief quite a few barristers.

MR PETTERSSON: Thank you.

MR CAIN: Solicitor-General, I refer to an ongoing conflict of interest issue involving the current Commissioner for Fair Trading, Ms Derise Cubin, who attended a meeting regarding a claim for compensation on 6 July 2021 at Blackburn Chambers. This issue related directly to the conduct of the former Commissioner for Fair Trading, her husband, Mr David Snowden. The ACT Government Solicitor was represented by Ms Sarah Arthur. As you probably remember, Ms Cubin ended up submitting a conflict of interest disclosure on about 24 November 2021. Was your office aware of this conflict of interest prior to the meeting of 6 July 2021?

Mr Garrison: Mr Cain, my office is instructed by the commissioner to act in relation to a range of matters including the matter to which you have referred. There are a number of assertions and allegations made by a particular person in relation to those proceedings and I am not going to dignify a lot of the allegations that have been made by responding to that question. It is not relevant. It is not relevant to the conduct of the proceeding, and we are acting properly on instructions from the appropriate delegate in relation to those proceedings.

MR CAIN: So: yes or no? Was your office aware of this conflict prior to the meeting on 6 July?

Mr Garrison: Mr Cain, I have just explained that we had every right to assume that the person instructing us appropriately instructed. You have made an assertion of fact about there being a conflict of interest and frankly I am well-aware of the prior engagement in relation to this issue in other sittings of this committee where the action has been fully explored.

MR CAIN: So you are aware of the conflict of interest declared in November 2021?

Mr Garrison: Mr Cain, it is one matter among literally thousands that our office is handling. I am aware of the allegation; I am not aware of the detail of the matter now, given that it has been many, many months since it was last ventilated. I really do object to this line of questioning.

MR CAIN: Just a couple of final ones on that. So what was Ms Arthur's role in the discussions in that July meeting?

Mr Garrison: She is a senior solicitor in my office and my recollection, and it is only my recollection, is that it was a settlement conference.

MR CAIN: I assume she would have made notes of that meeting. Are those notes able to be provided to this committee?

Mr Garrison: No. They are subject to legal professional privilege.

MR CAIN: Just perhaps at a more general level now, dispute resolution proceedings are on foot, as an example of a general scenario. The official representing the territory is the spouse or partner of the principal actor—

Mr Garrison: I am not answering a hypothetical question.

MR CAIN: If a—

Mr Garrison: Mr Cain, I am not answering a hypothetical question.

MR CAIN: It is not actually that hypothetical. It is actually a question of practice. If the territory actor is the spouse or partner of someone who was actually issuing instructions, is that an issue that your office would address?

Mr Garrison: When the issue is brought to my attention, I will deal with it.

MR CAIN: I have just brought it to your attention. What is your policy—

Mr Garrison: Well, no. You are making an assumption in all of that, Mr Cain.

MR CAIN: With respect, Solicitor-General, if a government actor in litigation has a spouse or partner issuing instructions in that litigation, is that of concern to your office?

Mr Garrison: What are the circumstances, Mr Cain?

MR CAIN: If that matter is before a tribunal or court.

Mr Garrison: How is the spouse involved? How are they relevant? What other disclosures have already been made?

MR CAIN: One spouse is a party to a proceeding; the other spouse is instructing the ACT government's solicitor on behalf of the government in that proceeding. That is a scenario you surely must have a view on.

Mr Garrison: No, it does not actually happen that often at all.

MR CAIN: But if it did happen, what would your office's view be on that?

Mr Garrison: Mr Cain, with respect, as you are well aware, the circumstances of any particular case need to be assessed depending on its circumstances. Issues relating to conflict of interest are complex, as you should know, and the precise circumstances that relate to that alleged conflict of interest will need to be considered depending on what happens.

MR CAIN: The nature of the conflict of interest is easily described. They are in a domestic or spousal relationship.

Mr Garrison: You say they are easily described.

MR CAIN: I have just described it.

Mr Garrison: Yes, I know you have.

MR CAIN: If that were a scenario, what would your role be in instructing the government party in that situation, who is issuing instructions where the other party is a spouse or husband of that same person? You must have a view on whether that is appropriate or not.

Mr Garrison: I said to you before, Mr Cain, that I am aware of this matter. I am aware of ongoing controversy in relation to it. Frankly, I am not interested in ventilating those active matters in this place.

MR CAIN: Even though it is a general question about conflict of interest.

Mr Garrison: It is not a general question, Mr Cain. You well know that.

MR CAIN: It was a question about a government spouse giving instructions on a case where her spouse is a party. That is something that does occur and you must have a view on that, in my opinion.

Mr Garrison: That would be asking me for an opinion, would it not, Mr Cain?

MR CAIN: I am asking the practice of your office. That is what I am asking about.

THE CHAIR: I think you have canvassed the question as much as you can, Mr Cain.

MR CAIN: Solicitor-General, in regard to the conflict of issue involving the Fair Trade Commissioner, which the ACT government solicitor was involved in, I have obtained FOI documents of correspondence which show that the meeting on 6 July which I referred to earlier, attended by the commissioner and Ms Arthur, was a “without prejudice” discussion. In your legal expert opinion as a senior counsel as well as Solicitor-General, does the application of without prejudice privilege somehow preclude how a conflict of interest would otherwise operate or apply?

Mr Garrison: The without prejudice privilege applies in relation to the content and substance and documents generated as a result of that meeting and things leading up to that meeting.

MR CAIN: Does the baseline test or criteria for determining whether a conflict of interest arises or should operate, change if the conflict arises in the context of a without prejudice privilege?

Mr Garrison: I do not understand how the two issues relate.

MR CAIN: Just repeat your—

Mr Garrison: I do not understand how the two issues relate. Whether someone has a conflict of interest is a different issue, a standalone issue, and not one to which the concept of without prejudice settlement discussions relates. Whether there is a conflict of interest, whether it is disclosed, whether there is awareness of it, whether it in fact is relevant to the matters that are under consideration are all things that need to be considered, Mr Cain. I am certainly not in a position sitting here to opine on a matter in respect of which I do not have detailed knowledge, other than general knowledge. Therefore, it is not appropriate for me to answer the questions any further.

MR CAIN: Is there an Australian legal precedent for without prejudice privilege precluding the consideration of a conflict of interest?

Mr Garrison: I would not know. One would have to research that, Mr Cain.

MR CAIN: Are you happy to take that on notice?

Mr Garrison: No, because you are asking me for an expression of legal opinion.

MR CAIN: No, I am asking is there an Australian precedent on such a question.

Mr Garrison: I am unaware of any precedent to that effect. That is not to say that somewhere in the panoply of thousands of reported decisions in this country that there is not something that relates to it.

MR CAIN: Solicitor-General, what is the ACT government’s policy on engaging external legal advice? When is it considered necessary to engage with external legal

advice and how are costs budgeted?

Mr Garrison: Well, that falls into a couple of categories, Mr Cain. As you are aware, the Legal Services Directions provide for external legal advice to only be able to be obtained with my approval. We have a panel of some 24 law firms in 26 practice areas. Whether a matter is outsourced to a private firm is dependent upon an assessment by the agency and by my office as to how the legal services can be most effectively delivered.

There are a number of matters over the years where it has been considered for resourcing and expertise purposes that an external law firm is better engaged. There are a number of major projects in which private law firms are in fact engaged. We do not have the figures for this current year, but in the year preceding, it was approximately \$10 million in legal expenses for external law firms. They are paid generally by the agency in relation to the particular project that is in hand. That is normally accounted for by the budget for the project. There is normally an allowance for legal services in relation to those projects. We encourage early consideration of whether or not there needs to be outsourcing.

The other main area of outsourcing aside from particular projects is not just the legal services, but also probity services, and that also is managed by my office out of the legal services panel.

MR CAIN: Regarding the subject conflict of interest matter that we were discussing earlier, are you aware of whether that has been brought to the attention of the Integrity Commissioner or not?

Mr Garrison: I am sorry, of the—

MR CAIN: Are you aware of whether it has been brought to the attention of the Integrity Commissioner or not?

Mr Garrison: No, I am not.

THE CHAIR: On behalf of the committee, I thank you, Mr Garrison, as Solicitor-General for the ACT for your attendance today. I cannot recall whether we ended up with anything actually on notice, but if we did—

Mr Garrison: Only the question of the deed of settlement.

THE CHAIR: If you could please provide answers to the committee's secretary within five working days of receipt of the uncorrected, proofed transcript, that would be sensational.

Mr Garrison: Certainly.

Short suspension.

Appearances:

Office of the ACT Director of Public Prosecutions

Williamson SC, Mr Anthony, Acting Director of Public Prosecutions

THE CHAIR: In the final session of the committee on estimates hearing today we will hear from the office of Director of Public Prosecutions. Proceedings are being broadcast live. They are also being transcribed and will be published on the Assembly website. When taking a question on notice, if you could make that clear by saying, “I will take that question on notice,” we will all be on the same page. Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. If I could get you to confirm for the record that you understand the implications of the privilege statement and that you agree to it.

Mr Williamson: I do.

THE CHAIR: We are not inviting opening statements so will proceed to questions. Acting Director, can I ask, what training does the DPP provide to its staff to ensure they fully understand how essential and non-negotiable natural justice and procedural fairness are to the integrity of our legal system?

Mr Williamson: The office routinely provides what is referred to as continuing professional development education sessions, or CPD sessions. Integral to that are topics including legal ethics, prosecutorial disclosure and professional obligations under the Bar practice rules. Inherent in those topics, which are routinely canvassed, are questions about natural justice and particularly prosecutorial obligations. Bearing in mind that prosecutors are often referred to, particularly at common law, as ministers of justice and have an overarching obligation to ensure (1) that the prosecution case is prosecuted fairly and robustly and (2) that an accused receives a fair trial. The obligation to ensure the accused receives a fair trial is not one that only attaches to the court or defence counsel, it is an obligation that prosecutor also has.

MS CLAY: How is morale in the office at the moment?

Mr Williamson: All things considered, I would say morale is quite good. I am quite proud of the office in terms of the way they have continued to prosecute matters in a highly diligent professional manner, notwithstanding the fact that the publicity surrounding the board of inquiry is not lost on them. All things being equal, they are doing, I would suggest, a tremendous job in getting on with their core business.

MS CLAY: I am glad to hear it. I absolutely understand you will not comment on the board of inquiry and I would not ask. Are you able to make any comments about if there is any work going on to improve the relationship between the DPP and ACT Policing?

Mr Williamson: Yes, that is certainly a very understandable question when considered against the media publicity that has been ongoing in relation to that question. Could I suggest to the committee that, with respect, a lot of that media

publicity around the nature of the relationship with police is grossly exaggerated. Contrary to what the media might have you believe, the relationship between the police and the Office of the Director of Public Prosecutions is a very strong one. Every day there are dozens of interactions between police and prosecutors, which I would suggest are highly professional and highly productive.

We simply could not successfully discharge our core business in prosecuting those accused of crimes without having a very strong operational relationship with the police. In addition to that, since assuming the acting position I have met regularly with Chief Police Officer Gaughan and his executive. I would describe my interactions with the Chief Police Officer as extremely positive and productive. We both understand the nature of the publicity that has been ongoing and we are determined to make sure it does not distract from us discharging our core business.

MR CAIN: Acting Director, what is the current turn of your acting position, when does that come to an end?

Mr Williamson: The end of August.

MR CAIN: End of August. Are you aware of any arrangements for the occupation of this office of the DPP after that date?

Mr Williamson: No. I am not. I am unaware of what the incumbent Mr Drumgold plans to do, how much more leave he might take. It is entirely a matter for him. I have had no discussion with him about that. Nor have I had any discussion with government.

MR CAIN: Mr Drumgold is on leave up to that period. Can you say what is the nature of that leave?

Mr Williamson: I do not think it would be appropriate, sir. Other than to say that he is obviously entitled to take leave, and the Attorney-General, who has been in contact with Mr Drumgold, is satisfied he is exercising his leave entitlements appropriately.

MR PETERSSON: My colleague Marisa Paterson has recently run a community consultation process about the idea of legislating sentencing submissions in the ACT. I was wondering if your office could speak to any views on this proposal.

Mr Williamson: Certainly, sir. I have provided a submission to Dr Paterson in relation to that process. The issue arises ultimately as a result of a decision of the High Court in the matter called *Barbaro v the Queen*. In *Barbaro v the Queen*, the High Court said that the prosecution cannot and should not make submissions with respect to sentencing range in all proceedings. It is often forgotten that the appeal in *Barbaro* was actually brought by the accused. Mr Barbaro had been sentenced to life imprisonment for a very serious drug trafficking offence and it was his legal counsel that wanted the Director of Public Prosecutions in that matter to be able to make a submission as to range.

The High Court propounded a number of reasons as to why the prosecution cannot make a submission as to range. They include that such a submission would be nothing

more than rank opinion; that the submission would assume facts which have not been found or accepted as yet by the court; that the prosecution might have a vested interest in maintaining the integrity of the plea arrangement; and that for the prosecution to make submission would amount to an incursion on the independence of the court, noting that ultimately the DPP is part of the executive arm of government.

The question of whether that same principle should apply to defence counsel is one of legal controversy. In a decision in Victoria, the Victorian Court of Appeal held that defence counsel can make submissions as to range, whereas the prosecution cannot, but in a Court of Appeal matter in New South Wales that court suggested it would not be appropriate for the defence to make submission as to range—that is to say neither party should.

The submission that I made to Dr Paterson makes the observation that the same reasons the High Court propounded as a basis for the prosecution not being able to submit with range apply with equal force to the submissions made by defence. That is to say, if the prosecution's submission is rank opinion, I would suggest that so too it is if defence counsel make it. If the prosecution's submission is problematic because it assumes facts not yet proved, that is equally true if defence counsel makes the submission. If the concern is that the prosecution has a vested interest in the outcome of the proceeding, that concern, one might think is even more acute from the perspective of the defence in that to the prosecutor any given matter is but one of many in their carriage but to an individual accused that matter is everything to them at that point in their life.

I should pause and add the issue is further considered in the ACT by our Court of Appeal in the matter of Gordon. Ultimately, the court found that the prosecution cannot submit on range in the territory but the defence can. The concern that I and Director Drumgold have is that there is an imbalance in that we would suggest either both parties should be able to submit on range or neither party. We would suggest that if the prosecution is not to submit on range, the same reasons which would mean we should not should also mean the defence should not be able to. So we would suggest it should be an all or nothing proposition.

MR PETTERSSON: Can you speak to the potential benefits of sentencing submissions?

Mr Williamson: Yes. So, because the prosecution cannot make a submission on range, we cannot talk hard and fast numbers with the court. The reality is the prosecutor will have in their mind a minimum and if a sentence is imposed under that, the view, or at least the tentative view, would be that the sentence is manifestly inadequate and they would be contemplating an appeal. Once we bring that appeal, if a decision is made to do so, then the question of range can be further litigated in the Court of Appeal.

One might think it would be of significant utility to the sentencing judge at first instance to be able to cut to the chase and know what the base position of the prosecution is—equally so, defence counsel as well. Certainly my experience and that of a number of prosecutors from time to time, and some judges—and I emphasise some, not all—express frustration with the decision in Barbaro. Notwithstanding the

constraints it imposes, they nonetheless ask, “What do you say in terms of range and what the bottom line is?” to which the proper response from the prosecutor would be, “With respect your Honour, I cannot answer that.”

So, to come back to your question, it would assist judges in better appreciating the position of the parties on the sentencing proceeding and it might—I say might—avoid some unnecessary appeals.

MR PETTERSSON: Can you detail the places in Australia where sentencing submissions are current practice?

Mr Williamson: To the best of my knowledge, only Queensland has enacted a statutory provision which in effect disapplies the principle in *Barbaro*. Thus both parties in Queensland can make a submission as to range, if the court grants leave and invites the parties to do so.

MR CAIN: Acting Director, the charge and issue of fraud appears to be an increasingly prevalent one in civil prosecutions. I understand that you are a specialist in that area.

Mr Williamson: Perhaps, sir, you are overstating my abilities. I have some familiarity in prosecuting fraud matters. I have prosecuted a number. I also have some expertise in bringing proceedings under the Confiscation of Criminal Assets Act, but I perhaps would not put it so highly as to say that I am a specialist in fraud prosecutions.

MR CAIN: Be that as it may, what issues have the DPP encountered in successfully prosecuting fraud-related matters and are there ways such prosecutions can be improved?

Mr Williamson: There are no statutory impediments, in my view. That is to say I would not see as problematic the construction of the offence provisions in the territory that relate to fraud. The biggest difficulty often with fraud matters is simply their complexity and the voluminous nature of the evidence which has to be digested. Often expert evidence will need to be called upon in the nature of opinions from forensic accountants. They are very technical prosecutions. One has to get right into the weeds and be across the numbers and the nature of particular transactions. So the difficulty is primarily one of logistics and simply getting across a very large brief of evidence.

MR CAIN: Are you confident the approaches taken by the DPP and ACT Policing are in alignment on fraud-related matters?

Mr Williamson: Yes, sir. Certainly in my view we are on the same page in terms of the way in which they are prosecuted and investigated.

MR CAIN: How can the DPP better improve fraud awareness? I am speaking of educational agendas. Is fraud awareness compulsory training for your own staff?

Mr Williamson: Our staff are given training in relation to fraud prosecutions. One particular vulnerability, if I could put it that way, is in relation to frauds committed

against elderly or vulnerable people by carers or people who have some access or control over their finances. So, to the extent that it might be thought that an awareness or education program is appropriate, I might suggest that particular consideration be given to targeting such a campaign towards elderly and vulnerable people who do not have complete control over their finances.

MR CAIN: Acting Director, criminal party conferencing is increasing in prevalence in the justice system as an alternative dispute resolution process. At annual report hearings on 23 February last year I asked the director about teething problems experienced with the introduction of criminal party conferencing. I can read you his own words if you want but if you are comfortable with what I have just said that is fine. Can you please provide an update on the progress that has been made in this space?

Mr Williamson: The criminal case conferencing process in my view continues to work well. It resolves on average between 20 and 35 per cent of matters. I should just be clear, sir, it is not an alternative dispute resolution process. Ultimately what is at play here is criminal litigation, but it is a mechanism or a circuit breaker put in the prosecution process to try and facilitate an early resolution, a negotiated plea outcome. With, on average, roughly, 25 to 35 per cent of matters resolving as a result of that process—it fluctuates given any particular conferencing period—we see dozens of weeks of court time saved when these matters resolve without a criminal trial having to ensue. There is also of course the advantage of witnesses being saved the ordeal of having to come to court, give evidence and be cross-examined, if we can reach a resolution.

MR CAIN: What are the major challenges that could be effectively addressed at this point in time, do you think?

Mr Williamson: In terms of criminal case conferencing?

MR CAIN: Yes.

Mr Williamson: Reasonable minds might differ over this, but sometimes the accused person is not present in the criminal case conference—their legal representatives are. It is a discretionary matter for the person presiding over the conference, usually a retired judicial officer, as to whether the accused is there. Certainly in my experience the process is most productive when the accused person is present, because they hear not only the arguments and the position advanced by their counsel, but they hear, perhaps for the first time without any filter, the prosecution's position and the way the prosecution says its case will be advanced. Without them hearing it directly from the prosecutor, it may be the case that their legal representatives might put a particular slant on the nature of the prosecution case or describe it in a particular way which does not accord with the way the prosecution sees its case. So I would suggest it is useful for the accused person to hear it for themselves from the mouth of the prosecutor and what they say the nature of their case is and what the prosecutor says the strengths of the case are. That would assist, I would suggest, the accused person in making the best decision as to whether they want to litigate the matter and maintain their pleas of not guilty.

MR CAIN: Noting you do not consider criminal party conferencing as an alternative dispute resolution process, and there are probably a few people who would call it that but put that aside, do you see are there any other opportunities to resolve criminal prosecutions prior to the trial?

Mr Williamson: It is always open for the parties to negotiate an outcome outside of the criminal case process and that routinely happens. At present there is no equivalent mechanism in the Magistrates Court so the criminal case conferencing process applies to matters listed for trial in the Supreme Court. There might be scope for the question of whether a similar mechanism could be explored for matters being litigated in the Magistrates Court.

MR CAIN: Just on that, is there any particular impediment to prevent that process happening in the Magistrates Court in criminal cases?

Mr Williamson: There would be resourcing implications. The Court would have to make a convenor available, usually a retired judicial officer, but it does not have to be that. There would be the cost implications for that. Sometimes the timeframes for getting a matter on in the Magistrates Court are much tighter than they are in the Supreme Court, so one would have to navigate those tighter timeframes if such a process were to be introduced into the Magistrates Court. So there would be some logistical considerations that would have to be looked into.

MR CAIN: So there are basically budgetary issues and case management issues but nothing in the legal environment?

Mr Williamson: There is no legal impediment, no. A practice direction might be needed.

MS CLAY: Mr Williamson, during COVID we had a disconnect between what we were hearing from different sides of the legal sector. We heard from our community legal centres and from the community sector that domestic violence and sexual assaults as part of domestic violence had spiked up, were quite high. That made a lot of sense during COVID. That was part of a national, global trend. I remember at the time when we asked the DPP about charges and prosecutions for domestic violence and sexual assault, it had not reached that stage. I just want to circle back now and find out, was there any change with charges and prosecutions for DV and sexual assault over the last couple of years? Did the reported increase in incidents come to the DPP?

Mr Williamson: I would have to take that on notice, I am sorry.

MS CLAY: Yes, if you could take that on notice. I am not after specific individuals; just whether there was a trend?

Mr Williamson: So to be clear, your question is: was there an increase in domestic violence and sexual offence prosecutions during the COVID lockdown periods?

MS CLAY: Charges and prosecutions probably from the start of COVID to now, in whatever period you do it. I do not know if you do annual or whatever but what we

were hearing during COVID is that there was a lot more domestic violence and sexual assault, and I am interested in knowing if that remained out in the community or if any of it turned into criminal prosecutions.

Mr Williamson: I would have to take that on notice.

MS CLAY: That would be great, thank you.

MR CAIN: Acting Director, what is the DPP's policy on engaging external legal advice or external legal representation—that is, when is it considered necessary to engage such external providers? How are the costs budgeted?

Mr Williamson: We prosecute over 95 per cent of our matters in-house. Our counsel are in-house. Grade 4 prosecutors and above hold barristers' practising certificates, so it is very rare that we engage external counsel. It does happen from time to time, but it is certainly the exception rather than a rule.

The reasons why we would do that would include: a perceived conflict of interest on our part; a lack of capacity, that is to say, our internal advocates have a full carriage and there is no scope to give them more matters at that particular time; or there might be a particular matter which is complex and involves highly specialised questions of law, so we might seek to engage external counsel with an appropriate knowledge base. But it is very rare. It would be less than five per cent.

MR CAIN: You may take this on notice, how much did you spend on external legal advice in 2022-2023?

Mr Williamson: The precise figure, I would have to take on notice.

MR CAIN: And on briefing legal representation in the same period 2022-2023?

Mr Williamson: The precise figure I would have to take on notice.

MR CAIN: Are you able to say which legal firms or counsel you engaged with the most in 2022-2023 or which ones you actually used in that period?

Mr Williamson: There are three that come to mind. They are barristers. I am not aware of the DPP engaging solicitors firms outside of the board of inquiry process. To be clear, the board of inquiry process was not managed by the DPP—that is, the engagement of legal counsel and solicitors' firms was overseen by different portfolios within the Justice and Community Safety Directorate. But the three barristers who I am aware of that we have engaged are Mr Keegan Lee of counsel, Mr Mark Tedeschi KC and Mr Mike Smith, barrister from Sydney. There could be others, but they do not spring to mind.

MR CAIN: I do not need that on notice. Thank you for the update.

THE CHAIR: Thank you for attending today. We appreciate the time and thanks for being a part of our hearings. On behalf of the committee I would like to thank the ministers, the statutory officers and officials right across the day that have appeared.

We would also like to thank broadcasting and Hansard for their support and, of course, the secretariat who are pulling it all together.

If witnesses have taken any questions on notice today, could you please get those answers to the committee support office, committee secretary, within five working days of the receipt of the uncorrected proof transcript. People say to me, “When will that come?” I do not know. I am not sure but when it does you have five working days from there. If members wish to lodge questions on notice, please upload them to the parliament portal as soon as practicable and no later than five business days after the hearing. The committee’s hearing for today is now adjourned.

The hearing adjourned at 4.59 pm.