



**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

WEDNESDAY, 19 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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Amended 20 May 2013

The committee met at 9 am.

Appearances:

Stephen-Smith, Ms Rachel, Minister for Aboriginal and Torres Strait Islander Affairs,
Minister for Families and Community Services and Minister for Health

ACT Health Directorate

Lopa, Ms Liz, Acting Deputy Director-General, Infrastructure and Engagement

Canberra Health Services

Peffer, Mr Dave, Chief Executive Officer

Zagari, Ms Janet, Deputy Chief Executive Officer

Howard, Dr Grant, Group Director, Clinical Operations

Major Projects Canberra

Little, Mr Martin, Deputy Chief Projects Officer

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 today are being broadcast live. The proceedings are also being transcribed and will be published on the Assembly website. If you take a question on notice, we would like you to be clear about that and use the words, "I will take that as a question on notice," so that we are all on the same page. That will help the committee and witnesses to confirm questions taken on notice.

In this first session we will hear from Ms Rachel Stephen-Smith MLA, Minister for Health, and officials from the ACT Health Directorate, Canberra Health Services and Major Projects Canberra. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention 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?

Ms Stephen-Smith: Yes.

THE CHAIR: I heard a universal "yes" across the room. We are not inviting opening statements, so I will now proceed to questions. I will start by asking the minister about data quality and other issues in DHR. The first very specific question, Minister, is: when were you first aware that data requested for public recording and scrutiny was at a high risk of not being able to be provided, and when do you expect this issue to be resolved?

Ms Stephen-Smith: As I think would be obvious from freedom of information requests, I was briefed regularly throughout the development and implementation of

the Digital Health Record towards go-live, and there were pretty much always risks associated with data through that process. It was a known risk. It was not until post go-live that that risk could be realised and understood in terms of how long it was likely to take to remediate and what some of the impacts of that would be.

As an Australian organisation, we were the first in Australia to go live with so many aspects of the Epic system, so we did not have any other Australian jurisdiction that was a direct comparator, although we did have the Parkville precinct in Victoria as a comparator for many of the clinical systems.

It was absolutely the case that we were focused through that period up to go-live on ensuring that clinical safety and quality could be maintained, and that people would be able to use the system once it went live. It was a very large effort, in getting to a successful go-live, to train 14,000 staff to use the system, to ensure that it could in fact go live safely from a clinical perspective, and that was really where our focus was. It was also on ensuring that the data would be available when it was required for national data submissions. Those are not required until September; I think that is the first of the national data submissions. The fact that we were going live in November meant that we would have some time to ensure that we were able to provide submissions to the National Health Funding Body in a timely way and to the Australian Institute of Health and Welfare.

It is absolutely fair to say that some of the data challenges that we have faced post go-live are more substantial than I had understood pre go-live, and probably more substantial than the project board had understood as well. Frankly, it is also fair to say that there were some people in the data teams who were telling us that we would have more challenges with data than we had understood, so there are definitely some lessons learned from that.

THE CHAIR: Hang on; can I get you to backtrack there? I am not sure what you are saying with that statement—that there were people in the data team who were downplaying or who were overplaying the problems?

Ms Stephen-Smith: There were some people in the frontline data teams who were expressing concerns around how long it would take to get to a point where we had very robust data for reporting. I think that some of the concerns were not being escalated appropriately through to the project board, if I am being really frank about it. Mr Peffer sat on the project board, and I might ask him to talk from a project board perspective in terms of what was known about the challenges we were going to face and the approach that the project board took to it.

Mr Peffer: I presume that I do not need to say anything about the privilege statement?

THE CHAIR: No; that is all done.

Mr Peffer: Okay. There are a couple of things on this. The introduction of an electronic medical record, wherever that occurs, always gives rise to a big program of work that needs to be undertaken to develop and build out submissions to regulatory bodies. That is the same across jurisdictions in Australia and right around the world.

Our data team has people in it who have worked on electronic medical record rollouts in other jurisdictions that bring with them a wealth of experience, and the experience in other jurisdictions is similar to what we have here in the ACT. I will give two examples as useful context.

In Queensland, where the EMR, their DHR equivalent, was rolled out, they began with a single hospital. In terms of the state's ability to report, they continued to report on health service activity because a single hospital rolled out the DHR equivalent. They then worked on resolving their reporting issues and scaled the uptake of that across the various hospitals.

Similarly, in Victoria, in the Parkville precinct, they have rolled out the equivalent Epic product within one of their health districts. The remainder, or balance of the state, is still able to report on health services. So it is not as noticeable in other jurisdictions where they have been through exactly the same process of having to build out. The Parkville experience is that it took them in the realm of 18 months to build out the reporting capability end to end, and their Epic adoption has not been as extensive as what we have done here in the ACT. That is just by way of context.

In terms of the decision to go live, it is absolutely the case that the data teams were saying, at the point of go-live, "The national submissions are not ready." It was identified as a red risk. It became an issue which we have now been working to resolve post go-live, and it was a conscious decision to go live.

The board understood that it was a risk, but when you have trained the entirety of the healthcare workforce, when you have planned elective activity, be it clinics or surgical activity, and you have rostered people in such a way as to bring you to a point of go-live, you get to a certain point where you actually have to go live, and you accept that there is a body of work to be done after the fact.

For all electronic medical records—whether it is here in the ACT or in other jurisdictions—it is the case that you have to validate data that is going in at the front end, in the health service, to be able to then build the models and produce the reports at the back end. You cannot do that in the absence of having a product that is being used by a healthcare workforce. It is just a theoretical exercise. As soon as you put it into practice, very quickly you start to observe in the reporting that is coming out of it where things look right and where things do not look right, and you have to go through a process with your clinical workforce to correct, verify and validate everything that is coming out, which is the process we are going through at the moment.

THE CHAIR: Thank you, Mr Pepper.

Minister, you have alluded to the FOI documents, which very clearly state that you were given advice on 14 October 2022 about data quality and DHR being poor and about an insufficient focus on the design of the data dictionary, structures and other things. This is the bit that I do not understand: as the minister who is responsible for this area, it looks to me as though there was very clear advice. Your suggestion today is that there was other advice from the coalface that somehow did not filter through. Are you putting the blame on failures within the directorate to get that advice to you

or did you just assess this advice incorrectly?

Ms Stephen-Smith: No. I think what I am saying, Mr Parton, is that, as you can see from the freedom of information documents, the availability of data for national reporting was a known risk. It went up and down in terms of status through the dashboard reporting process and it was a regular discussion.

What I was saying earlier was that, as Mr Peffer has said, it was always known that this was something that could not be fully resolved before go-live. You can only resolve these data issues post go-live. That was well known. That was well understood, and the project board and I were clearly briefed on that.

Where there was a potential disconnect was with how long it was going to take and how much work there would be post go-live to resolve those issues. Probably there were some people on the front line in our data teams who had a better understanding of just how long it was going to take.

One of the reasons for that—and Mr Peffer can correct me if I am wrong—is because we were replacing 40 systems where the frontline data teams had worked over years, sometimes decades, on really bespoke data processes and reporting that they understood really well across these disparate teams that were managing multiple different systems. They probably had a deeper understanding of how big a change this would be in terms of data, and that it would maybe take a little bit longer than we had anticipated to make the changes, because they had been through that experience of years and sometimes decades of building bespoke systems.

I am not sure that that level of just how long it was going to take to resolve this issue flowed through to me. We knew it was an issue. We knew it was going to take time to resolve. We knew we had time to resolve it, in terms of the national reporting time lines. I think the extent of the challenge was probably something that was better understood on the front line than it was by me at the time of go-live.

I definitely knew that there were going to be challenges with data. That was absolutely clear through the briefing. As Mr Peffer said, we also knew that many of those challenges could not be resolved prior to go-live. We actually had to go live in order to address those challenges. The primary thing that we were concerned about, in terms of the go-live, was to ensure that we could go live with a clinically safe and useable system, which we did.

It was an enormous effort, and I really want to congratulate the team—everybody who was involved in the development and implementation of DHR—because this was a huge job of work that was in fact implemented successfully in terms of now having a single electronic record system across the whole of the ACT public health system, across all of our hospitals, QE2, Clare Holland House and all of our community-based services. They would now be on a single system with MyDHR, which was not originally intended to be rolled out as quickly as it has been. That is the consumer-facing portal, which went live early because it was used as the vaccination portal, and it has been incredibly well received by healthcare consumers in the ACT—having very quick access to their pathology results, for example, when they come out, and being able to make and change their appointments through MyDHR.

There were some things that were brought forward. It is then fair to say that there were also some things about the data challenges that were not as well understood as they are now.

MS CASTLEY: Minister, in October you were warned; I think you said that the data team explained how long it would take to fix that. Did they explain that it would take this long?

Ms Stephen-Smith: Not specifically in terms of, “It’ll take this long to fix this and it’ll take this long to fix that.” It was more, “It’s a known risk and it’s something that we actually won’t know fully until after we go live.” Mr Peffer might be better placed to comment.

Mr Peffer: I might add an extra explanation around this. To cleanse the data and to be able to produce national submissions is something that is quite different to operational reporting which we use day to day. Right now, we have a live dashboard that tells us about ED performance. We use it day to day. We discuss it regularly.

With one or two per cent on an operational report that we are using, that is unfortunate but that is okay. With one or two per cent on a national funding submission, it is \$10 million from the commonwealth. They are not the sort of areas that we want to keep going back to correct.

In terms of the challenge, though, the reason why you cannot know with absolute certainty the extent of what you will have to do is because some of it is in the build and the algorithms that produce the report at the back end; some of it is in how people use the system at the front end, and which elements of data they are putting into the system as they deliver clinical care. It is a process that you have to go through.

As the minister said, the healthcare workforce across the territory was trained in advance of the product going live. Every single one of them is human. We would all use Microsoft Outlook slightly differently; it is the same with a big, very complex, data-rich system like the Digital Health Record.

The process we are going through at the moment, and why it is impossible to know at go-live, “This is a six-month project and we’ll tick everything off like this,” is because week after week you are observing the results that are coming through and you are talking to the clinical teams about, “Does that look right; yes or no?” and “What is producing that result?”

Part of it might be how the data fields are drawn into a particular model to produce a submission or a report. Part of it might be where people are putting data in or where they are clicking in the system. So you have to work through the detail. It is enormously complex work, but the team is at absolutely full tilt, working towards it. But it cannot be known with certainty at the outset.

MS CASTLEY: Just to clarify, you were warned that this was a high risk, that you would not be able to get the data reporting; you were also unsure how long it would take to rectify the problem and you decided to go live, with no consideration given to

a delay at all.

Mr Peffer: Ms Castley, if we worked on this for a further 12 months and then went live, we would have the same issue. We would have to observe how people are using the system, and how that flows through into the data that is being captured within Epic that is exported to our data warehouse. Because it is a human thing, time is a factor, but it does not resolve the issue. It is not something that you could simply work on for an extra month and everything is perfect. It does not work that way.

Ms Stephen-Smith: Ms Castley, you can see that when you look at the reporting in the FOI. If you look at the dashboard report from 7 November to 6 December, for example, it is telling us, in the business intelligence and data project, that it is amber and it is trending up. At that point everyone was confident that it was going well and it was trending up. If you look at the next month, it is red and it is trending down, because of exactly what Mr Peffer said: when people started using the system, that was when some of the additional challenges were identified.

It was not that it was constantly red and we were being told, “It’s going to be a real problem,” “It’s going to be a real problem,” “It’s going to be a real problem and it’s going to have operational issues,” and we chose to go live. It was known that we were only going to know more after it went live. The decision to go live was based on it being a substantial improvement in our clinical management and safety for patients and consumers. We can see that through some of the data in terms of reduced draws on blood because they can be added to an existing sample that can then have extra tests. MyDHR has a whole lot of data about how much that is positive that the Digital Health Record has delivered.

You have also had a question on notice response, which I do not have with me, from February about the burn rate. As Mr Peffer said, we could have taken this project forward for another 12 months. It would not have increased the clinical safety of going live, but it would have continued to have a massive burn rate in terms of how much it cost the Canberra community to delay this, and we would still have had issues, as Mr Peffer said. We knew that we would still have issues once we went live and saw how people actually used the system.

MS CASTLEY: When will it be resolved?

Ms Stephen-Smith: I have made a ministerial statement about this, and I have made public statements. The intention is to have a data submission in September. I might hand over to Mr Peffer to give more details, but we have authority to then update that data submission in November. Again, the National Health Funding Body and the AIHW fully understand the challenges that we face. They are not worried. They understand what we are facing because they have been through it with other hospitals. It is not an unknown thing. It is not a total surprise to anybody, Ms Castley. It is a challenge, and it is a challenge that we are working through, but it is not—

MS CASTLEY: But one of the issues raised was—

Ms Stephen-Smith: the way you have described it.

MS CASTLEY: that it would impact reputation and federal funding. What has been the impact of that?

Mr Pepper: The impact on federal funding at this stage is none. The team has been in constant contact with various commonwealth bodies, including the AIHW and National Health Funding Body, about the time frames for those submissions to go through. The intention is that data will start to flow to the commonwealth bodies in late August and through September.

MS CASTLEY: Is that a manual process?

Mr Pepper: No, these are the final submissions that will be going through. I have to be really clear on this: the teams that actually validate and verify are a combination of not only some wonderfully clever data people, but also our frontline clinicians. The people working on the ED data are either delivering clinical care in the department or they are working with the team on resolving this. It is not a readily accessible team that can sit down and work on this all the time; we have to go through a bit of a process.

We are on a pathway. We have the plan to close out these various data reports. At this point in time we do have our own internal data that we use against the indicators that are in the budget papers. As I said, accuracy is important when we are reporting publicly, particularly when it is going to various commonwealth regulatory agencies.

Ms Stephen-Smith: The other thing I would add, to put context around it, is that, ultimately, we will end up with much better and more robust datasets. Ultimately, we are going to be able to pull data, for example, on outpatients, which has previously always had to be done manually. We have never had a system where we could easily pull a comprehensive set of outpatient data. Ultimately, we will end up with a system where we will have much better, much more robust and much more comprehensive datasets on which we will be able to report publicly more frequently as well.

MS CASTLEY: My last question is about the briefings that you received. We know through the FOI that you were getting monthly briefings and reports. When you hit that BAU phase, did monthly briefings still occur? Because you went live for that BAU, you still had many high risks. I am wondering how often those briefings occurred.

Ms Stephen-Smith: In the period immediately post go-live, I was being briefed more often. I would have to look at my calendar to work out exactly when. Now, and a little bit after go-live, it became part of the regular weekly meetings that I have with Canberra Health Services and the Health directorate.

MS CASTLEY: It was not a specific project briefing?

Ms Stephen-Smith: With my staff, there is a “top 10 at 10” meeting that initially was daily; it then went to, I think, every second day or a couple of times a week. It then went to weekly, and now it is less—

Mr Pepper: Still weekly.

Ms Stephen-Smith: Still weekly. One of my staff attends that meeting as well; so we keep informed.

MS CLAY: Minister, I would like to have a chat about the new community-based health services that you have announced. On page 158 of the budget we have a capital injection of \$16.6 million over four years, and net cost of services of \$255,000, which looks quite low. On page 58 we have \$16.8 million allocated. I am trying to work out how much money in total is actually allocated to this initiative, and the breakdown between capital and services.

Ms Stephen-Smith: What was the second reference you made?

MS CLAY: We have \$16.6 million over four years, on page 158, and on page 58 we have \$16.8 million.

Ms Stephen-Smith: On page 158, it is \$16.561 million in capital and \$255,000 in expenses, which totals \$16.8 million.

MS CLAY: So it is \$16.561 million in capital and \$255,000 on services?

Ms Stephen-Smith: Expenses.

MS CLAY: Expenses; okay.

Ms Stephen-Smith: That is not for ongoing services because the—

MS CLAY: Yes, that is just for the build.

Ms Stephen-Smith: facilities have not been built yet.

MS CLAY: Yes, that is just for the build.

Ms Stephen-Smith: That is just for design development. In terms of capitalising it, my expectation is that the design development work can be capitalised if you have already committed the capital funding. You are going ahead with the project and you have put the capital funding in; then you can capitalise some of the design development work. If you have not yet committed the capital funding, some of that early design cannot be capitalised and would be counted as expenses.

This \$215,000 in 2023-24, and \$30,000 in 2024-25, would relate to early work for north Gungahlin and the inner south that cannot yet be capitalised. With the work for Tuggeranong, we have committed to south Tuggeranong; because we have committed the full funding for the development of the project, that would be capitalised.

MS CLAY: With south Tuggeranong, is that the \$16.6 million?

Ms Stephen-Smith: There may be some additional capital funding for some of the others. I think that is right.

MS CLAY: West Belconnen, too, I am assuming is part of that design.

Ms Stephen-Smith: West Belconnen is a little bit further down the track because a decision has not yet been about a location for west Belconnen. We think it will probably be in the Ginninderry area, but we do not have a final location for that, so we are not in the phase of doing design development work. That was always the one that would be the last one delivered.

MS CLAY: Probably for the detail, what I would like to know is where you are up to on site selection for all of the facilities, and when you expect that they will be complete. That is probably the most relevant question.

Ms Stephen-Smith: We have a site for south Tuggeranong. I cannot give you the block and section number, but someone might be able to. It is currently a vacant site near Lanyon Marketplace. For north Gungahlin, it is blocks 12 and 13 near Casey group centre. There is some work going on around development of planning for those blocks, and we have earmarked that, as part of the further community consultation and development. In the inner south we are looking at some space in Griffith, behind the shops there. We need to have a conversation with the community about that, but there is a community facilities zoned block that is undeveloped.

MS CLAY: When would you expect each of those facilities to be up and running, including south Tuggeranong, which is much further advanced?

Mr Peffer: South Tuggeranong is block 13, section 228.

Ms Zagari: Your first question was around the allocation of capital and what that was allocated to. There is roughly \$14.3 million in capital funding over the four years for the design and construction for south Tuggeranong. There is around \$800,000 in capital funding over the three years for the capitalised project management labour expenses. On the question about what was allocated in capital to the other sites, there is around \$850,000 in capital funding. There is early design and planning for the community centres in both Casey and Griffith, as well as free-of-charge resourcing that is factored in from Major Projects Canberra, because it is already in the base allocation for that service.

The intention with south Tuggeranong is for a single-storey design and build, with planning for south Tuggeranong to open from around mid-2026. Obviously, there is a program of works to deliver ahead of that time, but the site selection has been done and there is some preliminary design and intent as to what that facility will contain.

MS CLAY: Do you have dates for the other centres?

Ms Zagari: Not at this time.

MS CLAY: Not far enough advanced; obviously, much later than mid-2026, one assumes.

Ms Stephen-Smith: Fingers crossed, not much later, for north Gungahlin.

MS CLAY: Great. I will ask again at another time. What exactly do we mean by multidisciplinary health care in those facilities? What sorts of health care will they be offering, and will it be public or private?

Ms Stephen-Smith: Public.

MS CLAY: Excellent.

Ms Stephen-Smith: Definitely public. There is a close connection between this infrastructure development and the work that is happening in relation to integrated care and care closer to home from a models of care perspective. Obviously, we want to keep people well, in the community, and keep them out of hospital where possible. We know that in our community we have relatively poor capacity of access to GPs because of the low number of GPs and the low rate of bulk-billing in the ACT. We also know we need to do better in building a connection between acute care, our community-based services and general practice in primary care and nurse practitioners who practise privately et cetera.

One of the things that we are looking to do in the health centres and in reviewing the models of care across our existing community health centres is building teams of allied health professionals, nurses, nurse practitioners, medical professionals and GPs as care teams, particularly for people with complex or chronic conditions, so that they can have a care team wrapped around them, in order to stay well in the community rather than ending up with their conditions escalating and in hospital. Someone else might be able to talk more about what we mean in terms of multidisciplinary teams, but that is really the objective.

Ms Zagari: It is multidisciplinary from within Canberra Health Services; also, one of the particular things with the community-based health services was the ability to have input from different directorates, and potentially NGOs, to bring together groups that provide care to our community so that they can access services in a single location instead of having to go to multiple different locations.

We are in the process at the moment of reviewing what might be included in each of those centres and where services might locate to a particular one or be spread across the breadth of those—considering what services can appropriately be provided in the community rather than in central, hospital-based campuses, which is an ideal model for delivery of services which can be provided in the community. The clinical teams are working at the moment on what those models might look like. Clearly, there will be community consultation involved in that process as well.

MS CLAY: Does that mean that some of the clinics might specialise in certain things? Is that what you are saying?

Ms Zagari: Yes, that might be the case. Because it is not always efficient to provide that at every site, we might say that the Conder site offers some specific, more specialised services than something else in the south et cetera.

Ms Stephen-Smith: The other thing in terms of integration is the opportunity for people to be booked in for a follow-up appointment if they are discharged from

hospital or to be supported pre and post-surgery. We know people need to prepare if they are having surgery and they need some follow-up post-surgery. Being able to do that in the community is really important.

One of the things we have heard from the College for Emergency Medicine is that, because of difficulty in accessing GPs, emergency specialists are sometimes reluctant; they want to treat people in the emergency department. If they say, “You need to follow up with your GP,” there is sometimes a lack of confidence that that person will be able to access their GP.

If they can make an appointment using the Digital Health Record, they can easily make an appointment for them to turn up the next day at a health centre close to home to get followed up. They then have more confidence in discharging them, knowing that they have somewhere to go to be followed up; and, if that person does not turn up for their appointment, they know that and they can be proactively followed up as well. Those are the kinds of things we are trying to think about in terms of integrating that care across the hospital and community-based system.

MS CLAY: Thank you; that makes sense.

MR PETTERSSON: I was hoping we could get an update on progress of the Canberra Hospital expansion.

Ms Stephen-Smith: Yes, we can. It is going very well. The scaffolding has come off the front of where the emergency department is going to be—the red-brick area. We topped out a little while ago and we have had a few announcements since then. If you are on campus, you can really see the welcome hall connecting the new building 5 with building 2, which will be the new front entrance or main area for congregation and for the reception desk. That is really coming along, and I understand the people who work in reception are very excited about having a new area with a lot of natural light compared to where they are currently situated. It is going well. Martin Little can help.

Mr Little: I acknowledge that I have read and understood the privilege statement. The Canberra Hospital expansion project, as the minister said, is going very well. The structure topped out earlier this year, in March-April. Since then the building has largely been closed in and is almost waterproof. The facade is going on; the scaffold on the building externally is starting to be dismantled.

Internally, the building has been fitted out from the bottom upwards, starting at the lower levels. The lower level has the major plant and building services. Stand-by generators have been installed and building plant has been installed. We now have power on in the building, in conjunction with Evoenergy. The high-voltage supply was connected in the last few weeks.

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Progressively, we will see over the next six months the actual building being energised, with lights coming on. The welcome hall will be closed in and very shortly will be finished, for all intents and purposes. Attention will then focus on commissioning the building. We are working very closely with Canberra Health Services and Multiplex, our construction partner, to effectively commission the

building, ready for clinical commissioning to commence.

MR PETTERSSON: Thank you. This budget includes significant investment in the critical services building operations. Can you outline what this investment will support?

Ms Zagari: This will support actually moving into a building where the technology and the building itself are very different from anything else on the Canberra Health Services campus. This is a really modern health service delivery, with a lot of space involved. It is a really big building with excellent amenity for patients and staff, which means there is a different way of operating that sort of building and in being able to manage such large areas.

The funding includes provision for additional staffing. Particularly, there are a lot of patient support staff in there—cleaning and building operations. There is also a component of clinical staffing in there, around opening of additional theatres, for example. It is the first year of funding at opening profile, in being able to commission that building and get people into the clinical spaces and to start using them.

There is also a bit around things like tugs to move the food trolleys and things like that through the building. There is some technical infrastructure funding in there which is specifically about the new building and how it operates. Without going too far into it, there is a new port, which is the way that supplies and things will enter the building.

MR PETTERSSON: That is great. When do we expect to see the first patients in the building?

Ms Zagari: Towards the end of next year.

MS CASTLEY: Minister, at the 2016 election, it was promised that the expansion would be operational in 2022, last year. I think it was Mr Edghill who said that it would not be completed until mid-2024. Do we have an actual fully operational date?

Ms Stephen-Smith: The expectation is that it will open in mid-2024. I know, Ms Castley, that the opposition consistently goes back to this, but I would emphasise that since the final location of the building on the Canberra Hospital campus was announced in December 2018, the time line has not changed. There were some delays in the early development work, where some further consideration was given to the location of the building on the campus. We went through this many times in the last term of government but I recognise that you were not here then. The original proposal was to build it on the current helipad site. There were some considerations about both the disruption that that would cause, in terms of building on that site, and the fact that another helipad would have to be delivered as a temporary measure, if you were going to remove the helipad and build on that site. It was identified that a better location would be where the previous buildings 5 and 24 had been, because they were non-clinical spaces, and that could be decanted, and people moved.

That decision-making took place between 2016 and 2018. Once the decision about the revised location was announced, at the end of 2018, my very clear recollection is that

the time line has not moved from then. We are still on track to deliver that time line that was announced in December 2018.

MS CASTLEY: In annual reports hearings in March 2022, there was questioning about the cost of the expansion. I have the quote here:

... currently on budget in terms of the business case that was brought forward for the building that we are building and the location that we are building it in, at \$624.5 million.

The budget papers show that the total project cost is \$661 million, up from \$624 million. Can you explain why there is a nearly \$40 million increase in just over a year?

Ms Stephen-Smith: That was mostly budget announcements that were made in last year's budget. Very explicit decisions were made about expansion of the scope of the building—

MS CASTLEY: Additional—

Ms Stephen-Smith: Additional things, including the pandemic overlay, expansion of the central sterilizing service and the establishment of the hybrid theatre. In terms of actual cost increases, there is still a contingency within the project, and it is still within budget, but some additional things have been added to the project over time.

MS CASTLEY: I have some questions about golden staph. Could you let me know how many cases there were across all ACT public hospitals in 2022-23?

Ms Stephen-Smith: Yes, we can do that.

Ms Zagari: We need to take that on notice.

Mr Peffer: We can provide that on notice.

Ms Stephen-Smith: We can take it on notice. I think we do have the information. I think I saw it in something this morning. Did you say 2022-23?

MS CASTLEY: Yes.

Ms Stephen-Smith: Sorry; I was talking about the previous year.

MS CASTLEY: Take that on notice?

Ms Stephen-Smith: Yes.

MS CASTLEY: Specifically, I am also interested in the breakdown across the hospitals. We had 28 cases in 2019-20. It went up to 37 and then to 35. Could you give me that for Canberra, for the current year?

Ms Stephen-Smith: Yes.

MS CASTLEY: Do you know what the death rate is for people who do get staph infections? Will you take that on notice?

Ms Stephen-Smith: Yes.

MS CASTLEY: Thank you. Also, could you explain how many of the cases that we had responded to antibiotics and how many did not? I believe that they are antibiotic resistant. Could you give me that detail as well, for the cases that we had in the Canberra Hospital?

Ms Stephen-Smith: We can take that on notice, Ms Castley.

MS CASTLEY: Thank you. I am interested to know how many of the cases that we did get in the ACT passed away due to staph infections. Could you add that to the ones taken on notice?

Ms Stephen-Smith: We can take that on notice. In relation to your first question on notice, Ms Castley, to be clear, do you want the actual numbers, not the rate? The rate, obviously, will depend on finalising the data on activity.

MS CASTLEY: I would like it all. I would like to understand how many we have had year on year. This is the year for which the data is missing—

Ms Stephen-Smith: Yes.

MS CASTLEY: Could you let me know? Also, do we know the rate for people passing away and dying from it?

Ms Stephen-Smith: Yes.

MS CASTLEY: Looking at the figures, it has increased year on year. An article I read from 2015 said that it was a problem back then. Can you tell me what the strategy is to reduce the incidence of golden staph infections?

Ms Stephen-Smith: Yes. If you look at the data that has been publicly reported, there was a reduction over that period, since 2015-16. It has ticked back up again. I will hand over to Janet to talk about what we do about it.

Ms Zagari: Whenever there is an identification of a golden staph infection, I will take it that we are referring to *Staph aureus* bloodstream infections specifically, given that that is the data that is reported. The infection prevention and control unit would convene a review that looks at where the likely source of that was from—looking at what is in the blood cultures and the pattern over the duration of the admission, to try and understand where that has come from. We would also review relevant factors—not only the things about an individual patient that might make them more susceptible but also our hand hygiene rates within that area and what procedures have been undertaken to try and identify specifically, around each of those cases, what the contributing factors were in order to address them. There is a very intentional review of every one of those cases that looks at how this can be prevented in future.

In addition, there are a series of strategies around things like hand hygiene rates, and ensuring that we are above the national benchmark that has been set for that. The raft of strategies that are outlined in the national standards for safety and quality in health care talk about how to prevent and improve infection prevention and control across the organisation. The quality and safety team are working with the infection prevention team on identifying additional strategies that may be required. We will provide some further detail on notice about the specifics of what those are that are being implemented.

MS CASTLEY: Thank you. I am looking at the things, Minister, that you mentioned. In 2015, there was a big spike; then it went down. But it has gone back up again. I am wondering what your thoughts are. Would you agree that the strategy that you have to stop infections is not working?

Ms Stephen-Smith: I do not think I agree with that statement, Ms Castley. Obviously, when we look at the data, we need to have another look at those efforts. I would note that the data shows there has been a reduction since 2020-21. Obviously, while it is a relatively small reduction between 2020-21 and 2021-22, it is at least moving in the right direction between those years.

It is also important to recognise that there are differences in the way that the ACT data is reported nationally. In terms of comparisons across jurisdictions, my understanding is that Canberra Health Services data includes non-inpatient hospital-acquired infections that are associated with health care that was received as a non-inpatient—in an emergency department, in an outpatient clinic and in a community health service. That methodology increases the numerator without necessarily increasing the denominator, compared to the way some other jurisdictions count the data.

In terms of those national comparisons, there is a clear caveat, and it is included in the AIHW table, that specifically says that the ACT data may not be comparable with other jurisdictions' data. Your question is the right one, in comparing our own trends over time. Certainly, our trend has been going in the wrong direction, and that is why there has been extra effort going into ensuring that that comes back down.

THE CHAIR: Minister, doesn't that indicate that your processes here are not working?

Ms Stephen-Smith: I think one of the things that we need to take into account, Mr Parton, is that you might be talking between 30 and 35 people. Again, when you are in a small jurisdiction and you are talking about relatively small numbers of people, there might be some specific circumstances that account for that, rather than the systemic issue that you are talking about—or there might not.

I am not going to say there is or is not a systemic issue. Obviously, when we see that data trending in the wrong direction, that then tells the team: "We need to understand why that's the case. We need to redouble efforts." As Ms Zagari has been saying, each one of these incidents triggers a response. Then, overall, we need to bring that together and understand whether there is a systemic concern as well.

MS CASTLEY: I am looking for clarification on one of the questions taken on notice about how many people have died. I believe it sticks around for a while, so do you have figures for within maybe a year after they have been discharged?

Ms Zagari: I think that would be difficult to obtain. If there was a death that was related to a staph aureus bloodstream infection we would be able to provide that data. If someone has been discharged from their admission and has died from any cause within 12 months we would not be able to necessarily obtain that information. It would depend on where they died and under what circumstances. But if the cause of death was related to a staph aureus bloodstream infection and they died within the ACT, we would have that information.

MS CASTLEY: Is there a process to follow up with patients that get golden staph?

Ms Zagari: Are we talking about a staph aureus bloodstream infection?

MS CASTLEY: Yes.

Ms Zagari: It is important to differentiate because there is a difference between being colonised with staph aureus and having an actual infection. We continue to care for them until a bloodstream infection is resolved. It is not the case that we send them home with a bloodstream infection and do not continue to provide care or follow-up. So we would know if this was the cause of death. But once the bloodstream infection is resolved and the person has been discharged, we would not be following them up spontaneously on a non-required basis. It would be according to their clinical care requirements, as with any infection or illness.

THE CHAIR: Minister, let's talk Calvary. I am on budget statements C, page 57, and I am just trying to get more of an understanding about the decision not to include any figures that relate to the takeover of Calvary. On page 57 of budget statements C, you say:

The Territory's budget estimates contain a number of central provision estimates in relation to the transition based on information known and quantifiable at the time of finalising the estimates.

Can you confirm whether CHS will be responsible for paying the just terms compensation payment to the Little Company of Mary?

Ms Stephen-Smith: CHS will not be responsible for that. That is a territory matter, and that is something I would suggest the committee take up with Treasury next week, if you are looking for information about what has and has not been included in the budget papers. Those are the decisions that are taken by Treasury in terms of appropriate budget treatment.

THE CHAIR: So, with regard to those just terms payments, what you are telling me is that, as we move forward, this will not have any impact on the specific health funding envelope?

Ms Stephen-Smith: No.

THE CHAIR: This payment is not included in the 2023-24 budget statements C financial figures. It is not there.

Ms Stephen-Smith: Again, I would suggest that you take up with Treasury what is and is not in the budget papers and where you can find just terms compensation in the budget papers.

THE CHAIR: All right.

Ms Stephen-Smith: The payment of redundancy, transition costs and just terms compensation will be not a matter for CHS. It will be a matter for the Health Directorate and the territory as a whole. Ms Lopa can talk about how that is being managed.

Ms Lopa: Thank you. Under the Health Infrastructure Enabling Act and regulation, there is a process for Calvary to make claims to the territory for compensation and transition costs. Under the act, the territory is liable for any transition costs that Calvary is having as a result of the transition of the health services—for example, redundancy payments or having to pay a team to transition the hospital et cetera.

The process for all of the claims under the act and the regulation is that they put in a claim through section 21 of the reg. The territory has 12 weeks to assess that claim, go back to them and either reject the claim or make an offer. Then, through the regulation, there is also an independent process. If Calvary and the territory are at a disagreement over what the claim is and how much should be paid, there is a process for going to an independent arbiter to work out what the territory should be paying. Ultimately, there is also the option for Calvary to go to court.

THE CHAIR: I have a funny feeling—and I am sure the minister would share this belief—that Ms Castley may have a follow-up question.

MS CASTLEY: Thank you, Chair. I appreciate that. The budget outlook mentions that employee expenses are expected to increase by \$315 million, which is due to enterprise bargaining and employee expenses for the North Canberra Hospital, yet employee expenses are only increasing by three per cent for CHS. Can you explain whether the increases referenced in the budget outlook have been included in CHS's financial statements?

Ms Stephen-Smith: Sorry, can you provide the—

MS CASTLEY: The budget outlook says that the—

Ms Stephen-Smith: Do you have a page reference?

MS CASTLEY: Yes. It is 215, I believe. It is the budget outlook, page 215. It says there will be a \$315 million increase, which is due to enterprise bargaining and employee expenses for the North Canberra Hospital, yet I see that the employee expenses are only increasing by three per cent for CHS. Do you have the page there? Can you explain the increases referenced in the budget outlook, and have they been

included in the financial statement? I believe there is a 1,800 staff increase. I imagine that is going to impact on your operational statement. If you are only increasing by three per cent, you have got \$315 million. Can you explain where that 1,800 increase in staff has been reflected?

Mr Pepper: The first part of the question relates to the 314.9 on page 215, I think, Ms Castley. That is whole-of-government. That is general government sector expenses, not CHS specific. Our operating statement is on page 57 of budget statements C. At the time of acquisition, on 3 July, those expenses relating to the workforce of the previous Calvary Public Hospital, which has now transitioned, were captured in the local health network budget. They are not yet reflected in the CHS budget. I am advised that that change will be reflected in the midyear update to the budget statements.

MS CASTLEY: Why is that? Why the local health network budget, not your budget?

Mr Pepper: There are probably others here who are better equipped to explain this. Funding for health services flows through the election as a construct. It takes both the territory's contribution and the commonwealth contribution, which has to be funnelled through a particular account under the National Health Reform Agreement. It is a requirement of all states and territories. Previously, up until 3 July, that funding flowed through that account and then on to Little Company of Mary or Calvary Health Care to fund service delivery there. In the future that will flow to Canberra Health Services. At the time when the budget was established, for 1 July, that had not yet been acquired or reflected as a CHS entity because it was not.

MS CASTLEY: It does state here, on page 215, that employee expenses are forecast to grow, compared to the estimated outcome, and that the increase reflects forecast employee expenses for the North Canberra Hospital and increases in staffing costs to do with enterprise bargaining. It just does not make sense to me, but I guess we will wait for the next iteration.

Ms Stephen-Smith: Yes. If you want to put a question on notice that clearly articulates what you are trying to break down, we are very happy to respond to that. As a general principle, in terms of the way that enterprise agreement outcomes flow through, as Mr Pepper pointed out, the first part of the question related to a whole-of-government enterprise agreement outcome. The way that flows through is that there is a provision for growth across all directorates that builds in, to some extent, wage growth.

Where enterprise agreement outcomes are above that, there is then an explicit decision about whether directorates are going to be supplemented for increased wages or absorb some of that cost. That is directorate-by-directorate decision-making as we go through the enterprise agreement process. That then flows through. If you put your specific question on notice around the comparisons that you are looking at, we can respond to that. But, generally speaking, there is a separate process, through the enterprise agreement process, looking at how much supplementation directorates are going to get to support those outcomes.

Mr Pepper: I think the nature of the question is correct in that the 315 reflects two

things. One is the territory-wide impact of the EBA on public servants across the board. The other is the payment for employee expenses, which previously would not have been recognised as employee expenses because, essentially, it was a contractual payment, a fee for service to another entity. The Calvary workforce were not ACT public service employees up until that point of acquisition, at which point they transitioned. It has multiple elements, but I think they are the two largest.

MS CASTLY: You had a fair idea of how many would come over; yet they are not in this budget. Surely by 3 July—

Mr Peffer: I think the dollar value is reflected in the budget, but not on a line-by-line basis for employee expenses. The totality of the funding remains in the LHN budget to flow through to the health services.

THE CHAIR: Essentially, what you are saying here, Minister, is that there are large parts of the CHS budget that are not complete and that we in the public will have to wait until the midyear review to have an accurate picture of how much the takeover costs, how many staff the directorate has increased by and how the hospital is performing. We are all going to have to wait until the midyear review for that. Is that—

Ms Stephen-Smith: No, I do not think you will. There is probably some information that can be provided in relation to employee number increases now. Certainly, we can respond to questions on notice in relation to that. Building on what Mr Peffer was saying, when Calvary Health Care was contracted to provide services at Calvary Public Hospital Bruce and Clare Holland House, that contract covered wages, but it also covered all of the other costs associated with delivering a hospital and a palliative care facility.

That has not been able to be broken down, recognising that the budget papers are not developed on 1 July. The budget is given earlier and the papers and have to be finalised some weeks before the budget is actually delivered. Not having full insight into Calvary itself and how its costs were broken down between wages and other costs, it would have been impossible to flow that information through to Canberra Health Services in these budget papers when the acquisition had not even taken place. Now we have a much better understanding.

THE CHAIR: I think there will be some watching who will wonder whether this is the smoke or this is the mirror. The numbers are not going to be clear because they are just not known. Here we are—

Ms Stephen-Smith: If there is information you want, Mr Parton, ask the question now or put it on notice.

MS CASTLEY: Can I ask the question? If it is in the LHN budget then what is that cost?

Ms Stephen-Smith: What is what cost?

MS CASTLEY: Mr Peffer, I think you said that it is parked with our local health

network now. How much is parked there, ready to come to you?

Ms Stephen-Smith: What we paid Calvary Health Care last year, in the previous financial year, was \$262 million.

Mr Peffer: \$269 million.

Ms Stephen-Smith: \$269 million. That was what was in the LHN for Calvary Health Care. It now comes back into the LHN to be used for Canberra Health Services to deliver those same services.

MS CASTLEY: So that would be the figure that it increases by.

Ms Stephen-Smith: But what you were asking for earlier was a breakdown in wage costs.

MS CASTLEY: Okay; it is \$269 million. Thanks.

MR PETTERSSON: Whilst we are on the acquisition of Calvary, there is money in the budget for the design of the new hospital. Can we talk through what that money is going to be spent on?

Ms Lopa: We will be moving into what is called the detailed design phase of the new hospital. In order to go to the business case, we had a proof of concept design. We have done a high-level design. We decided on the scope of the hospital and went to government with a business case and said, "Approve the project and give us funding now to break it down into detailed design."

As a result of the operator decision and CHS running North Canberra Hospital, obviously we will be running the new north-side hospital. We are doing a piece of work now to look at the Canberra Hospital Master Plan infrastructure that needs to be delivered and looking at the new north-side hospital. We are looking across both those campuses, which is a really great opportunity to smooth out that infrastructure build and look at where we are going to put our services and where we will be investing in our infrastructure. That piece of work is underway now to bed down the final scope of the north-side hospital. We are looking at what opportunities we have for services that could be delivered on the north side.

Then we will be moving through detailed designs. That involves having a lot of consultation with our workforce and the community, looking at it room by room, really getting into the detail of what that design is, getting it through the DA stage and then getting a contractor in to start building the hospital. There are also a lot of enabling works that we will need to do for the north-side hospital. We need to do some demolition and some work ahead of time to move people and decant and all those things, so we will be getting on with all of that work as well.

MR PETTERSSON: Wonderful. Thank you.

MS CLAY: Minister, I am just wondering where in the budget you have got the funding for the design and planning of the freestanding birth centre?

Ms Stephen-Smith: That is part of the north-side hospital considerations.

MS CLAY: We saw a few omnibus things, but we were not quite sure. Can you talk me through what the funding is and how you are going with that design project?

Ms Stephen-Smith: As Ms Lopa said, we have gone through the first stage of conceptual design and what we think the hospital is going to roughly cost. We are now in the process of working through, between the Canberra Hospital Master Plan and the north-side hospital, what can be delivered where, as we get to the detailed design and development. We are particularly working with the staff at North Canberra Hospital on what that detailed design process is going to look like and what the models of care are going to look like. That will then inform the infrastructure investment that we need to make in a freestanding or alongside birth centre. That also needs to be done by building from what that model of care is going to look like. That needs to be developed with the staff on the ground.

MS CLAY: Excellent. What is your consultation model to make sure that you have got midwives leading the design work on that centre?

Ms Stephen-Smith: We have not started that consultation yet. I know that Calvary Health Care had done some consultation on its master plan with its staff. Dr Pretorius might be able to talk a bit about what it has done, to date. We will then be engaged in more detailed conversation with the staff on the ground about all of those models of care and how that feeds into the infrastructure. That has not started yet. Obviously, we are only a couple of weeks into post-acquisition and there has been a focus on getting that done.

MS CLAY: Sure. When you begin that consultation, are you able to alert our office and let us know who you are talking to so that we can tell you if there are others who have contacted us who would like to be involved? Is that possible?

Ms Stephen-Smith: There will be an open consultation process, as well as the staff specifics. All staff working at the North Canberra Hospital will be invited to participate in that process. It is not going to be some kind of exclusive process of consultation for those staff. Are you talking about beyond—

MS CLAY: I am talking specifically about the freestanding birth centre, because the commitment was to a midwife-led design and it is intentionally meant to be a non-hospital service. If you are only consulting with hospital staff who currently are involved in birth services, it will not be a midwife-led design. I am trying to make sure that we have a midwife—

Ms Stephen-Smith: There are many midwives who work at the hospital, but, yes.

MS CLAY: I completely understand, but I am just trying to make sure that we capture all of the people; is that clear?

Ms Stephen-Smith: Yes.

MS CLAY: Great. Thank you.

DR PATERSON: Minister, from talking to lots of parents about the challenges of getting ADHD and autism assessments in the ACT—and Deep End GPs raised this in the cost-of-living inquiry—we know that there is a real gap in the ability to get assessments. I received correspondence about this and I wrote to Minister Davidson, but I think it falls within your portfolio areas. The response was that the CHS Women, Youth and Children area and the enhanced child services office is a multidisciplinary assessment team for children with ADHD. I am just wondering how this budget goes to funding that service but also expanding services for assessment for ADHD and autism in the ACT.

Ms Stephen-Smith: Thank you, Dr Paterson. Primary responsibility for multidisciplinary autism assessment sits with Minister Berry, through the Child Development Service. That service provides autism assessment and support for children up to, I think, six or seven, and multidisciplinary assessment for autism up to 12 years of age for those children who have not been previously diagnosed. We also have a range of community paediatric services and allied health services through CHS. I am going to hand to somebody to talk about those. That would be you, Grant.

Dr Howard: Morning, Minister. I am the Chief Operating Officer for Canberra Health Services and am also representing the Executive Director, Medical Services, which is not, as the title suggests, someone who runs the division of medicine but the senior doctor for the organisation.

Indeed, we do deliver a range of services in the child development and assessment sphere. I think there has been a lot of talk already this morning about services delivered in the community, moving forward, and how we model that and cluster that. Prior to COVID, one of the major parts of CHS that delivers the child development and assessment service moved onto campus, into Building 3, which is a really nice facility, but we recognise that we have not yet met the demand that is lining up to see us.

We are really moving to multidisciplinary focus, rather than medical-led and medical-dominated models. That has created some challenges but has also created some opportunities. Clearly, we are looking forward in terms of investment in the community area but also removing the service from being a hospital-based service to being more of a community access service. We will be talking through the greater range of services that we are delivering in the community.

I have worked at a number of health services over time, and I can honestly say that I have not seen the investment in the community, and services delivered in the community from a health service, in the way that CHS has set about doing. That creates some challenges—it is really good that we are focused on delivering in the community—but it also creates opportunities for us from time to time to look at what we are doing and work out how we can strengthen that, moving forward. The space you have spoken to is one of those.

DR PATERSON: Is there actual planning going on to move these services into the community?

Dr Howard: There is a push and a pull effect. The pull effect is looking at where the services are best delivered. As has been suggested with the CSB Building, we are looking at the campus master plan and at what should be delivered on a hospital campus and what might be better suited elsewhere, and that is really the push factor. That is an active discussion at the moment: what services do we deliver on a hospital campus that would be far friendlier and better delivered in a community setting?

DR PATERSON: The need for these assessments is pretty dire. That is what was being reported to me. It has flow-on implications for getting support within schools, so people cannot get an assessment. Is there an urgency to progress this work, to get those services or to increase those services being offered?

Dr Howard: Yes, there is. Also, through the expert child health panel that Professor Michael Brydon is chairing, there is a report, which is due in a couple of months and has been finalised, that looks at the entire spectrum, from community to the very sick child in the hospital setting—in intensive care, for example—and will make recommendations on where we should focus in those different areas for the maximum effect.

DR PATERSON: What was that report or that committee called?

Ms Stephen-Smith: It is the Child and Adolescent Clinical Services Plan. The Child and Adolescent Clinical Services Expert Panel has been working to provide some recommendations for the finalisation of that plan. That sits under the ACT Health Services Plan that was released in August last year.

DR PATERSON: Great. Thank you.

Ms Stephen-Smith: Could I just add one more thing, Dr Paterson. If you are interested in progressing this, there is that intersection with the Child Development Service but also with education. As you said, at the moment there is often a requirement for a diagnosis to access additional supports in education. The Education Directorate has been doing a lot of work and consultation around its inclusive education model, so it is probably worth coming back to ask some questions of Education as well about what that might mean in terms of the need for diagnosis for support versus support based on need in the learning environment.

DR PATERSON: Great. I will do. Thank you.

MR PETTERSSON: The budget includes funding for implementation of the healthcare workers code of conduct. What will that funding cover?

Ms Stephen-Smith: That funding primarily covers support for the Health Services Commissioner, within the Human Rights Commission, to support community to understand what the healthcare workers code of conduct is going to mean, to support unregistered or non-registered healthcare workers who are going to be subject to the code, and to also work with employers and employer organisations to ensure that their employees and their organisation are meeting the requirements of the code. Specifically how that funding will be utilised is probably a question for the Human

Rights Commission. I think most of the funding is for that.

MR PETTERSSON: Sure. Thanks.

MS CASTLEY: I have a question about PwC contracts for the north-side hospital. On 12 February 2021 a contract was commenced with PwC for the north-side hospital delivery program. Part of that contract asked the adviser to look at delivering programs based on two options: the current Calvary Hospital site, and a greenfield or brownfield site in the north of Canberra. It also went on to look at other issues, such as contractual arrangements relating to Calvary Public Hospital Bruce. Did the commercial adviser, under this contract, provide advice or information on the compulsory acquisition in their report or in another format?

Ms Lopa: Thank you, Ms Castley. We had PwC work with us as a commercial adviser for the business case for the north-side hospital project. They provided a range of advice and also authored the business case with us. Their advice covered all things infrastructure—the actual building of the building, the delivery model assessment, all of those things that you would normally see in an infrastructure business case. They also did some commercial advisory, along with our legal advisers. We had the GSO and we also had an outside legal adviser that looked at the contract with Calvary. We did look at the CNA, we looked at clauses in the CNA, et cetera, in looking at delivering the hospital on the Calvary site. You are right: we also looked at other sites when we were looking at where to build the hospital. PwC and our legal advisers had worked through and given us advice on all things to do with Calvary's contract but also on the infrastructure of the hospital.

MS CASTLEY: Can we get a copy of that report? Is that available?

Ms Lopa: The business case is cabinet-in-confidence, so I would have to take that on notice as to whether or not we could provide that. My thought would be probably not.

MS CASTLEY: Did the commercial adviser, in the discussions around that commercial aspect, bring up the compulsory acquisition option at that time?

Ms Lopa: From the very beginning of the project, in looking at the Calvary Hospital campus as a site for the new north-side hospital, compulsory acquisition was always an option. We had been speaking to Calvary very openly since last year about the fact that compulsory acquisition was always an option for government to acquire the land on which a hospital would be built. It was not PwC who raised compulsory acquisition, if that is what you are asking. It was always an option that was in the government's consideration.

MS CASTLEY: Was there a direction from ACT Health or CHS or the government to investigate the possibility at that time?

Ms Stephen-Smith: As Ms Lopa has said, we have always known that was a possibility and particularly—

MS CASTLEY: But was that a specific direction under that contract for the—

Ms Stephen-Smith: For PwC to explore it?

MS CASTLEY: Yes.

Ms Stephen-Smith: No.

MS CASTLEY: No. Okay.

Ms Stephen-Smith: No. That was an option that we have always known was on the table and that we have been having discussions with our own internal legal advisers about.

MS CASTLEY: There was a second contract for \$1.3 million, titled “Northside Hospital Project”, and part of that was that a project update was due to be provided in February 2020 outlining key negotiation parameters. Can you explain what that contract was for?

Ms Lopa: It was a continuation of the commercial advisory. When we were entering into negotiations with Calvary in 2022 we put in a negotiation protocol and looked at negotiation parameters. We entered into negotiations with Calvary very clear about what we were discussing and what the government’s intent was, which was to build a hospital. We knew that we needed to build a new hospital. PwC worked on those negotiation parameters with us, as well as negotiation protocol, hand in hand with our legal advisers. Commercial and legal advisory worked very closely with us on the whole process for the north-side hospital.

MS CASTLEY: All right. Thank you.

THE CHAIR: I want to talk about redundancy payments for Calvary. Minister, are you able to tell me when the redundancy payment plan was approved and when employees were able to apply for a redundancy?

Ms Stephen-Smith: As I have said publicly on multiple occasions, employees at the former Calvary Public Hospital Bruce and Clare Holland House were not ACT government employees. It was not the ACT government’s place or responsibility to have conversations with those staff about redundancy. That was entirely a matter for Calvary Health Care. What we had indicated was that, where someone was eligible for a redundancy, that was considered to be part of the cost of the transition and the ACT government would pay the cost of that. There has been some conversation between officials and Calvary on what that looks like, but the process of seeking indications from people of their intention not to transition to Canberra Health Services and then what that means for those individuals was a matter for those individual staff to discuss with Calvary’s human resources team.

THE CHAIR: My understanding is that the redundancy payment plan was only approved on 29 June.

Ms Stephen-Smith: I do not know if Ms Lopa is the right person to talk with. There were discussions through the transition team about how those payments would be made to Calvary by the ACT government, which may be what you are referring to.

Ms Lopa: With regard to the redundancy payments, Calvary is responsible for paying the redundancies to its staff, but it can claim and has claimed for those costs back through the Health Infrastructure Enabling Regulation, as a cost of transition. They worked very closely with the pay team from CMTEDD to make sure that their calculations of the redundancy were correct, so that when they got to the claim stage we did not say, “Your calculations were wrong, and you paid the person the wrong redundancy.” They worked together on the redundancy payments and they are claiming that money back from the government.

THE CHAIR: You say that they worked very closely, and they worked together. I am probably back to you on this, Minister. When did Calvary first contact you, after you had announced the takeover, to specifically talk about redundancy payments? When did they contact you and when did you respond to them on that issue?

Ms Stephen-Smith: I will take the question on notice, Mr Parton, as to whether I have a record of when that issue was first raised with me personally. My message to Calvary throughout the process was that those kinds of conversations are best held between officials. One of the requirements in the legislation was that Calvary Health Care appoint a transition lead. That was the lead person for those conversations. I do not hold any delegation under the Financial Management Act to be able to make any decisions in relation to payments.

THE CHAIR: But you are the minister and were overseeing—

Ms Stephen-Smith: Yes, Mr Parton, I am the minister. There is sometimes a lack of understanding on the part of the opposition about the responsibilities that sit with ministers versus the responsibilities that sit with directors-general, who have responsibility under the Financial Management Act for the management of public moneys. My consistent advise to Calvary in relation to this matter was that if they wanted to have detailed conversations about how this process was going to work, the financial delegation sits with officials and it was appropriate for their transition team to be discussing with officials exactly how that was going to work. It was not appropriate for me to be holding commercial negotiations with them. I was happy to have meetings and discussions with them and hear at a high level what their issues and concerns were, but the end result of those conversations was: “Our officials need to talk about the details of this.”

THE CHAIR: All right. I take it on board. But I also note that here we are, discussing this massive issue, and you have basically thrown the pass to the director-general, who is not here.

Ms Stephen-Smith: The director-general has delegation for this matter, and there is a director-general here. Ms Rule is acting in the director-general job for the Health Directorate, and there are officials here who can answer your questions, Mr Parton. So I am not sure what point you are making.

MS CASTLEY: Back on redundancy payments, I am wondering if you have had complaints from employees that the redundancy payments were not offered earlier? My understanding is that people were waiting, waiting, waiting, and then the pressure

was: “Oh, my goodness. It is nearly 3 July. I cannot take a redundancy because I have not heard anything about it. I will just sign up.” I am wondering how many complaints you had about that.

Ms Stephen-Smith: I cannot say. I will review the record, but I am not sure that I have had direct complaints about that. I have had one union raise with me that they had a couple of members say to them that they felt that they had to make a decision late in the piece. Ms Castley, as I have indicated on multiple occasions, the conversations about redundancy—the conversations about what would be the case for those individuals who were choosing not to transition to Canberra Health Services—were conversations for Calvary Health Care to be having with its employees.

One of the challenges that we had through this process was that it was treated as a transmission of business under the Fair Work Act. It was not actually under the Fair Work Act, because it was the Health Infrastructure Enabling Bill, but in terms of the way it was considered, if you look at the Fair Work Act transmission of business provisions, the provisions are very clear that a project like this could be a transmission of business, and if an employee of the former employer is offered a job on the same conditions with the new employer that removes their entitlement for redundancy under the Fair Work Act. If you were to treat it as a transmission of business under the Fair Work Act, none of those individuals who were offered a job with CHS on the same pay and conditions would in fact have been eligible for redundancy at all.

We did work through with Calvary and with the unions to enable a process, recognising that it had been a short time frame, that there were some people who would not want to make the transition to Canberra Health Services, and that it was in no-one’s interest to require people to make the transition who did not want to make the transition. There was a process then worked through to enable payments to be made beyond the small handful of people who could not transition to CHS and were not offered employment. There was a process here, but the actual conversations with individuals who did not want to transition to CHS were conversations that had to be had between them and Calvary Health Care. Calvary Health Care was solely responsible for the management of those conversations.

THE CHAIR: Thank you, Minister. We are going to wrap up there, given that there is another instalment coming in the fortnight. On behalf of the committee, I thank Minister Stephen-Smith and all of the officials for your attendance today.

Mr Peffer: Apologies, Chair. Could I just correct something I said earlier? I said that the data meeting was continuing to meet weekly. It in fact switched to fortnightly as of July this year.

THE CHAIR: Thank you, Mr Peffer. For any witnesses leaving at this time who may have taken any questions on notice, could you please provide answers to the committee secretary within five working days of receiving the uncorrected proof.

Hearing suspended from 10.33 to 10.45 am.

Appearances:

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

Community Services Directorate

Windeyer, Ms Kirsty, Acting Deputy Director-General

Wood, Ms Jo, Acting Director-General

Akhter, Ms Sanzida, Executive Branch Manager, Women, Youth and Multicultural Affairs

THE CHAIR: Welcome back to this public hearing on estimates 2023-24. In this session, we will speak with Ms Yvette Berry, Minister for Women and Minister for the Prevention of Domestic and Family Violence, and officials from the Community Services Directorate. The proceedings are being broadcast live to an audience of thousands! The proceedings today are also being transcribed and will be published on the Assembly website. When taking a question on notice, we would like you to be really clear and say, “I will take that question on notice,” just so that we are all on the same page. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw attention to the privilege statement. We are going to do this universally right now. We do not have to do it witness by witness as we proceed. Could you confirm, for the record, that you understand the implications of the privilege statement and that you agree to it?

Ms Windeyer: I acknowledge the privilege statement.

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

THE CHAIR: Excellent. Everyone has done that. We are not inviting opening statements, so we will proceed to questions. I may start with a question regarding the safer families levy, which will increase to \$45, and next year it will increase again to \$50 per household. The ACT government has promised that the levy increase will go directly to funding initiatives. How much total revenue is the ACT government expecting from this year’s increase? And exactly what initiatives will be funded by that increase?

Ms Berry: Thank you for the question, Mr Parton. On the safer families levy, the budget papers, at the back, on page 351, are quite detailed on where the funding goes. We work pretty closely with the sector to understand where the funding needs to go, including new initiatives and new evidence based projects that we can fund through the levy. I am not sure about the actual difference. Were you asking for the difference between last year and this year?

THE CHAIR: Yes.

Ms Berry: In a 12-month period?

THE CHAIR: Yes.

Ms Berry: I will ask Ms Wood to provide some detail on that one.

Ms Wood: I need to find the page.

THE CHAIR: While Ms Wood is looking for that page, there have been concerns raised and there was some discussion on community day, from at least one of the community groups, about a perception, perhaps, that we are not getting the bang for buck that was alluded to when the safer families levy was initially established. It has not led to the outcomes that were trumpeted at the time that we started this process.

Ms Berry: It has done a number of things. There is a very transparent reconciliation of funding and where it goes, line by line, in the budget papers. We have been able to work with the sector, as I said, about where that funding is directed. I understand that there are some who have said that some of the funding goes to public servants. Public servants also deliver frontline services, but all the funding does not go to public servants. They are part of the story because all of us need to work collaboratively when we are working towards eliminating domestic and family violence in our community—

THE CHAIR: So the safer families levy grows government, essentially, as well as other stuff?

Ms Berry: No; it is there to respond to domestic and family violence. I will go to the question you asked in the first place about the difference in the amount of funding raised. In the 2022-23 budget, the safer families levy offset for the Safer Families package was \$6,150,000. In the 2023-24 budget, it is \$7,238,000. In addition to the safer families levy, there is an additional \$8 million that was funded for domestic and family violence services. I could ask the coordinator-general to go to that funding.

Ms Windeyer: I am Acting Deputy Director-General, Community Services Directorate, answering questions today in my nominal position as Coordinator-General, Domestic, Family and Sexual Violence. In relation to the safer families levy, the levy is an offset. It does not cover the full range of domestic, family and sexual violence initiatives that are funded by government in the safer families levy now. You will see table H.2 in the budget papers. That sets out various initiatives under the Safer Families package which are offset by the safer families levy. There is a range of initiatives that have been put together over the forward estimates and there are some new initiatives in the current budget, which are in the Safer Families initiatives. That includes for, this year's budget, over \$8 million, which goes directly to frontline services.

THE CHAIR: I am not sure if there are any supplementaries on that, but I reckon Mrs Kikkert will have some.

MRS KIKKERT: Yes. Thank you, Chair. There has been concern within the community about the safer families levy in that the majority of that money is being spent on initiatives such as training public servants. However, we have community organisations, such as YWCA, who have raised concerns about how the government has spent the safer families levy whilst they are rejecting victims of domestic violence

who come to their agency for support, and they have no funding to help these victims of domestic violence. These victims have no other option but to stay in their car, so they are homeless and they have no family support. I would say Canberrans expect their money spent on the safer families levy would be used for supporting victims of domestic violence. How can the safer families levy, being spent by the government, not actually keep people safe but keep them in their car and homeless due to domestic violence?

Ms Berry: I am not sure what the—

THE CHAIR: What is the actual question, Mrs Kikkert?

MRS KIKKERT: The question is: you are not spending the money that you are getting from the safer families levy properly; you are spending money that could be used to support these victims of domestic violence on training public servants. Why are you not prioritising the women who are victims of domestic violence in the use of the safer families levy?

Ms Berry: Mrs Kikkert, we are, but domestic and family violence and sexual violence are complex issues and need to be approached from a range of different fronts, and that is what the safer families levy, as well as other funding that the government provides, is about. We work closely with organisations to make sure that we are approaching domestic and family violence and sexual violence across the range of different areas. That is why you will see a range of different approaches, which includes supporting women, young people, men and LGBTIQ+ people who are experiencing domestic and family violence in a range of different ways.

The training that you referred to of the public service is conducted by community service organisations, including I think the YWCA. The funding is going to them to provide that training. That training is not just about training around domestic and family violence; it is actually raising awareness about the issue and where people can go to get support, or direct people within the public service to support, or support people who have experienced domestic and family violence and are in the public service. There are 20,000 public servants in the ACT.

When talking about raising awareness through this specialised training, provided by experts from the sector funded by the ACT government, that is a significant awareness-raising exercise around domestic and family violence, which has generally been a hidden and continues to be a hidden issue within people's homes and in suburbs. When you raise awareness around it, it means that people have an opportunity to understand where they can get support—where they can go to get out of those unsafe situations or how they can plan to get out of those unsafe situations. It is not just one approach; there are multiple approaches to address domestic and family violence and sexual assault.

MRS KIKKERT: Minister, it would be interesting if you could please take on notice how long YWCA has been doing the training for the public servants. I am fully aware that public servants are also being taught other training, such as about racism or bullying, yet we do not have a bullying levy to conduct certain training. Why is the government not actually providing fundamental awareness-raising of domestic

violence with other funding, as opposed to taking the money that has been raised from the safer families levy for victims of domestic violence? The YWCA has actually said in public that the money that they should be spending on supporting victims of domestic violence and those that are homeless is not being given to them.

Ms Berry: Chair, I am not sure what the question is.

THE CHAIR: I think the question is relatively clear. The question from Mrs Kikkert gets down to: when the safer families levy was introduced, do you believe that ratepayers believed that this money would be going into programs raising awareness of domestic violence amongst public servants or that it would be going to frontline services delivering services for those who are victims of domestic violence?

Ms Berry: It is going to frontline services. It is going to the YWCA to deliver the training across the ACT, and I believe that they have been delivering the training from the moment that the training started.

MRS KIKKERT: What about support for the victims of domestic violence? They may be given money to provide the training, but they are asking for money to support the victims that they have to close their doors on because they are out of funding to support them.

Ms Berry: We can talk about the funding that the YWCA receives. I might ask the coordinator-general to talk through that. Also, as I said, this is a very complex issue and it needs a considered and appropriate response across a range of areas, which includes funding for support for homelessness, but it is much more complicated and complex than that.

Ms Windeyer: In relation to the spending of the safer families levy and the offset that it provides for the Safer Families package, there is a wide range of frontline services which support women, children and all people who experience domestic and family violence. For example, there are additional resources for the Domestic Violence Crisis Service; there is funding for the Family Violence Safety Action Program; and there is support through the Room for Change program, which is for men who use violence, but there is a partner support component to that. The domestic and family violence training which has been talked about is just one aspect, one initiative, that has been funded through the budget. The ACT government component of the broader capability and training in relation to domestic and family violence is just one part of the fuller training and capability uplift across the whole of the ACT and the sector as well.

In relation to ACT government training, there is an emphasis on frontline workers. The training was affected by the COVID-19 pandemic, and as a result of that we moved to some eLearn packages. The way in which it was delivered varied. It has now become part of ACT government core training, so it is no longer separately funded through the levy. The funding for training now will be used to, firstly, develop a training capability plan—a plan that will let us understand and decide how that money is used. That is what we have heard from the sector: they would like to see a strategic plan about what training is needed and how to uplift, and then for things to hang off that.

MRS KIKKERT: A final question, please, Chair. Will you speak with YWCA on supporting them to support victims of domestic violence who are homeless?

Ms Berry: We do, as I said, work with all organisations in the sector, including YWCA.

MRS KIKKERT: Will you fund them?

Ms Berry: We do fund the YWCA.

MRS KIKKERT: Will you increase their funding to be able to support the victims of domestic violence?

Ms Berry: Those are decisions for budgets, but they did have increased funding in this budget.

Ms Windeyer: Yes, they did.

MRS KIKKERT: For training or for supporting victims of domestic violence?

Ms Windeyer: It is for supporting victims of domestic violence.

MRS KIKKERT: Was that enough for them?

THE CHAIR: Mrs Kikkert, thank you. I know that there are supps from all members present.

MR PETTERSSON: Thank you. I was hoping you could detail some of the new Safer Families initiatives in this budget.

Ms Berry: Some of them are continuing pilots or programs that we started previously. One of the programs is the health program, where we embed legal supports within health services. We know that women are more likely to experience domestic or family violence when they are pregnant or starting a pregnancy, so having that legal support within the health system, such as our hospitals and child and family centres, has meant that those women can get that specialised legal support in a safe space.

The other program which is part of that is for the legal supports in our schools, with the same kind of approach. A legal officer goes into a school and is accessible to young people to get support, in our college system to start with. Those pilots have been really successful. I do not know if we have any detail on the numbers accessing those different supports, but certainly, when I have spoken to people who work in the health system about the difference it has made for them—people such as nurses—they say that, when they have somebody that they can direct a person to for legal advice in a safe way, a way in which their advice is protected and their story is protected, it has been a game-changer for them.

Ms Windeyer: In terms of the numbers, in 2022-23, over 12,000 instances of free legal advice and assistance were provided to women through the health

justice partnerships.

MR PETTERSSON: Thank you.

DR PATERSON: My question is in relation to this program. I am really concerned, though, that it is not offered anywhere in the Murrumbidgee electorate. This health justice program is offered in child and family health services in Gungahlin, Tuggeranong and Belconnen, and also at the northside hospital, but there is nowhere in Woden and particularly Molonglo. I am really concerned to get this service there. We have a very multicultural community and a new community developing, and I think that this service should be at the forefront of the development of that.

Ms Berry: It is at Canberra Hospital as well, at Woden. There were definitely impacts on the provision of the program through COVID. The pilot has been continuing, and we have been talking with Canberra Health Services and our child and family centres about how it is working and the best way to approach providing that service, whether it is in a centre or we embed it in other areas, not just within child and family centres and Canberra Health Services, or whether it needs to be expanded elsewhere. It did not go for very long before it stopped through COVID, and then it had to start again, so we are still processing how it works best. I understand what you are saying. It is definitely something the government would be considering.

Ms Windeyer: I could add that there is \$3.581 million over four years in this budget to expand the delivery of the health justice partnerships. In the design of that, with the service providers and organisations who know the need, the location of where that will be is something that will be considered.

DR PATERSON: Great. Thank you.

MS CLAY: Can you tell me again how many clients you had who were receiving legal services? Did I hear 12,000?

Ms Windeyer: Yes.

MS CLAY: That is interesting.

Ms Windeyer: That is through the health justice partnership. That is the number of instances of free and confidential legal advice during the 2022-23 period.

MS CLAY: I put a question to the acting DPP yesterday. He has taken it on notice. He was not able to answer on the spot. We heard during COVID, and we have heard from the community sector and the legal sector for a long time, that DV—

Ms Windeyer: Sorry—could I just make a correction. It is 1,205. I misread it. I was thinking, “That sounds like a lot.”

MS CLAY: That did sound like a lot—yes.

Ms Windeyer: I misread the number. I apologise.

MS CLAY: I will continue with my question. If that does change the nature of it, I will give you the general. We have been hearing that the number of domestic violence incidents is high and increasing. A couple of times in estimates, the DPP has not told us that there are more charges or more prosecutions for DV, so I am interested: if we are giving women legal advice about domestic violence, would you expect them to end up in the courts? Do you track the outcomes of whether that legal advice somehow helps them?

Ms Berry: Not necessarily, as far as them going to court goes, because the advice that is provided is not always specifically about going to court. It could be about a range of supports, including housing, child and youth services or education. It is a range of different services that the legal advice provides. It is not just about whether the family decides to take legal action or go through the justice approach or whether they are just provided support to domestic and family violence services or other services that the ACT government or community might provide. The 1,200-plus for legal advice were not just about justice.

MS CLAY: Sure. Regarding the people who receive that advice, how are you tracking the outcomes of that advice—whether that helps them; whether they do something with that advice? Do you they just get an advice session and then you never see them again or are you actually tracking, in the long term, how that helps them?

Ms Windeyer: The legal advice is given by lawyers from the Women's Legal Centre and from the ACT Legal Aid Commission. They provide us with generalised details about what happens. We do not actually hold client information or individual instances. In terms of the advice that is given, there will be some circumstances where it is one-off advice. There will be others for whom it is longer term advice, and that will depend on the particular circumstances. What those people then do and whether they use that advice might be something that is tracked only for certain people. In terms of domestic and family violence and people electing to go through either the criminal justice system or a civil response, in terms of family violence order, that number can be relatively low for various reasons.

MS CLAY: Is there anybody in government who is tracking advice received about domestic and family matters and how that passes through our Family Court and DPP system? Is anybody looking at that so we are measuring these things and we can tell if it is helping?

Ms Windeyer: In my office we receive information and data from various places. Of course, they do not necessarily line up, because the places where a person who is experiencing violence might seek advice from is a broad range and does not always include places that might report to us. We do have statistics around the prevalence of domestic and family violence. We also get figures from the police and from the court system in relation to that. The Family Violence Intervention Program committee looks at those figures when we meet quarterly. That has a range of partners on it.

MS CLAY: Are you reporting those trends somewhere? Is that showing up in annual reports? Where would somebody who wanted to know go to look for that information?

Ms Windeyer: There is not a consolidated spot at this stage.

MS CLAY: Thank you.

THE CHAIR: To all those present, we have done half an hour. Could I ask that members, the minister and officials try to be succinct. I am just concerned that we are going to get through this session with some members present here not getting a substantive question. With that, it is your substantive, Ms Clay.

MS CLAY: Thank you. Minister, I would love to have a brief chat about how our family courts are dealing with family violence. Is that something I can ask you or is that something that you will instantly refer elsewhere?

Ms Berry: No. That would be for Minister Rattenbury.

MS CLAY: You do not take any role or interest in what happens with family violence once it gets—

Ms Berry: I take an interest, obviously. We fund services like the Domestic Crisis Violence Service, which provides services in the court. It depends on the question.

MS CLAY: The nature of the question is whether our courts are correctly identifying and dealing with coercive control; whether we are providing children with access to children's lawyers; for victims, how it goes once they go to court? Is that better for the Attorney-General?

Ms Windeyer: The family court matters are commonwealth matters, not territory matters, so they would be questions for the commonwealth.

MS CLAY: Sure.

Ms Berry: But, if it is with regard to the court and court personnel, it is probably a question appropriate for Minister Rattenbury.

MS CLAY: Sure.

THE CHAIR: Mr Pettersson.

MR PETTERSSON: Thank you. Can you please provide an update on the response to the sexual assault prevention and response report?

Ms Windeyer: In response to the sexual assault prevention and response report that was delivered to government, the government has started the implementation of the first phase of the foundational recommendations, and there has been significant investment in relation to that. There is a range of recommendations that are currently being implemented as part of the phased implementation. These include a specialist services review; Aboriginal and Torres Strait Islander consultation; the independent sexual assault advisors; the development of a multidisciplinary centre; a prevention strategy; the reinstatement of wraparound victim-survivor consultation; and a review

of matters that have been reported to police but have not progressed to charge. That is just a summary. I am trying to be succinct.

THE CHAIR: You are doing well.

DR PATERSON: My substantive is in respect to recommendations 3 and 4 of the SAPR report. There is the multidisciplinary specialist centre but also the specialist services review. Are those two things the same work or are they different pieces of work that are happening?

Ms Windeyer: They are different pieces of work that are happening. Many things in the implementation of the SAPR report are linked. The specialist services review has commenced. It is commencing with a review of the crisis services, because they are the first spot where people go and it is important that we have a best practice crisis service for domestic, family and sexual violence in the ACT. It will then expand outwards, once we have looked at that part. In terms of the multidisciplinary centre, that is a place where a victim-survivor might go in order to get all the different types of support that they need.

The two are linked, but it does not necessarily mean that they will be the same. There is still a place for crisis services and other support services outside of the multidisciplinary centre. The independent sexual assault advisers are also linked because they will assist victim-survivors to navigate the system. They may or may not sit inside the multidisciplinary centre. At the moment, my office is scoping the work and we are looking at what happens in other jurisdictions and how it might fit in the ACT framework.

DR PATERSON: Is the idea with the multidisciplinary centre that the government would fund services to sit within the multidisciplinary centre or is the government going to a model of providing those frontline services themselves?

Ms Berry: It is about bringing services together. We have not got to how the actual model will work. That is the process we are going through.

Ms Windeyer: That is right. There is a range of different models that can be used. At the moment, we are scoping those. We are looking at others, as I said, across here, Australia and other jurisdictions in order to work out what might fit best.

Ms Berry: The purpose, obviously, is to try and make a seamless journey for a victim-survivor who is seeking different kinds of supports, without having to navigate their way through various parts of the system, whether it is health, justice, housing or whatever—even work—and bringing all of that together in one place so that they can have a map, I guess, to support them through their journey, rather than having to identify the directions or places that they need to go.

DR PATERSON: There is the specialist services review and you mentioned the crisis services. Which services?

Ms Windeyer: That is the Canberra Rape Crisis Centre and the Domestic Violence Crisis Service.

DR PATERSON: When will your scope expand to other services in the ACT?

Ms Windeyer: It is expected that the review will be completed in this financial year—hopefully before the end of the year. After that, it will expand.

DR PATERSON: What is the review of those two services intended to understand that you do not already understand?

Ms Berry: I think it is the system integration. We all understand, from experiences and very public stories that have been shared, that this is also quite complex. A person's experience, a victim-survivor's experience or journey, could be different to other people. And what we have been hearing is that how they navigate their way through the system is complex and it adds to the trauma that an individual might be experiencing.

We want to try and bring those services together in an integrated way so that there is a more seamless approach, where we are talking with each other—where Health is talking to the police and whatever—in a way that supports the victim-survivor on their journey, wherever it takes them, whether it is support, whether they decide to go down a criminal justice route or whether it is Health. Everybody is working together for the same seamless approach.

DR PATERSON: Is there a view to integrate the Domestic Violence Crisis Service and the Canberra Rape Crisis Service or do you need to keep them as separate services?

Ms Berry: That is not something that we have considered. Again, we are going through the review to understand how we can work better together.

DR PATERSON: Are there terms of reference for that review? Are they public? Are they available?

Ms Windeyer: There has been a procurement process and, as part of that, there is not something that is public. The idea of the review is to identify the strengths and opportunities for improvement in the existing responses and make recommendations towards best practice service delivery, including system integration in the ACT, to address victim-survivors needs when in crisis. There is a very strong focus on victim-survivor needs as part of the review. The experiences of victim-survivors will be fed into the review. That is part of the review to ensure that it really is centred around what they need, and then we will be able to see what it is that we need in order to have that best practice crisis response.

DR PATERSON: Excellent. Thank you.

MRS KIKKERT: How much of the funding is going towards supporting children who are victims of domestic violence, specifically a children's specialist in trauma?

Ms Windeyer: There is a range of responses for children and young people who live with domestic and family violence in the ACT. As part of the Family Safety Hub

innovative pilots, there is funding for PCYC to deliver the Solid Ground program for young people. The Australian Childhood Foundation is funded to pilot a new support service for children under 12 and their mothers who have experienced domestic and family violence.

There are other responses for children. For example, Doris Women's Refuge receives funding for the continuation of a children's worker over years, and we also have funding for Beryl Women to deliver the Children and Young People Safe and Strong Mobile Van Program, and that will offer specialist therapeutic interventions, trauma counselling and support to children and young people in the ACT who have experienced domestic and family violence. It is not limited to those who have come through the Beryl Women.

MRS KIKKERT: Did you say Doris has a children's worker? I could not really hear that.

Ms Windeyer: Correct.

MRS KIKKERT: Is that a specialist in trauma for children?

Ms Windeyer: That person provides child-specific case management for the women and children.

MRS KIKKERT: So it is a case manager?

Ms Windeyer: Correct.

MRS KIKKERT: It is quite different to a psychologist or social worker who deals specifically with children's trauma in domestic violence.

Ms Windeyer: I do not understand it to be someone of that profession—no.

MRS KIKKERT: Okay. In the past, have you funded a children's specialist in trauma to support these victims in refuges?

Ms Windeyer: In refuges?

MRS KIKKERT: Yes—like at Doris and Beryl.

Ms Windeyer: A children's specialist—

MRS KIKKERT: In trauma. You have not—

Ms Windeyer: I do not recall. The new program is funding that.

Ms Berry: The Doris Women's Refuge program—

Ms Windeyer: The Beryl Women's program.

Ms Berry: The Beryl Women's program is to deliver the Children and Young People

Safe and Strong Mobile Van Program.

Ms Windeyer: There are also some initiatives which are in the health portfolio in relation to providing trauma responses for children, which would include children and young people who have experienced domestic and family violence. So there are initiatives through the different portfolio.

MRS KIKKERT: Okay. Providing a program is different to actually having a specialist onsite to support them. That is quite different.

Ms Berry: This program is to offer specialist therapeutic interventions and trauma counselling.

MRS KIKKERT: Delivered by a psychologist?

Ms Berry: I am assuming it would be by an expert in that space.

Ms Windeyer: Yes.

Ms Berry: I would not have the detail on that, but I am assuming that is what it is. That is the advice that I have.

MRS KIKKERT: This specialist will also cover the other refuges as well, or is it just one specialist per refuge?

Ms Berry: No. The Beryl van, I understand, works across the ACT. Yes.

MRS KIKKERT: How many children can they take up in a year—their workload?

Ms Berry: I do not have that detail.

MRS KIKKERT: How many can they cope with?

Ms Windeyer: It is a new program, so at this stage we do not know that, because it is just about to start.

MRS KIKKERT: When will it start?

Ms Windeyer: I do not have those details, but I expect it will be in the next couple of months.

MRS KIKKERT: In the next couple of months. So the expression of interest is already out there in the public?

Ms Windeyer: Beryl Women has received the funding, and they will now move to the delivery mode.

MRS KIKKERT: How much is the funding?

Ms Windeyer: It is \$321,000, approximately.

MS CLAY: Minister, we had a pretty scathing review in the Pegasus report on the gender lens—

Ms Berry: In what—sorry?

MS CLAY: In the Pegasus report, in the consultant's report on the budget. They looked at the gender lens and the wellbeing indicators and concluded that they were not being particularly effective. I will not go into a long conversation about how that is rolling out iteratively—we have done that in previous hearings—but do you imagine that government directorates would be able to provide a few examples of budget decisions that have changed as a result of applying a gender lens or as a result of applying the wellbeing indicators?

Ms Berry: Do I imagine?

MS CLAY: Yes—do you think these tools—the gender lens on the budget and the wellbeing indicators—are currently being applied in such a way that directorates could say, “Here are some examples of decisions that changed because we applied these tools”?

THE CHAIR: Because if they are not, what is the point?

Ms Wood: The work on a gender-responsive budgeting approach is something that has been evolving, and each year we are looking to strengthen it. We are taking on board feedback about how it is working. Regarding this particular budget, in addition to the Wellbeing Impact Assessment, we also supported directorates with a specific gender analysis around proposals that were coming forward to the budget. It is an ongoing process between CSD, with our responsibilities for the Office for Women, and CMTEDD, with their responsibilities for the wellbeing framework, to keep working with directorates to build that capability. It is a capability that we knew we needed to continue to grow, because we need people across that whole process of developing policies and turning those policies into business cases for government decision—to actually understand how to do that.

The tools will keep evolving as well, and we are actively working in the cross-jurisdictional forums that have been developed, where we are sharing with the commonwealth and other states experiences and different models and what has worked. We will continue to have to evolve and adapt, see what impact it is having and then take the next step.

THE CHAIR: I am going to squeeze in here. Minister, during annual report hearings in November last year, I understand that you and Ms Lawder discussed the third action plan of the ACT Women's Plan. My question is: late November was flagged as when consultation would be opened, so are you able to confirm whether consultation was opened then and where this is publicly available?

Ms Berry: I will ask Ms Akhter to take that question.

Ms Akhter: The consultation has occurred on the third action plan, and we also have

a listening report available on the CSD website. Currently we are developing the third action plan document and making it ready for cabinet consideration in the coming months.

THE CHAIR: The second action plan asked for consultation through the YourSay website. Is this the case for the third plan?

Ms Akhter: We have had consultation through the YourSay website, but we have also involved the wider community, including the Ministerial Advisory Council on Women, who played a vital role informing the development of the third action plan and the actions that will inform the plan.

THE CHAIR: Minister, have you received the third action plan yet?

Ms Berry: I do not believe I have—no.

Ms Akhter: It is coming to the ministers in the coming weeks.

THE CHAIR: Given that the third plan covers 2023 to 2025 and the minister has not seen it and it is not publicly available yet, how far behind is this plan and when can Canberra women expect it?

Ms Akhter: It is not too far. We are looking at releasing it in the next few months, pending cabinet agreement and of course the minister's review.

THE CHAIR: This plan covers 2023 to 2025. We are assuming it will be released before the end of 2023.

Ms Akhter: It will be released, as per the plan, before the end of 2023.

THE CHAIR: Excellent. I do not think you have anything else to add, Minister. No. Okay. We can draw this session to a close, so thank you, Minister Berry and officials, for your attendance today. If witnesses have taken any questions on notice, please provide answers to the committee secretary within five working days of receiving the uncorrected proof transcript.

Short suspension.

Appearances:

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

Education Directorate

Haire, Ms Katy, Director General

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

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

Matthews, Mr David, Executive Group Manager, Business Services

Huxley, Mr Mark, Executive Group Manager, School Improvement Division

Community Services Directorate

Akhter, Ms Sanzida, Executive Branch Manager, Women, Youth and Multicultural Affairs

THE CHAIR: We will hear again from Minister Berry, this time in her capacity as Minister for Education and Youth Affairs, and officials from the Education Directorate and Community Services Directorate.

Proceedings are being broadcast live and the proceedings will also be transcribed and published on the Assembly website. If you are taking a question on notice, make it really clear; “I will take that question on notice,” is what we are looking for, so everyone is on the same page.

We do have some new officials present, and we are pleased that you are here. Let’s get the privilege statement stuff out of the way, universally, for everybody. Could you confirm for the record that you understand the implications of the privilege statement and that you agree to it?

Witnesses: I do, yes.

THE CHAIR: That is great. We are not inviting opening statements, and we will proceed to questions. I might just start, if I could, with the recent reports about incidents at Canberra schools—that three Canberra schools were evacuated as a precaution on Tuesday after they each received threatening phone calls. I am asking, Minister, if you are able to provide any update on that situation?

Ms Berry: Yes, I can ask Mr Huxley to provide an update on that.

Mr Huxley: Thanks, minister, and thanks for the question. We have taken a precautionary approach and prioritised safety in the circumstances where we have any threats against schools. Schools follow standard evacuation procedures. They notify ACT Policing, and they also notify the directorate when they have received such a call or such a threat. We follow then the ACT police guidance, as they arrive. Students are returned to class as quickly and effectively and efficiently as possible, and then we send communications to our families as soon as practicable under those circumstances.

THE CHAIR: So, the long and short of that is that from your understanding everyone was safe before, during and after those events. How and when were parents notified?

Mr Huxley: Parents were notified, Mr Parton, as soon practicable. As you can imagine, the evacuation of a school requires everyone moving out, being accounted for, rolls being marked, and everyone confirmed to be safe and present. Once that is done, police attend on site. They confirm that at the school—they do their assessments and confirm the actions that the school needs to take. When schools get back access to the building, they can then enter into a position to send notifications out to families. We help schools in those communications that are used in those circumstances, and we have them ready to go so they can be used as quickly and effectively as possible.

THE CHAIR: And has there been any fallout from students or staff in terms of stress or counselling required as a consequence of that?

Mr Huxley: Not at this stage, based on the last three schools, Mr Parton, but there has been a sequence of these events over time in recent years, and unfortunately it is not something uncommon for schools to experience from time to time.

THE CHAIR: Alright. That is all I have.

MR PETTERSSON: You mentioned there has been a string of these events in recent times. Do you track or measure the prevalence of them?

Mr Huxley: We do help schools in these circumstances, and they do notify us if these have been received, but, as I said, these appear on and off over time and they have been a feature, unfortunately, of not just ACT schools but schools across the country and globally as well.

MR PETTERSSON: I saw the local reporting about the most recent threats. Are there events or threats that occur that are not picked up by local media, or would every instance of a bomb threat be accompanied by local media coverage?

Mr Huxley: Without speculating, it depends upon who is in the community and their occupation—where those letters go.

MR PETTERSSON: Thank you.

MS CLAY: Minister, who is responsible for planning new schools in Canberra? Is that you or is that the planning minister?

Ms Berry: Which part of it? We are responsible for building them.

MS CLAY: And also planning where they will go? So, for instance our district strategies do not have a school for Belconnen CBD, and I am trying to find out who in government is responsible for making sure Canberra gets schools where it needs them.

Ms Berry: We have talked about this before, Ms Clay, and we have talked about the population growth in various areas and about where schools are required—whether you need to expand existing schools, or whether new schools are required in areas

where densification is occurring.

During the last hearings when we talked about this, at that time there was no decision or no plan to build a new school in Belconnen. I think Ms Efthymiades can provide a bit more detail on what happens as far as the planning goes and the population in Belconnen—understanding that we have done a bit of this work across the city to understand where the population growth is and then where we might need to build new schools in the future, given our city is becoming more dense, and so we have to change.

Our schools are not anymore out in the suburbs in the greenfield now, and we are having to look at how we can build them in the cities and other areas. The work that education does with planning, but also with the ANU, to understand growth in different areas is what is considered before we build a new school. There is no point in building a new school where there are no children or where it is not going to be viable and provide the best possible educational experiences for those young people and their families.

MS CLAY: Yes. I probably do not need the general answer. In estimates last time, we got a couple of different answers. We got, “Yes, there will be a school. No, there will not be a school.” Are you telling me that there will not be a school? Is that where we are at the moment? There is no need for a school in Belconnen CBD?

Ms Berry: There is no decision at this point in time for a new school in Belconnen. Because there is—

MS CLAY: So you have not decided to build one, and you have not decided that you do not need one. You have not made a decision about whether or not there is a need.

Ms Berry: Well, no, we have made a decision, at the moment, that there is no need for a new school in Belconnen because there is capacity within the other schools in the area. And that is consistent with the response that I provided last year, but we continue every year—education continues every year—to look at population growth to understand where young people are living and provide schools where those young people live.

MS CLAY: And we have heard a lot of feedback during the planning review from a lot of areas that there are many facilities that are not in those district strategies, including a Belconnen CBD school, but there are actually quite a number of areas that have been identified as needing a school. Are you comfortable that you have done that planning work correctly and that Canberra has got all of the right school facilities in those district strategies at the moment that we need, and that has been done properly?

Ms Berry: Yes.

Ms Efthymiades: Ms Clay, I think as we explained last time, there is a regional approach. So, the district strategies are not a perfect match there, but they are also not disconnected, and the regional approach is iterative. Twice a year when we have the two census updates, we review and recheck that the numbers on the ground are actually matching the projections—or the degree to which they are, or if they need to

be tweaked. Because projections are exactly that. It is the reality when the young people start enrolling in schools that matters. So at this stage, there is not a critical mass to merit additional school capacity—either an expansion of an existing school or a new school, at this point.

MS CLAY: Sure. I appreciate that, and thank you very much. What has changed since last estimates is we now have district strategies, and those district strategies are intended to map out Canberra's facilities for the next 50 years. So, noting that twice a year you review the census data—

Ms Efthymiades: Yes.

MS CLAY: have you done that in line with the district strategy plan at work in a more forward looking way, rather than just doing it as, "Do we need a school in the next six months." Has that work been done for the next—

Ms Efthymiades: The forecasting is done to at least ten years out—

MS CLAY: Yes.

Ms Efthymiades: but five years is a more comfortable fit, because things change. Things change census to census, let alone year to year.

MS CLAY: What is in the district strategies at the moment is what we are going to get?

Ms Efthymiades: For what the evidence says at the moment is required.

MS CLAY: Thank you.

DR PATERSON: On progress of the Molonglo high school—please, an update?

Mr Matthews: Thank you, minister and Dr Paterson, and I have read and understood the privilege statement. We have successfully had the opening of the Evelyn Scott high school component from this year, which is fantastic. Of course, Evelyn Scott alongside Charles Weston are our schools in Molonglo. Evelyn Scott is both a primary school campus and a secondary school campus. They have welcomed their first cohort of students this year.

One of the other commitments in the budget is to do some future feasibility planning work regarding the college at Molonglo Valley. So that shows that from a regional perspective we are looking forward to create those pathways through primary and secondary sectors right up through to college in Molonglo. We will certainly deliver those in accordance with the demand modelling that Ms Efthymiades was speaking about earlier.

DR PATERSON: So the feasibility work for the college will start this financial year, and then what is the next stage in that process?

Mr Matthews: The feasibility work, Dr Paterson, that I know you are very interested

in, includes a range of different measures including site selection, ultimately, and then design. We are still working through all of those issues. Once we have completed that work, and we will do that work this financial year, then we will come forward to future cabinet processes looking for capital construction funding.

DR PATERSON: Again, I know we had this conversation last year—the designer for the college. There is a lot of interest from the Molonglo community in that design. How, through the feasibility process, will Molonglo residents be able to have a say in that?

Mr Matthews: That is, again, another very good question, Dr Paterson. There has already been some good engagement with the Molonglo Valley community association. They have expressed views, and some of those have been expressed through the public sphere as well, which is great. We welcome all of that feedback and contribution from the local community. I think as we work through that planning and design process the design will be, of course, heavily influenced by the actual site selection as well, so where it is and what the constraints or opportunities are provided by that block—that is, whether it is a multi-story building or a single-story building. Those are some of the things that have been discussed with stakeholders to date.

There will be ongoing opportunities to influence that design and we, of course, apply our educational design infrastructure specifications to each of our new projects, but we do that very much in the context of what the school needs—whether it is a college, a high school, or a primary school—and also the location of the school and needs of the local community. We are very aware that, particularly in the Molonglo community, there are young and emerging families and also a desire to engage in community activities, so we will make sure that we consider all of those in our design as well.

THE CHAIR: Thank you, Dr Paterson.

MR PETTERSSON: Thank you. I was hoping the committee could get an update on the recent ACT Youth Assembly.

Ms Berry: Yes, thank you for asking the youth questions.

Ms Akhter: I can take that question. Can you repeat the question for me again?

MR PETTERSSON: Can the committee get an update on the recent ACT Youth Assembly?

Ms Akhter: Thank you. The ACT Youth Assembly occurred—sorry, I am just finding my information.

Ms Berry: It was about three or four weeks ago—while Ms Akhter is finding the date.

Ms Akhter: It occurred a few weeks ago on a Friday at ANU Marie Reay Teaching Centre. We had more than 65 young people attend at the session. There were three areas and topics they discussed: one was gender equality, one was cost of living pressure, and the other one was social inclusion. What the Youth Advisory Council is doing currently is developing a report based on the discussions that they had. Once the

report is ready, we will provide that for the minister's consideration, and we will bring it to the cabinet.

MR PETTERSSON: That is great. What is the time line you are looking at for that report to be done?

Ms Akhter: The YAC members are now currently drafting the report, and we are hoping that we will receive the report sometime in the next few months. Once we receive the report, then it will go to consultation across the agencies and also to broader groups. From that point, I think we will have to identify a cabinet date, so hopefully sometime early in 2024.

MR PETTERSSON: That is great. Minister, do you find hearing from young people beneficial?

Ms Berry: I do. And through the Youth Advisory Council they come up with the items of discussion for the assembly. But this assembly, in addition to those discussions, had also identified that they wanted to understand more and have more information for young people about the Voice conversation. The Youth Advisory Council are really keen to do some more work around how young people can be engaged in the Voice and whether or not young people are getting the information that works for them. So that has been an additional outcome of the Youth Assembly, which was not expected and was not part of the initial titles of conversation that they were having there.

After the assembly, as I get around, I have had feedback from people—young people who were at the assembly—who have engaged in conversations that they had never really been part of previously. So it has broadened their understanding around issues that people are experiencing in the ACT—like social inclusion, gender equality and cost of living. They found that having those conversations then helps them to have conversations with other young people in their community about things that matter, and to provide that additional understanding about some of the issues that are impacting young people.

I am not sure where—the Youth Advisory Council, I think, are meeting next week and having a special meeting about what they can do as far as their feedback from this assembly and their own interest in the Voice. We will work with them on what that looks like.

MR PETTERSSON: That is wonderful. Thank you.

MR HANSON: Will that engagement on the Voice be a one-sided view of the Voice, or will that be a balanced view? How will you make sure that happens?

Ms Berry: That is a good question, Mr Hanson, and, in fact, the conversation that they had with me in the last Youth Advisory Council was pretty balanced, and they were actually after information. And I think that is what they are after more than anything—information to go forward and make sure that all the young people have an understanding. Because the first conversation is, “What is the Referendum? What is that about?” So that was really useful last week; but, as I said, they are wanting to

engage more in that and provide that advice to other young people.

DR PATERSON: I am quite concerned. I have spoken to a lot of parents, also GPs, around diagnosis assessments for ADHD. There is a real struggle for people to get these assessments, and what is being said to me is that that means through schools. Because they do not have the assessment of ADHD, it is really hard to get the support in school that the children need—because they cannot get the assessment without going to Sydney or without getting the specialist appointment.

So, I am wondering how schools are supporting students who may have ADHD or learning difficulties that are not yet diagnosed?

Ms Haire: Thank you, for that question, Dr Paterson. There are a number of different elements to it, so I might just step through and test that we can cover the points you want to cover.

What we can do is describe to you how in ACT public schools we support children and young people who have got learning difficulties: that is part 1. The second part is what the process is. How do we support diagnosis or assessments? We play a role in an aspect of that, and we have a team of allied health workers who work with and alongside our schools, so we can talk a little bit about that.

The other element is in talking about how we support teachers so they have got the capacity to teach children in a classroom with a range of needs, whether it is learning difficulties or other issues, trauma, et cetera—that we support our teachers to have the appropriate skills. Is that the scope of the question?

DR PATERSON: Yes, perfect.

Ms Haire: I will hand to Ms Spence, who can take you through those three elements.

Ms Spence: Thank you. I can obviously speak from the schools' perspective as well, being a principal in the past. We, as educators, start with a response to intervention model, where we look at learning and wellbeing data—behaviour data—to consider what teaching approaches need to be adjusted for students that are presenting with, for example, ADHD-typical behaviours.

Regardless of the diagnosis, our teachers are best placed to make the decisions around how they provide those adjustments, based on the behaviours they are observing, and then, of course, provide referrals through to our student services teams that are based in our schools that include access to a school psychologist and other educational experts.

A part of that may be a referral through to our allied health team, or a school psychology service, which will support the school around the appropriate adjustments that are needed at that particular point in time, or ongoing referrals outside of education or to our centralised psychologist team, who can support some diagnosis in various learning disabilities—some of which, however, they cannot. They need to be referred out to paediatricians, which is a challenge.

From a school perspective, that is how we step through that process and make the adjustments necessary, regardless of a diagnosis, in order to address the educational needs of the student.

DR PATERSON: Do you find that students are going round in circles in terms of—they cannot get to that paediatrician, because the services just are not there at the moment, so they are not actually getting the school support that they need?

Ms Spence: I cannot comment on what young people are getting outside of education. But what I can say is that we can provide supports in schools through our psychology team and our multidisciplinary team of social workers, occupational therapists and psychologists to support our schools to make the appropriate adjustments as part of that process, in the meantime, prior to a diagnosis being made by a professional.

There are some learning difficulties that can be diagnosed through school psychologists, and we have that service available as part of our centralised assessment team, as appropriate.

DR PATERSON: Some of the feedback I have received from parents has been that kids are taken out of class to receive that learning support, which is great, but they are also missing out on class, so they are getting behind. Is there any consideration, potentially, of having those extra learning classes outside of school hours or that type of thing? Because there is concern that by having that extra support they are getting behind in their classes.

Ms Spence: Schools will make decisions based on an individual student, and that really varies based on need. There will be some situations in schools where kids are a part of the mainstream classroom having their normal lessons. For example, I know at a particular school there are before-school interventions that are in place, but it really is based on the individual needs of that particular student.

Sometimes it is of benefit to pull them out and give them intensive intervention. Schools are best placed to make the decisions around how they do that based on their own context and timetable. It really depends on a particular student and the way in which a school delivers that support.

DR PATERSON: Do you keep data on how many students are referred to the allied health services or to paediatricians?

Ms Spence: We would have some information that I could get at a later stage around the referrals that are made through our allied health team in our centralised service. The data in terms of how parents refer outside of our system—I would be unable to have that information.

DR PATERSON: Yes, sure. Is it possible to take that on notice?

Ms Spence: Yes, I can take that on notice.

MR HANSON: Thank you, Mr Chair, minister, and officials. I refer to a recent media report that students enrolled in public schools dropped for the second year running as

private schools continued to grow strongly, according to the ACT schools census figures. It said that—according to the media report—532 fewer students enrolled across public schools compared to 2022, and the number of students in non-government schools increased by 637.

I am just wondering if there is any research you have done to indicate why that might be, and where is that happening? Is it universal across Canberra or is it isolated to particular areas?

Ms Efthymiades: Thanks, Mr Hanson. What we have seen in this year's census is not a surprise, because it is underpinned by data we have been accessing from the ABS—estimated residential population data that are released in June every year. We all know we live in a city where we have seen change. I have been here for only 10 years, but I have seen a lot of changes in that time myself. Communities routinely go through demographic changes, and they are not static, so that is an underpinning thing.

The main thing that is observable—and I will try not to take every minute that is left in this session—is that, as a whole, the ACT had a very buoyant period of enrolment growth. When you look at the estimated residential population, it is available for you by age—so the kids that are zero, one, two, three at that point in time in June is an estimate. What we have seen is this buoyant period, which was, essentially, 2013 to 2017, with a peak in 2016, for the babies—not births, because some of those babies may have come from elsewhere and not been born here. That has been the peak. Those children and young people are now in about years 2 to 8, because that rich vein has broadened a little bit. But since then, we are now in the second year of what looks like a four-year dip in the eligible school-age kids coming through, so we have seen that. The first-year cohort of that is now in kindergarten; they were in preschool last year, so that was a big contributor to the first drop. In fact, it explains most of it. The second cohort is now in kindergarten, so we have got impacts coming, and there is probably two more years of that, if those estimated residential population stats are correct—

MR HANSON: You might be getting to it. That sort of explains the dip in public school enrolment, but there has been a commensurate, even greater, enrolment in non-government schools. Can you explain that with demographics or what is the explanation for that?

Ms Efthymiades: School choice is school choice—and by parents. There was quite a lot of detail in the report yesterday, which was really helpful and all factual. I think the starting position is that about two-thirds of that change was down to four schools. Two of those schools I would characterise as genuine growth. The other two are recovering from recent dips, one of them longer than the other, but on a recovery—

MR HANSON: This is non-government schools that are growing?

Ms Efthymiades: Yes, correct. So two of them had genuine growth. I can name them, if you like; the data is all publicly available.

MR HANSON: Yes, I am happy to—

Ms Efthymiades: The two that have genuine growth are Marist and Burgmann. The two that are in recovery are: Brindabella Christian school, and that had the largest increase year on year of 157 students, so that is all publicly available; and St Edmund's. Between those four schools—that caters for 66 per cent of that growth. There has also been an uptick in the two schools that are grounded in Islamic faith; that is about 74 students, so that takes us to about 79 per cent of the growth.

MR HANSON: Are parents choosing to send their children to these schools because of their religious affiliation or because of educational outcomes?

Ms Efthymiades: I would say the last group would be, absolutely, religious affiliation—the Islamic schools—but the others I would be presupposing. They are choices made by families that we are not privy to.

MR HANSON: Does the report indicate at what year levels this is happening? Are people choosing to send their children over to public schools in primary school and then non-government in high school and college? Is there a breakdown of that?

Ms Efthymiades: The larger number is in high school than primary, and, of course, Marist commences at year 4, so it is going to have a bigger uplift in the high school than it is in the primary et cetera. It is variable is the point. Of the 18 independent schools, there are those four, and then there are the two Islamic schools. There are a few that have had a drop, and then the other nine remaining schools I would characterise as stable or very modest increases. So it is really variable across the sector.

MR HANSON: With these trends, then, does that present an easing of the pressure on the public system? If there is some sort of net transfer of students from the public to the non-government, does that mean there are some schools where there was a lot of growth anticipated that is not happening and that takes the pressure off the public system, or is it too small to really quantify like that?

Ms Efthymiades: It is kind of in the latter category at this stage, I would say, Mr Hanson. This will play out over time. As I have mentioned, the estimated residential population we anticipate will stay pretty flat for the age group coming into school for the next couple of years—maybe a little bit down, but it will not drop like it has in the past two years that we have seen. Then, 2022, which is the latest data we have—we are expecting the 2023 fairly soon—actually had an uptick of 250 children in the zero years category, so that might be a blip, or it could become a trend upwards in terms of the overall school-age population in the ACT.

MR HANSON: I will leave it there, noting the time.

THE CHAIR: Thank you, Mr Hanson. We will now draw this session to a close, so thank you, Minister Berry, and thanks to all of the officials for coming today. We certainly appreciate your attendance. If witnesses have taken questions on notice, could you please provide answers to the committee secretary within five working days of receipt of the uncorrected, proofed transcript.

Hearing suspended from 12.03 pm to 1 pm.

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

Magee, Ms Alexandra, Executive Branch Manager, Communications

Brady, Dr Erin, Deputy Director-General

THE CHAIR: Welcome back to this public hearing for estimates 2023-24. In the first of our afternoon sessions, we will hear from Mick Gentleman MLA, Minister for Planning and Land Management. We welcome back relevant officials. The proceedings are being broadcast live. The proceedings today are also being transcribed and they will be published on the Assembly website. If you need to take a question on notice, just make it clear, saying, “I will take that question on notice,” so that we are all on the same page.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw attention to the privilege statement. What we are looking for in this room today is 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?

Witnesses: Yes.

THE CHAIR: Magnificent. As we are not inviting opening statements, we will now proceed to questions. I will go to you, Mr Gentleman. Your suite of planning reform is currently in full swing with the recent commencement of the new Planning Act 2023. However, we still do not have the final versions of the district strategies, design guides, technical specifications or the new Territory Plan. This means that Canberrans still remain in the dark on how the new act will actually impact their homes, their suburbs and their communities, because it has yet to be properly contextualised. Minister, when will the final versions of all the aforementioned reforms be released for public consideration?

Mr Gentleman: We have to get them towards the third quarter of the year or just before. They are going through cabinet discussion at the moment.

THE CHAIR: Why is it appropriate that the final versions of those reforms, which are so important to the outcomes that will arrive from the whole package, are released only after the commencement of the act that they are fleshing out? Why not when the bill was being debated?

Mr Gentleman: As I outlined earlier in discussions about the Planning Act, the act itself is the framework that we then add to. I described it as the chassis of the vehicle that we are moving forward with. We had designed and built the chassis, and now the rest of the components are being worked through cabinet and will be added to that to give us the whole Territory Plan, and the district strategies, on top of the act.

THE CHAIR: Mr Gentleman, have you ever bought a car without looking under the hood?

Mr Gentleman: Indeed—my last one. Yes. It is an electric Mini, Mr Parton. I ordered it from England. They did send me an email about two weeks later and showed me a photo of the chassis on the production line, with the chassis number, and said, “Your Mini is getting some love.”

THE CHAIR: But what you are asking the Canberra public to do is to show the same level of trust: just look at the car in the showroom and say, “Yeah; it looks alright from the outside. I am sure it will be fine.”

Mr Gentleman: The Mini was tell tested, of course. But, Mr Parton, what we need to do is ensure that we have all of the input from our cabinet colleagues as we go through implementing these changes. We provided an overarching idea of what will be happening when we discussed the Planning Act—those changes—what will be happening with the Territory Plan and the nine district strategies.

Mr Ponton: I could add to that. In terms of what the community has seen, Mr Parton, it is not a complete mystery, in terms of what will be finalised. Of course, during the period November through to March, from 2022 to 2023, those documents were released for public consultation, and the work that we have been doing since has been responding to that engagement activity, and we have been providing recommendations to government as to what changes are appropriate before finalising those documents. It is not that people have seen just the chassis, or the legislation, without seeing any of the other component parts. Those other component parts—

Mr Gentleman: They have seen under the bonnet, Mr Parton.

Mr Ponton: Indeed, Minister. They have seen those documents and, importantly, provided very comprehensive comments on those documents. As I said, we are now working through those 400 substantive submissions and there are 3,000, or thereabouts, pieces of feedback that we are working through to make sure that the community is able to see how their comments are being responded to.

THE CHAIR: Mr Cain, I think you are bursting.

MR CAIN: Yes. Thanks, Chair. Obviously, as you are aware, during the debate stage I highlighted the extreme disappointment in the consultation that led up to the Planning Bill, particularly from Combined Community Councils. What are you planning to do differently with respect to consultation on this new suite of reform documents, and why should the community believe you?

Mr Gentleman: Thank you, Mr Cain, for the question. We have approached it, as Mr Ponton just outlined, with community consultation and have taken those items on board as we go to cabinet for final decisions. I will ask Mr Ponton to give you some more detail about that consultation.

Mr Ponton: Thank you, Minister, and I will ask my colleague Ms Magee to talk a

little bit further after I make some introductory remarks. In terms of the engagement activity that occurred on the bill, it was extensive. There were about three months for consultation on the bill itself, as an exposure draft. Of course, not all legislation goes out as an exposure draft for that level of engagement with the Canberra community. That engagement was preceded by other activities, both with the community councils, through the Environment and Planning Forum, and with a group that we refer to as the technical advisory group, which consisted of legal practitioners and others, to help us as we developed the exposure draft.

Then, through the consultation period on the bill, there was an extensive range of opportunities for people to be briefed and engage in that process. Again, the amount of feedback that we received on the bill itself would suggest that the engagement activities were successful, because a lot of people took the time to provide us with their views and thoughts. In terms of—

MR CAIN: What is your response to Combined Community Councils, for example, in the light of their criticism?

Mr Ponton: I am still responding. Sorry—can I respond to the question, Chair?

THE CHAIR: We will let Mr Ponton finish his answer, Mr Cain.

Mr Ponton: Thank you. That brings us to the other part of the question, which was in relation to the component parts: the district strategies, the Territory Plan, design guides, and the like. Again, we ran consultation from the beginning of November through until early March and engaged with the community and industry in a range of different ways. I might ask Ms Magee to elaborate in relation to the ways that we engaged.

We do not take just an old-fashioned traditional view of having a town hall meeting and that is it. We like to make sure that we give people the opportunity to engage in different ways, whether that is through a quick comment or whether that is through a detailed submission. We provide people with opportunities to inform themselves as to what the changes being proposed are. We take a very modern approach as to how we engage.

In terms of what we would do differently, we always look to learn, Mr Cain. We have been doing that over the past five years, since we started engagement on the first component of these exercises, which was the Planning Strategy 2018, which itself involved some rather innovative ways to engage with the Canberra community, to make sure that they were engaged in a metropolitan context policy setting. With that said, I hope I have left something for Ms Magee to talk about.

Ms Magee: Thank you for the question. Mr Cain, I think your question was specifically around Combined Community Councils. Certainly, our community councils form part of our important stakeholders across the entire environment and planning portfolio. In relation to those representatives, we meet with them every eight weeks, which is quite often for a government department to meet with those and other stakeholders. We do that through our Environment and Planning Forum, and we have done that for 10-plus years. We meet with them six times a year, every

eight weeks. The Planning System Review and Reform Project has been on the agenda every meeting for as long as I can remember—many years—and we have stepped through the process, both during the consultation periods and as updates between consultation periods for the past number of years, and that will continue. Mr Cain, the next meeting of the Environment and Planning Forum is in mid-August, so we will meet with them in about a month's time. We will continue to give them updates.

We will then move into the implementation phase of a number of the components of the planning review. I would foresee the Environment and Planning Forum as one of the mechanisms that we would use to help with the implementation, to help with awareness, education and understanding of not just the Combined Community Councils' representatives but also some of our major stakeholders, including industry, and some of our environment and planning representatives.

MR CAIN: Have you met with them since their very public criticism of your consultation, since the debate—

Ms Magee: Yes.

MR CAIN: and/or communicated with them to assure them of how you are going to do it differently?

Mr Ponton: I have chaired the Environment and Planning Forum since the bill was passed by the Legislative Assembly. As I said, we reflect, after each engagement activity, to see if there were things that we can do differently. In relation to this, given the number of submissions that we received, which exceeds anything that I have seen in 30 or more years in engagement in planning, it would suggest that the activities worked in terms of getting the message out there. A lot of people responded, which is fantastic, and we also saw a really broad cross-section of the community and a really good range of views, which again would suggest to me, Mr Cain, that what we did worked.

In terms of wholesale change, I do not know that I would be looking for wholesale change because I think, over the past five years or so, each time that we have conducted an activity and we have responded and refined our approach, this most recent round of consultation, as I said, would suggest to me that it has worked really well. While there are some parties who may not be comfortable with the outcome, that is a very small part of the overall, broader cross-section of the community that we got responses from.

THE CHAIR: Thank you, Mr Cain. Ms Clay, I believe you have a supplementary.

MS CLAY: Thank you, Chair; I do. Minister, you have previously said that between tabling the full package and calling on the Assembly to make a decision about it, there will be a period of time. How long will that period be so that people will know how long they might have this package to consider?

Mr Gentleman: It would be determined as we pass through cabinet, Ms Clay. Mr Ponton has some time lines for you.

Mr Ponton: Again, as the minister said, it does depend on when cabinet is able to consider and decide on the final package, but the time frame that we are working on would be around 2½ months, from the point that the documents were made and notified, and that, I would expect, would be prior to it being considered by the Assembly, because the Assembly considers only one part of that, which is the Territory Plan component. The district strategies are made by the executive, but that is not referred to the Assembly, nor are the design guides or the technical specifications. Then it would be a couple of months post consideration by the Assembly before the system commenced—some 2½ to three months.

MS CLAY: Great. Just to make sure that I get this clear: the full package would be publicly available and the bits that get tabled would be tabled, and then it would be a couple of months before the Assembly would have to make a decision about whether to—yes; that is great.

Mr Ponton: Just to be clear: the documents would be made and would be referred to the Assembly for the motion on the Territory Plan. That would be within a couple of weeks. Then, for the broader community to be ready for the implementation, that would be a couple of months.

MS CLAY: There are some aspects of the package that have not been exposed—the design guides have not been publicly exposed. What is the period of time between having the full package publicly exposed, tabled and released in the version in which government expects it to pass and the Assembly deciding whether to—

Mr Ponton: The Assembly? It would be on the time frame that I am working towards—a matter of weeks between the documents being made and the Assembly consideration. But that is subject to final government decision-making.

MS CLAY: A matter of weeks? Interesting. My office is quite interested in how the living infrastructure targets and the previous variation 369 will be carried into the new system, because that is quite important as we densify. We have had an FOI outstanding since 10 May to find out how this works in the new system, and I am still waiting on the answer for that. I am getting a little bit concerned because, as a member of the Assembly, it is going to be quite difficult for me to look at this package and say with confidence, “Yes; this package delivers on the living infrastructure targets,” if it is taking twice the statutory period for you to respond to my FOI and we still do not have the full package.

Mr Ponton: I can respond to that. In terms of that FOI, Ms Clay, I am familiar with that. I understand that you did receive correspondence from the team and they did not provide documents looking into that. It is because of the way that the FOI was framed, specifically referencing variation 369. If you look online at the document called the *Supporting report*, which was provided in November, together with the Territory Plan, that has a section on living infrastructure. That points to several consultancies that were undertaken in relation to living infrastructure, and they are appended to that *Supporting report*. That would give a first and really good sense for you in terms of the matters that were raised and considered in developing the Territory Plan when that went out for public consultation.

In addition to that, we are doing some work. You and I have spoken about this in separate briefings organised through Minister Gentleman's office, that we have undertaken work to satisfy ourselves that we are transitioning those elements of variation 369, as well as additional things, into the new system. That would have been provided to you through that FOI, because it is not a cabinet document; it is a document that was prepared to satisfy ourselves that we had covered everything. That was created after the date of your FOI, so it did not fall within the scope. But I am sure that, working with Minister Gentleman, there would be no issue in providing that through to you so that you can actually see the old provision and where it is in the new system in terms of variation 369, and there are additional things that have been included which are referencing that *Supporting report*, which you can find on the Planning System Review and Reform Project website.

MS CLAY: That is great. Will your office be providing that response to me in relation to the FOI or have you just done that now verbally?

Mr Ponton: We would need to make sure—because I believe very strongly in probity and integrity—that we respond through the appropriate channels. So, you will get that. I also understand that you have written to Minister Gentleman in similar terms, and we expect that you would also get that information through those channels. I suspect what you will receive—and, again, I am not the decision-maker for the FOI; I need to be very careful not to influence the decision-maker; it is their decision, after all—in relation to the FOI, given that those documents, from what I understand from my discussion recently, fall out of scope, which I just referred to, and you will probably not receive them through that process, but you will receive them, subject to the minister agreeing—

Mr Gentleman: Probably through my office.

Mr Ponton: from Minister Gentleman's office.

MS CLAY: Great. One of the other outstanding requests that was made multiple times, and there were undertakings, was for case study examples of how the new system works. When will those be provided?

Mr Ponton: We are working through those, with the expectation of providing a first cut of that to government in the first instance, before we share that more broadly. The industry testing and development of the case studies is underway as we speak, and we have five consultants doing that work, taking a different perspective. We have people who work on subdivision design; we have people who do planning work; we have architects. We are getting that different perspective in terms of the testing and the case studies. That work is due to be completed at the end of July, and that will then inform government decision-making, so it would be after that.

MS CLAY: Will it come to the Assembly before the Assembly makes a decision about the Territory Plan?

Mr Ponton: It would be finalised for government to make its decision on the Territory Plan. So it would follow—and, again, not wanting to pre-empt government

decision-making—that that would be publicly available at the same time as all of that other material is available, which would be before the Assembly considers.

MS CLAY: Great; thank you.

THE CHAIR: Thank you, Ms Clay.

Mr Gentleman: My understanding is that some of those documents were provided to your office this morning. That is the note I have.

THE CHAIR: I think you can take that up between offices.

Mr Gentleman: Yes.

THE CHAIR: We are 20 per cent into this session. I think we have done only one question. I am just mindful—

MR CAIN: Chair, on a point of order: could the minister ask his officials to answer succinctly? We are getting lots of background and explanation.

THE CHAIR: Mr Cain, I was just going to suggest that we are 20 per cent into the session, so, if everyone on this side and that side can try and keep things tight, we will get to as much as we possibly can. Ms Clay, over to you on a substantive.

MS CLAY: Thank you, Mr Ponton, and thank you, Chair. Yesterday, Minister, we had a chat about 70-30 and the way that we are counting that. Can I just check: I think we heard that you are counting our 70 per cent infill development based on development approvals. Is that right? Is that the way that you are calculating that?

Mr Ponton: Building approvals.

MS CLAY: It is based on building approvals. What happens when somebody does a knockdown-rebuild? Does that come up in your figures as one?

Mr Ponton: It would. If they knock down a single house and build a single house, there would be a building approval for a single house.

MS CLAY: The target that at least 70 per cent of Canberra's development should be infill within our existing footprint is actually about new development. If you are counting a knockdown-rebuild as a new development, then you are actually not counting new developments; you are actually looking at renovations and all sorts of other things. Do you understand what I am saying?

Mr Ponton: I hear what you are saying. My understanding is that it is filtered out, but perhaps we could take that on notice, unless one of my colleagues has the specific answer. We will take that on notice. But my understanding is that, in the data analysis—we work with the Australian Bureau of Statistics also in terms of building data—that is filtered out, Ms Clay, but let me take that on notice.

MS CLAY: We looked at census data when we came up with our figures, where it

looks like Canberra is only meeting between 50 and 60 per cent in infill targets. I am wondering if this might be the reason that our office has come up with a different set of figures to the government figures, if you are counting a knockdown-rebuild as one new home.

Mr Ponton: No. I think it is probably more that we have more accurate data. Keep in mind that the census is every five years and we are getting data monthly or quarterly.

MS CLAY: Can you take on notice providing us with the annual data, and can you provide us with the annual data for net new dwellings?

Mr Ponton: I certainly can. My understanding again is that that is published largely online. I will look to my colleagues to correct me if I am wrong, but there is data included through the *ACT land and property report*. If there is anything additional based on this line of questioning, then we will provide that on notice.

MS CLAY: Thank you.

THE CHAIR: Dated for which years?

MS CLAY: For the past five years.

THE CHAIR: Mr Cain, you have a supplementary?

MR CAIN: Yes; I do. And I think Ms Clay is making some really valid points there.

THE CHAIR: She often does.

MR CAIN: As stated yesterday, you said that the footprint that was in existence at the time of this 70-30 commitment was the base footprint that you are assessing your target against of 70 and 30. Is that correct?

Mr Ponton: Who are you directing the question to, Mr Cain?

MR CAIN: The minister.

Mr Gentleman: We advised, as was the case yesterday, that the 70-30 target was written into the Planning Strategy 2018.

MR CAIN: From 2018. The current meeting of your target at 60-40, which Ms Clay has touched on, is based on 60 per cent being new developments—residences that were added to the footprint back in 2018—and 40 per cent were added because of greenfield. Is that what you are saying?

Mr Gentleman: No; 70-30 is the—

MR CAIN: That is the target, but what about the actual outcome?

Mr Ponton: No. As I noted yesterday—and we could also take it on notice to be abundantly clear—I read out a number of figures that showed that, over the past five

years, we had met or exceeded 70 per cent. I think there was one year when it was at 69 per cent. You could check the *Hansard* for yesterday—

MR CAIN: Based on the footprint in 2018.

Mr Ponton: Keep in mind, also, Mr Cain—and I am sure you would be alert to this—that the existing urban footprint is that defined by the Territory Plan, which includes zoning. For example, new areas at that time were already zoned.

MR CAIN: In 2018?

Mr Ponton: In 2018. The existing urban footprint was defined. It may not yet have been developed, but there was an existing urban footprint. It is not as though we have had to rezone a whole lot of additional land. It was the identified urban area. I can provide you with a separate briefing, organised through Mr Gentleman's office, on how that is determined, if that would be helpful.

MR CAIN: I will look forward to that.

THE CHAIR: Thank you, Mr Cain. Mr Braddock.

MR BRADDOCK: A quick clarification: would Lawson stage 2 be counted as infill or greenfield under that definition?

Mr Ponton: That would be greenfield. Sorry—that is infill: Lawson stage 2.

THE CHAIR: Is there a specific answer or are there two answers? Is it infill or is it greenfield?

Ms Brady: Lawson would be counted as infill because it is within the footprint. If I am incorrect, I will provide a correction.

THE CHAIR: Do you have a different answer, Mr Ponton, or are we on the same page?

Mr Ponton: Let us confirm that and perhaps take that on notice.

MS CLAY: I wonder if, for the answer we are getting on notice on 70-30, on the data, we could get a picture of which suburbs are counted as infill and which are not, and a picture that goes to Mr Cain's question as well.

Mr Ponton: We can certainly do that. As I recall, and again I may be wrong—I have not looked at it in recent days or weeks—the Planning Strategy document itself defined the existing urban footprint. We will include a reference to that in our answer.

THE CHAIR: Can we get it straight: you are going to go offline and seek a clarification? At this hearing, where we are discussing the Planning Strategy and we are specifically discussing 70-30, you cannot give a definitive answer as to whether Lawson is infill or greenfield?

Mr Ponton: I can if I have time to get the Planning Strategy up, but I do not remember, off the top of my head, every single page of the Planning Strategy or every other document, Mr Parton. So, for abundant clarity I would like to check that reference for you.

THE CHAIR: Thank you.

MR PETTERSSON: I was wondering if the committee could get an update on the Indicative Land Release Program? What are the objectives we are trying to meet?

Mr Gentleman: Thanks, Mr Pettersson, for the question. It is an important program as we go through it, providing property for the future of Canberrans, and, of course, we look at providing dwellings for the growth of Canberra. We have looked at the data provided in the census, and you have seen in the past where that has not been correct in some circumstances. We actually knew that it was not correct at the time, so we were still able to provide an indicative land release program to meet the population here. Indeed, the program that was tabled with the budget goes through each different area and will let you know what we plan to do to release land in those areas. It goes to engagement with the community as well, in looking at the Indicative Land Release Program.

A very important part of this is facilitating development by the private sector as well. A lot of the time, we have talked about what we can provide as government. Of course, Mr Cain and others talk about single blocks of land for sale with the SLA, but the whole Indicative Land Release Program gives us the indication of the need for future dwellings to meet our population of growth. That is pretty well outlined in the ILRP document that came with the budget papers. I want to pass over to directorate officials to go through the ILRP for you and give you an idea of where it is up to.

Dr Brady: Mr Pettersson, I think your question was about the objectives. Page 5 of the *Indicative Land Release Program* refers to the principles, which I think probably answers your questions. It goes through what the principles are that underpin the Indicative Land Release Program and they guide our development of the Land Release Program. They range from delivering housing diversity and choice. It refers to the 70 per cent within the existing urban footprint. It also refers to a return to government. It has the principles that really underpin how we set and provide the ILRP to the government to consider.

MR PETTERSSON: Where can we expect to see Canberra grow in the coming years?

Dr Brady: The Planning Strategy provides you the best indication of that, with the focus on particularly the corridors and around centres. The draft district strategies that were provided to community from November to March also give an indication at a fine-grain scale of where we think that change could happen and growth is probably best to happen. That was based on a range of considerations, from environmental considerations to access to services.

THE CHAIR: Mr Cain, I think you have a supplementary.

MR CAIN: Yes. Thank you, Chair. On page 55 of the *Indicative Land Release Program 2023-24*, it states that 1,883 residential dwellings will be released this financial year. While the ACT is in the midst of a widely acknowledged housing crisis, how can you justify releasing just 1,883 residential dwellings this financial year?

Mr Gentleman: I am going to page 55 now of the *ILRP*, if that is the one that you quoted, Mr Cain—

MR CAIN: Yes.

Mr Gentleman: I cannot see that figure. Dr Brady might have an answer for that.

MR CAIN: It is the total at the bottom—1,883 residential dwellings—of that table on page 55.

Dr Brady: I think it is on page 55 of the actual document.

MR CAIN: That is the number.

Dr Brady: The 1,883 residential dwellings is projected for 2023-24. As the document outlines, part of our consideration for identifying land for release—which, to be clear, is government land that the Indicative Land Release Program focuses on; it is not private sector land and what that contributes to housing supply. For this one, for 2023-24, it is a reflection of some of the complexities that we are finding with land for which we have to do due diligence. We have to have community consultation. For example, we have some sites that we thought we could release sooner, but we have then done further community consultation—for example, in Gungahlin—and that has actually delayed release. We are finding that sites are increasingly more complex. We are finding issues like contamination and other issues that take longer to deal with, so the period of time that we, with our resources, can prepare land and bring it to market is shifting, as is the supply of potential land into the future.

MR CAIN: Surely you have a long-term vision for this. It sounds like you are looking at things at a particular time and saying, “Oops, we can only do a small amount.” You have been issuing indicative land release programs for years, and you are saying, “We notice things have happened to lower the number that we can actually make available.” It does not seem a very satisfactory explanation to me.

Dr Brady: I would say that, from our perspective, our strategic planning is reflected in the Planning Strategy and district strategies for where we look for our long-term supply of land.

MR CAIN: But it is the numbers released each financial year that make a difference to this community, and it does not seem like you are doing that very adequately.

THE CHAIR: I wonder if that question would be better directed to the minister.

MR CAIN: It certainly is.

THE CHAIR: I do not know if you want to redirect the question to the minister.

MR CAIN: Why are you failing to release sufficient units of land to meet the current housing affordability crisis and housing needs?

Mr Gentleman: Thank you, Mr Cain. I would disagree with the premise of your question. I do not think we are failing to release land in that sense.

MR CAIN: When we have thousands of applications for a handful of blocks, surely—

THE CHAIR: Mr Cain, perhaps we can let the minister answer.

Mr Gentleman: What we are doing, as I said at the outset of discussions on the Indicative Land Release Program, is looking at population growth and looking to providing the government release of land and the private sector release of land to meet that population growth.

MR CAIN: Are you satisfied that the numbers you are releasing in financial years like the one we are in are meeting those needs?

Mr Gentleman: What we have announced in the ILRP is indicative of what we see as population growth and the provision of dwellings for the future of Canberrans.

Mr Ponton: Mr Cain, you may wish to ask questions of our colleagues through the hearing for the Suburban Land Agency. They may be able to give you some information in relation to blocks that are currently available over the counter. That would suggest that there is land that has been released but not yet sold, but is available for people to purchase.

THE CHAIR: How many blocks, Mr Ponton?

Mr Ponton: As I said, that would be appropriately referred to our colleagues in the hearing for the Suburban Land Agency.

MR CAIN: But surely you are aware of those numbers to come up with your Indicative Land Release Program.

Mr Ponton: But, in terms of the exact number today, I think that would be most appropriately referred to the Suburban Land Agency.

THE CHAIR: I think we are up to the next substantive, and I believe, Mr Cain, it is with you.

MR CAIN: I might keep following on that. Of those 1,883 residential dwellings, just 451 will be single dwellings, all of which are located in Belconnen—Belconnen with 270; Gungahlin with 44; and Molonglo Valley with 137. This represents just 24 per cent of the total residential dwellings to be released this financial year, Minister. Considering the thousands of registrations for land ballots to build single dwellings in recent years, is releasing 451 parcels of land for detached housing a responsible approach?

Mr Gentleman: Thank you, Mr Cain. It goes back to the government's policy on 70-30, in that we are releasing single blocks of land—new greenfield estate—in comparison to the large amount of 70 per cent within the current footprint of the urban area of the ACT. So it does match up, and also what it does, Mr Cain, is—

MR CAIN: Can you guarantee that those 451—

THE CHAIR: Mr Cain, let the minister finish. Minister.

Mr Gentleman: Thank you.

MR CAIN: If he could be succinct, Chair.

MR PETTERSSON: Chair, if you think you can do something—

THE CHAIR: I think things are rolling along okay, Mr Pettersson.

MR PETTERSSON: I do not. Mr Cain, if you keep witness-stirring, I will ask—

MR CAIN: Through you, Chair—

THE CHAIR: Mr Pettersson, I think things are going along nicely. I want you to moderate a little, Mr Cain, if you could, and, Mr Gentleman, perhaps you could answer that question.

MR CAIN: Certainly. It is my enthusiasm for the subject.

Mr Gentleman: Yes. Thank you. I think I did when I referred to the 70-30 policy and the land release for single dwellings in greenfield estates in comparison to those within the urban footprint.

MR CAIN: Minister, are these 451 blocks all within the existing footprint or are they all greenfield?

Mr Gentleman: No. There are greenfield estates as well.

Dr Brady: The majority.

MR CAIN: Given the uncertainty you have about—

Mr Gentleman: I will ask Dr Brady to give you that detail.

Dr Brady: Mr Cain, you referred to Belconnen. I am sorry, I do not have the number right in front of me, but it was Belconnen, Molonglo and—

MR CAIN: Gungahlin.

Dr Brady: If you are referring back to the urban footprint reference, as Mr Ponton said, some of those were already included in the urban footprint. That is one part of it.

Gungahlin and Molonglo are greenfield, and Ginninderry is considered greenfield, because they are fresh land uses. It is not a second time around land use, which would be more brownfield.

MR CAIN: I have another supp on that. Minister, are you trying to choke the supply of land to increase demand and, thus, increase prices and government returns, or are you simply unable to conduct land releases in a timely and efficient manner?

Mr Gentleman: Neither is the case.

MR CAIN: What is the reason for the very small number, given the demand that exists?

Mr Gentleman: We have released land to meet population growth—I have said that a number of times, Mr Cain—in different areas, and, of course, it has been changing as Canberra has grown over many years. That is the policy of government: meet population growth. It is not about financial return at all, Mr Cain. We want to ensure that we can do the best for Canberrans in the future, and in fact you will see some changes that we have announced already in build-to-rent and other affordability opportunities as well.

THE CHAIR: Mr Gentleman, do you believe that the hugely oversubscribed land ballots of recent times support your position?

Mr Gentleman: Mr Parton, I will reflect on my time, of some 20 years, of looking at land ballots in the ACT where we saw a lot of land banking by private developers, ensuring that they could gain the windfall in property values before they sold to the public. This is why we made the change to allow our SLA to do the land sales in the ACT—so that we would not see that sort of land banking and values of properties sold would be the values met by qualified land valuers.

THE CHAIR: But, Mr Gentleman, what I am very clearly asking you is: given the enormous demand, as displayed by the hugely oversupplied land ballots for those stand-alone blocks, how can you possibly believe that the land release, as forecast in the indicative program, could possibly be meeting that demand?

Mr Gentleman: It is meeting population growth, and that is our—

Mr Ponton: Mr Parton, if I could just reflect on the earlier answer I gave? While there is very strong demand through the ballot process—again, if you ask these questions of our colleagues from the Suburban Land Agency—there is not the response, once people have registered, to actually engage in the process of purchase, which is why we are seeing land available over the counter. In Whitlam recently, there were a lot of blocks that did not sell, so they will become available over the counter, having gone through the ballot process. We know that there was a significant level of interest, but that did not equate to purchase. Again, these are questions that are best referred to our colleagues.

THE CHAIR: Can I just be clear on that? What you are telling me is that a number of potential buyers won the right to buy a block and then said no.

Mr Ponton: They did not even get that far, Mr Parton. They won the right but did not respond—that is my understanding—to the approach, asking, “Would you like to come?”

THE CHAIR: We look forward to questioning SLA on that later.

MR CAIN: I have just a quick supp on that.

THE CHAIR: You have one supp on this, Mr Cain. I am watching you!

MR CAIN: Minister Gentleman mentioned meeting population growth. Our population is growing at about 10,000 per year. The average occupancy per dwelling is about 2.6 people, and fewer for units. How are 1,800 new residential properties meeting population growth? It is meeting less than half of that.

Mr Gentleman: Firstly, the figure that we use is 2.4 per cent per dwelling. Secondly—

MR CAIN: Well, even worse.

Mr Gentleman: the 1,800 is the amount that the government is releasing and not that of the private sector.

MR CAIN: But that is what you control, Minister.

Mr Ponton: Sorry, Minister, perhaps I could just jump in there.

MR CAIN: Thank you.

Mr Ponton: The government controls the Indicative Land Release Program but has a policy of accommodating 70 per cent of growth within the existing urban footprint and therefore making sure that the planning controls allow for the investment of the private sector. So it is not for government to do all the heavy lifting. The data that I referred to yesterday—it is in the *Hansard*, and we were going to provide for abundant clarity on that question on notice that I referred to earlier—will show the role of the private sector. It is not as simple as looking at, “This is the number in the Indicative Land Release Program and that is all that is available,” because we know that other work is happening. The planning reforms themselves are also looking at opportunities for the private sector to invest to provide that housing, and, as we have said before, 70 per cent of that is to be within the existing urban footprint.

MR CAIN: Yet it was the minister who said that he is meeting population growth.

THE CHAIR: Mr Cain, I think we are done with that. Mr Braddock, thank you for your patience. Over to your substantive.

MR BRADDOCK: Thank you, Chair. *Budget outlook* page 90 has a line item called “support land release”, which has a total of about \$11 million allocated to it. Can you please outline what that has actually been spent on?

Mr Gentleman: Yes. Thank you, Mr Braddock. I will start with the overarching response to the question. That is to do the planning and due diligence for land releases and to work with the suppliers of infrastructure, such as ACTU and those kinds of groups, to ensure that we have the adequate infrastructure planning done for those new releases as well. With that, I will ask the directorate to give you even more detail.

Dr Brady: It is basically as the minister said: the funding is a lot around due diligence. It is over the four years. We are finding that a lot of the due diligence is actually taking longer and is more detailed, as we need to do contamination reports, heritage investigations and environmental investigations. A lot of the funding is to try to help us get through that better so that we can bring land forward as soon as possible.

MR BRADDOCK: Thank you.

THE CHAIR: In all of that excitement, I missed that Mr Cain did not actually get a substantive question—such is the magnitude of his presence! Mr Cain.

MR CAIN: So many supp opportunities. Minister, will the new East Canberra district remain in its proposed form of amalgamating the Majura and Jerrabomberra districts, and will you persist with locating Oaks Estate in East Canberra rather than Inner South?

Mr Gentleman: It is to the east of Canberra—yes.

MR CAIN: Oaks Estate?

Mr Gentleman: Yes.

MR CAIN: You are going to keep that in the new East Canberra district rather than leave it with Inner South?

Mr Gentleman: It is to the east of Canberra.

THE CHAIR: I think the question, Minister, is—

MR CAIN: That is not an answer to my question.

Mr Gentleman: We will not be making any change.

MR CAIN: So, even though the documents—

Mr Gentleman: It will be in the district strategy for the east of Canberra.

MR CAIN: You are confident that, even though cabinet is considering the district strategy plans, that will not be changing?

Mr Gentleman: I have not had any indication from cabinet yet that it would change. If it does, I will certainly let you know.

MR CAIN: Yet you seem very confident that it is not going to change—

Mr Gentleman: Yes; I am.

MR CAIN: despite cabinet not making a decision yet.

Mr Gentleman: There has been no feedback to me that it should change.

Mr Ponton: Keeping in mind, of course, that—

MR CAIN: When do you expect to get feedback from cabinet on this?

Mr Ponton: We have been going through a process with the government, Mr Cain, which means that it is not a one-pass process.

MR CAIN: I have a final supp.

THE CHAIR: Just one supp?

MR CAIN: Yes. It depends on what is said. Minister, will district strategies be developed for all the non-urban areas of the ACT including, for example, Kowen, Stromlo and Paddys River, to account for the planning needs of rural landholders and non-urban land uses?

Mr Ponton: I might respond to that one, Minister, if that is okay? Through the various documents that have been released through the Planning System Review and Reform Project, the primary purpose of the district strategies was to work with the community and assist government to manage urban growth. Given that those areas that you have referred to are not currently expected to be seeing urban growth—they are rural areas as you know, Mr Cain—the focus has been on how we manage the growth of the city within the existing urban footprint, going back to the Planning Strategy. Through the directions papers released in 2020 and other various documents, you will note that there is a reference to the value of the district strategies in filling the gap between the Planning Strategy 2018 and on-block provisions for growth. It is filling in that more localised strategic planning on how to best accommodate the growth.

If there were a strong desire for other rural areas to be considered, if that were the government's wish—but based on the current policy it is not—then of course we would look to undertake that strategic planning work to accommodate the growth. There are other rural areas.

MR CAIN: I make reference to page 25 of the *Listening report*:

Suggestions that district strategies should exist for all the ACT, including non-urban areas.

Are you rejecting that recommendation from the *Listening report*?

Mr Ponton: The purpose of the district strategies is to help us understand how to

accommodate growth, unless there is a strong desire, as I said, for growth to occur in those rural areas. At this stage, there is not considered to be an urgent need because the focus is on: how do we best accommodate the growth within the existing urban footprint? It is an understanding, Mr Cain, of how the metropolitan Planning Strategy links through to the district strategies and through to the on-block provisions. That is the key point. If you want to refer to the directions papers, which are available online, the purpose of the district strategies is clearly articulated.

MR CAIN: Thank you.

THE CHAIR: Let us move onto the next substantive, which is mine, but I might pass it to my friend, Mr Cain.

MR CAIN: Thank you, Chair. That is very considerate of you. I note that the land to the west of Canberra's metropolitan area, Western Edge, has been under investigation by EPSDD since 2020. A series of completed studies has been produced over the past few years, which provided initial understanding of the values of the area and foundation for further detailed studies. The website says:

The next step is undertaking a Capability and Suitability Assessment of the Western Edge ...

Minister, I asked about this last year at estimates, yet it does not appear that much progress has been made. What is the current progress of the capability and suitability assessment? How many more studies are expected to be completed?

Mr Gentleman: There are still quite a few. A number have been done already. We have reported to cabinet on some of those. It is about 9,800 hectares in area. As we know, it is bordered by the Murrumbidgee River and the existing areas of Belconnen, Molonglo, Weston Creek and Canberra. It contains significant environmental values and it is declared a bushfire zone. As such, only parts of that investigation area may be suitable for development.

We have completed a range of preliminary background investigations. The environmental bushfire risk investigations have been done. They provide some informed understanding of the area and a number of the assessments indicated further investigations were required. The next stage of investigation will be a land use capability and suitability assessment of these areas. Some of the studies currently underway include the Murrumbidgee flood scoping study, the strategic bushfire study, the Murray crayfish survey, the woodlands bird survey, an Aboriginal cultural values assessment, and an ecological condition and habitat survey.

Based on the land use capability assessment, there is a lot of constraint in that area for future urban development. We are looking at the ecology of the area—what needs to be set aside for habitat for endangered species, for example—and that leaves us little area for development, but we are certainly looking at what may be able to be done in the area for future land development.

MR CAIN: When will the capability and suitability assessment be completed?

Mr Ponton: That work has been completed by the directorate, but it was prepared specifically for consideration by cabinet, so it is not at the point where it can be publicly released. It is going through a process for consideration by government. It also identifies, depending on various scenarios, further work that needs to be done. Keep in mind, Mr Cain, that the earlier work is just that—it is early work that often identifies more detailed work that needs to be done in specific areas. That is part of the capability and suitability work, but it requires decisions of government. That is where it is at the moment.

Mr Gentleman: You can see some of those investigations on the EPSDD website. The contamination assessment, the preliminary geotechnical and hydrological assessment, the ecological review and assessment, the character values and visual assessment, the bushfire risk assessment, the air quality assessment, and the engineering infrastructure opportunities and constraints assessment are on the website.

MR CAIN: I have a couple of quick detail supps, Chair. What proportion of that 9,800 hectares will be urban-capable land?

Mr Gentleman: Those studies have not been completed, but at this stage I would say that the current feeling is very little, and that is due to the studies that have occurred so far, but we will look at opportunities for the—

MR CAIN: Why has only \$60,000 been rolled over to pay for Western Edge studies in this year's budget?

Mr Ponton: That was money that was not committed for last year. Sorry—it was committed but not yet spent for last year, but, if you look in the budget papers, Mr Cain, you will see that there is a reference to further expenditure for the Western Edge which is in the order of around \$200,000 for further work that needs to be done in the current year. Keep in mind that we are still going through a process at the moment for cabinet or government consideration. Once those decisions are made, I am sure that there will be further consideration as to further investment, but it depends on some decisions that have to be made coming out of that suitability and capability analysis.

MR CAIN: Why was that not spent last year?

THE CHAIR: Thank you, Mr Cain. We are going to—

Mr Ponton: It was committed but not spent, simply because of the timing of the financial year, when the bills come in.

THE CHAIR: Let us move on to Ms Clay.

MS CLAY: Minister, we do not have many references in the budget to the planning review. I found \$87,000 in rolled-over funding, but I could not actually get a good sense of the resources you have to deliver this project. It is big; it is complex. Can you tell me how much money and how many FTEs you have to deliver the planning review at the moment?

Mr Gentleman: The reason the amount is at that figure is that a lot of the work has already been completed and we are doing the final touches, as you have heard, for cabinet to consider the Territory Plan and the nine district strategies. Directorate officials will have some more detail.

Mr Ponton: I will make some initial comments and I will hand to my colleague if I have missed anything. The short answer is that, if you look at last year's budget papers, you will see that is where the bulk of the money was committed over the forward years. That continues. A lot of the money yet to be spent is in relation to the IT systems that will support the new planning system. That work is progressing well, but, as the minister said, in terms of getting us to this point, the work and the money has been spent.

MS CLAY: How many FTEs do you have working on the planning review?

Dr Brady: Part of the funding Mr Ponton referred to went to, I think, eight FTEs for a period of time, but the approach we have taken to the project is that we have people. The eight people are focused on various parts of the Planning System Review and Reform Project work, but we have people in other areas that are also working on that for part of their time, and that could be up to 10 people at different points in time also contributing to the work.

MS CLAY: How is the ICT upgrade going? Is there funding for that? Is that complete?

Dr Brady: It is referred to as eDev. In the funding that Mr Ponton referred to, you will see the capital funding relates to eDev, or the ICT system upgrades. Procurement has been happening. The procurement process has been a bit more lengthy and thorough—not more thorough than we thought but lengthier than we thought—but we are on track to have the system in place.

Mr Ponton: Just for clarity: the reason that it has taken longer is because of the amount of interest that we got in the project. We expected a certain number of respondents and we got many more than that. To make sure that we dot all the Is and cross the Ts and make sure that the procurement is thorough and meets all appropriate requirements has taken longer than we had hoped.

MS CLAY: Will that system be ready if the new system is put in place?

Dr Brady: We will have upgrades to the system for the initial release and some final upgrades would probably be several months later. Again, because of the timing relating to procurement, we are a little bit off the initial time line.

MS CLAY: What are the new features of this new system that we will see? I know there were a lot of calls about how the old IT system did not really meet our needs. Can you tell me just some of the new features that will meet our needs?

Mr Gentleman: I have the detail here, actually. In online services, you will be able to lodge a new development application; upload plans and documentation relating to your DA; lodge additional information as requested by the case officer; lodge an

amendment to an active DA; lodge documents to satisfy conditions of an approval under section 165; lodge an amendment to a development approval section 197; edit an existing DA form; view the status of your DA through its lifecycle; manage your company's staff access to DAs; update your personal details like postal address et cetera; and certifiers can lodge building approvals and amendments to building approvals.

MS CLAY: Will it provide people with access to maps that they can read? We have had a lot of problems in the past with the mapping tools that are used.

Mr Gentleman: I think it should relate to ACTmapi.

Mr Ponton: Yes. Longer term, that is certainly where we want to be. This is dealing with the immediate issues and the feedback that we have received so far. In the longer term—I would say in the next couple of years potentially—we would be looking to get to the point where it is more interactive, so you can interact with ACTmapi. You might be able to click on a parcel of land and it starts to tell you what the requirements are through the Territory Plan, but this first stage will not deliver that.

THE CHAIR: Mr Cain.

MR CAIN: I have a supp on Ms Clay's original line. Have the planners who had been taken off DA assessments to work on the planning review returned to assessing DAs?

Mr Pontin: We have not taken people off assessing DAs. What we have done is given people the opportunity to provide their expertise in working with a team. That might be in meetings. As part of their normal duties, it is not unusual for development assessment officers to contribute to policy work, and that is exactly what has happened. As a modern manager, it is really important for us to allow for that to occur. I think I have talked about this in previous hearings. We have our DA people providing input to policy, but it works both ways. We have our policy people engaging with the DA team to get a better understanding of how the statutory system works.

MR CAIN: During the review, surely the planners working on DA assessments, as you have touched on, would have been doing fewer DA assessments because they were involved with the review.

Mr Pontin: No, Mr Cain, because, as I said, that is part of their normal duties. For as long as I have been working for the Planning and Land Authority, except for a short period of a break in 2016 or thereabouts—some 20 years—it has been part of normal duties for assessment officers to provide the feedback through in terms of the contribution to the policy area.

MR CAIN: That would be very different when you are doing a full review of the whole planning system, surely.

Mr Pontin: That is why have the eight FTEs who are doing that work, and the policy area was doing the bulk of that work. In terms of some of the testing and the sense checking, that of course is done by the people who use the system, and that is as it has

always been, Mr Cain.

THE CHAIR: Thank you, Mr Cain. I thank the minister and all the officials. Thanks for coming along. If witnesses have taken questions on notice, could they provide answers to the committee secretary within five working days of receipt of the uncorrected proof transcript.

Hearing suspended from 2.00 to 2.15 pm.

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 Services Directorate
Glenn, Mr Richard, Director-General
Krajina, Ms Danielle, Chief Operating Officer

ACT Policing

Gaughan, Deputy Commissioner Neil, Chief Police Officer
Boudry, Assistant Commissioner Doug, Deputy Chief Police Officer
Whowell, Mr Peter, Executive General Manager, Corporate Services

THE CHAIR: This is the fifth session for this committee on estimates hearings today. We will hear from the minister, Mr Gentleman MLA, Minister for Policing and Emergency Services, and officials from the hardworking Justice and Community Services Directorate and ACT Policing.

These proceedings are being broadcast live and are also being transcribed and will be published on the Assembly website. If you are taking a question on notice, please make it clear that you are taking a question on notice. “I will take that question on notice,” would be the way to go. Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention 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. Thank you, everyone, for that confirmation.

As we are not inviting opening statements, we will now proceed to questions. Minister, I would like to refer to a number of statements and social media posts by a member of this Labor-Greens government, and I refer to a member who is present in the room, Mr Braddock. Mr Braddock has previously claimed in the Assembly that more police leads to more crime. Mr Braddock recently posted a confirmation of this view, and I quote from his most recent video: “If you simply increase the number of police, you actually get to a situation which is called over-policing, where they are finding more crime and persecuting people for that.”

Minister, do you think that more police lead to more crime? I would also love to get the opinion the Chief Police Officer on this as well, but, Minister, do you think more police leads to more crime?

Mr Gentleman: I think it is very important that we invest in police, Mr Parton, to ensure that we keep Canberrans safe into the future. They have done an incredibly good job over the time that I have been minister, and I have been very supportive of the work that they do. I think it is very important as a community that we have confidence in our police. Mr Braddock, of course, has his own views of that particular area, and it is up to him, of course, to release those views when he sees fit.

THE CHAIR: Well, he is a member of the government.

Mr Gentleman: I will not comment on his views, but I have every confidence in the work that police do, and I think Canberrans do as well.

THE CHAIR: Is Canberra in danger of being over-policed, given the recent announcement?

Mr Gentleman: I think the investment that we made in this budget and budgets before that ensure that we have a steady resource of policing across the ACT into the near future so that they can do their job. Of course, we wanted to ensure that police could do a piece of work with the community in the police service model that allowed them to interact with the community prior to people entering the criminal justice system. This is what the plan was: to actually be proactive in working with the community to stop crime before it happens. I think they have done an exceptional job, and I commend them on that work.

THE CHAIR: Mr Gaughan, can I ask you? Do you think more police leads to more crime?

Dep Commissioner: Firstly, I respect the views of members of the Assembly, and indeed the broader Australian parliament. I do not necessarily always agree with the views of elected officials. I think I have been clear on that a couple of times.

Mr Gentleman: He has agreed with mine, most of the time!

Dep Commissioner: I agree with what the minister said—in that more police does lead to greater prevention. I think that is proven. I think the other thing that more police does is lead to more crime being cleared—more matters being resolved, particularly in relation to things such as property crime. I also note that I thank the government for its investment in ACT Policing in the next five years. It is much appreciated. As a territory, I do not think we are anywhere near close to being over-policed—if the term actually should exist—in any event.

THE CHAIR: I feel silly even asking this: do you believe that ACT Police would start persecuting people if there were more police in Canberra?

Dep Commissioner: No. I think we would clear more offences. Would that mean more people would face the court? That is likely—is possible—but we are certainly not in a position in this jurisdiction that we have too many police.

MR HANSON: With relation to the additional police that you mentioned, can you outline, firstly, where are the staff that you announced in the 2019 budget? The annual report shows that we have less police on the ground now than we did a decade ago, but you announced, I think, 69 or 70 new staff in the 2019 budget. Where have they gone?

Mr Gentleman: What we do, of course, is fund ACT Policing to roll out that safe work across the ACT. We do not direct them to operate in any particular area or on any particular strategy, but I do support the way the Chief Police Officer uses staff in different areas to combat what he sees at the time as a criminal outbreak or in

identified areas that need extra policing, and I support him in that structure.

MR HANSON: But you made a big hoo-ha about putting extra police in the budget. You have been saying it repeatedly. You said that in 2019, but we have less police on the ground now than we did back in 2012. The maths does not stack up. Where are they?

Mr Gentleman: Mr Hanson, I will pass to the CPO in just a moment, but, often when you use particular dates and specific times, you refer to times prior to the policing agreement we have at the moment. We had some different operations that occurred in the ACT—such as SRG, forensics, those groups—which are now part of the purchase agreement with the commonwealth, so they do not sit in our books anymore. But I do respond to the CPO's call for more police, and this is why—

MR HANSON: Yes, but this is sworn officers; I am going on sworn officers in the ACT annual report.

Mr Gentleman: we have made the extra investments, because we are responding to what police have asked for. The CPO will give you some detail as to where those officers are.

Dep Commissioner: There are probably a couple of aspects to this particular issue. The first one is, as the minister has pointed out, certain officers now are part of the enabling agreement that we had with national. The tactical officers, for instance, are counted in that figure, which is about another 300 or so, with other support we receive from AFP, including forensics officers.

Regarding the issue you talk about, going back to 2012, we have canvassed that previously in this committee. A lot of that goes to the fact that many of those positions that in 2012 were performed by sworn officers are no longer performed by sworn officers. Probably the area where that has occurred most is our police operations area, where pretty much the entire workforce is now civilianised, and it is a large number. The second area is our police intelligence area, which is also predominantly civilianised, which is consistent with pretty much the way every jurisdiction in the country has gone.

There certainly has been an increase in police numbers through the PSM, and most of those police officers went to areas such as our preventative-type areas. We have, obviously, established things such as TORIC with the resources we had in previous areas. Over the last few years, we have seen an increase in numbers in our sexual assault and child abuse team as well. So there has been a small increase in numbers, and whilst—

MR HANSON: Can you just tell me what that is as of today or your most recent analysis? What is the number of sworn officers on active duty?

Dep Commissioner: Regarding the number of sworn officers as of today, I might get Mr Whowell to give us the exact number while I try to find it.

Mr Whowell: As at 30 June this year, 2023, we have 731 sworn officers.

MR HANSON: They are on full-time duty? Does that include part-time officers, or is that the full-time number, or—

Mr Whowell: It would include part-time. I cannot give you that breakdown right now.

MR HANSON: Can you break that down on notice, please? Full-time and part-time?

Mr Whowell: I will take that on notice.

Dep Commissioner: It also does not include, Mr Hanson, a smaller number of officers who are currently what we call inoperative—who, due to injury et cetera, are unable to perform frontline duties.

MR HANSON: Can you break that into that mix as well?

Dep Commissioner: We will be able to break that down as well.

MR HANSON: I just want to get a figure of full-time on the ground.

Dep Commissioner: It is also important for the committee to note that, as of 30 June, we are actually at our affordable FTE. We have no vacancies across ACT Policing, and in fact another recruit course graduates this Friday. Twenty-five sworn officers will graduate on Friday, and that will put us, technically, above our affordable FTE moving into the second month of the financial year.

MR HANSON: I have some more questions, Mr Chair, but I do not want to hog it.

DR PATERSON: Mr Hanson has had so many questions.

THE CHAIR: Dr Paterson, I would remind you that in previous hearings today you had many more supplementary questions than that.

DR PATERSON: It was a supplementary, not a substantive.

MR HANSON: I can come back to it, Mr Chair.

MR CAIN: Minister, I have been hearing from business owners and residents that use the Kippax Shopping Centre about police numbers. Crime out there has gotten so bad that some are afraid to go out of their homes for their weekly shopping, and it is seriously impacting the businesses in Kippax Group Centre. It seems to be the view that the northside police force is really understaffed and that calls to West Belconnen are not answered on every single occasion when there is a need.

DR PATERSON: Chair, how does that relate to Mr Braddock's Facebook post?

THE CHAIR: Dr Paterson, my view is that it does refer to the original question. Continue.

MR CAIN: Minister, why have you allowed the situation in West Belconnen,

particularly Kippax, to get so dire?

Mr Gentleman: It is not the case, Mr Cain. In fact, are you—

MR CAIN: That is not what I am hearing.

THE CHAIR: Mr Cain!

Mr Gentleman: You mentioned earlier about how people feel in regard to safety, and of course the report that we have had is that Canberrans feel incredibly safe.

MR CAIN: Have you been to West Belconnen?

THE CHAIR: Mr Cain, can you just allow the minister to answer the question, please.

Mr Gentleman: I think that is part of the work that policing has been doing in their proactive work with the community. Once again, I congratulate them for that work. In regard to the specific area of West Belconnen, of course the CPO and his team will allocate resources where they see the need most fits, and, indeed, create and use operations where they see the need. I know there has been a lot of work that police have been doing, particularly with the retail sector. I will pass over to CPO to give you some of those details.

Dep Commissioner: Mr Cain, we encourage members of the community that have a particular issue to come forward and let us know. I know the OIC of Belconnen Police Station has been out to Kippax shops recently. We have done a Coffee with a Cop out there. We are doing our best to engage with the community, but I stress the point that we will respond when we are asked to. I encourage members of the community to let us know where there are hotspots, and we will stamp all over it.

MR CAIN: Minister, will you commit to going out to the Kippax Group Centre and engaging directly with the business owners and the shoppers out there to get a firsthand view of the needs?

Mr Gentleman: Thank you, Mr Cain, and indeed we do engage with different—

MR CAIN: Will you personally?

Mr Gentleman: Indeed, we do engage with different groups. I have a meeting, I think, coming up with South Point very shortly, so if there is a request to meet, I have no issue with going out. We did that with Mitchell a couple of years ago, where they were very concerned about some of the activities that were occurring, and I think the work the police did there was incredibly successful in dealing with the crime associated.

MR BRADDOCK: Just going back to the police numbers, the Australian Federal Police commissioned a report from PwC modelling those and used that as a justification for increased police numbers. Will the AFP be publishing that report?

Dep Commissioner: My understanding is it is about to be released under freedom of

information in the next couple of days.

Mr Whowell: Or couple of weeks.

THE CHAIR: Minister, you indicated in your answer that you respect the views of other members of the Assembly and distanced yourself somewhat from the comments of Mr Braddock. Given that Mr Braddock is a part of the government, is there a concern that the Greens will be demanding cuts in police funding to satisfy this ideological position?

Mr Gentleman: I will always listen to comments from other members of the Assembly, Mr Parton, and take that on board.

THE CHAIR: But you may have to do more than take it on board.

Mr Gentleman: Well, it is hypothetical. It has not occurred.

THE CHAIR: No, it has not, but at least we are talking about it.

MS CLAY: Thank you, Chair. Minister, in the budget we have a transfer of funds from policing to the Restorative Justice Unit in JACS for a convener position. Do you think police referrals to the Restorative Justice Unit are used often enough?

Mr Gentleman: I must say, there is an opportunity to increase RJ. I did quite a bit of work in my earlier time in the Assembly on a panel looking at restorative justice. There was certainly some success in the aspects of how victims felt about RJ, but I am not so sure that it was so successful with regard to offenders. I think that is still the balance that we need to look at. I am happy to look at that, but I will ask directorate officials to give you some more information.

Mr Glenn: Thank you, Minister. Ms Clay, I do not have the figures in front of me at the moment for RJ referrals, with that being part of the Attorney's portfolio. What I will say is that the Restorative Justice Unit does some fantastic work across the criminal justice system and has a really close and collaborative relationship with Policing, which has been working exceptionally well in recent times. Deputy CPO has the figures.

Asst Commissioner: Thank you. During 2022-23, ACT Policing diverted 106 members of the community to the RJU. This was an increase of nine over the previous financial year. Of those 106, 65 were young persons, 28 were adults and 13 were First Nations people. We will always use restorative justice where possible and appropriate. Obviously, it takes consent on behalf of both the offender and the victim of that offence to make a restorative justice process work, so we have certain requirements in that process to be met for it to be successful.

MS CLAY: I believe restorative justice sits with the Attorney-General, but police can initiate a referral. Is that right?

Asst Commissioner: Yes. We will refer it via a support link.

MS CLAY: Great. Are those referrals going up over time? Are you referring more people to RJ now than in the past?

Asst Commissioner: Yes. That is what the figures are showing.

THE CHAIR: Excellent. Thanks. There are no supplementaries, so we will go to Mr Pettersson.

MR PETTERSSON: Thank you. I would like to pass my question to Dr Paterson.

DR PATERSON: Thank you. My question is in respect to dangerous driving in Uriarra. I have asked this question at almost every hearing for the last three years. Last weekend alone, there were apparently reports of about 200 people out there and there were swastikas drawn on the road. The community is horrified at what is going on and it is a regular occurrence. We have talked before in sessions around the logistical issues, resourcing and the safety of police officers going out there, so I do understand all those issues. I have also been advocating to Minister Steel to see structural changes in the two points where this is occurring close to the Uriarra township, so I will continue that line of inquiry. We know the two locations where this is occurring. I dare say we know who is doing this. So I am asking, from a policing perspective, what is a long-term solution to this? Could cameras be put up? I feel that we have to do something. We know the locations. It is a solvable problem. My question is: what can be done?

Mr Gentleman: I will kick off first, CPO. There are a number of things to look at that we have discussed before and that includes legislative change. It is bad driver behaviour and about whether the community feels that is acceptable. What we are seeing with those particular groups is that their community feels it is. This is the difficult education piece that we have in that they feel that this is an acceptable practice. I have a long career in motorsport. I never felt that was an acceptable practice. We certainly were not competing against each other, as they are doing, so I do not see the reward that they get, but obviously it is something that they find enjoyable. It does not just happen at Uriarra, of course. Last Friday, I did some work with PCS on the Bullen Range and the T-intersection at the end of Point Hut Road, and, at Tidbinbilla near the nature reserve, we are still seeing a lot of that activity. I will hand over to the CPO.

Dep Commissioner: It is an ongoing issue. It is also an issue in the region; it is not just the locations in the ACT that you and the minister have spoken about. We are aware of Sutton and a few other places on the Federal Highway—Sutton Road et cetera. We are about to start doing some work with NSW Police on this particular issue. We will probably try and combine our resources to tackle it. Many members of the NSW Police highway patrol are sworn in as members of ACT Policing, and vice versa, so we are thinking about pooling our resources.

The issue of cameras is a valid one. These people have “cockatoos”. I may have mentioned that previously. They will be three or four kilometres down the road and, if they see one of our cars come, they will call the whole thing off and we do not actually see them do anything wrong. So cameras are important. We can use unmarked police cars and a few other things to get around the “cockatoo” issue, but it

is something we are actively looking at and it is something we have spoken to NSW Police about as well. Chair, we will take on notice to come back to the committee in the next couple of months with an update in relation to where we are up to.

DR PATERSON: I really appreciate it. Thank you.

MR BRADDOCK: The use of the software Auror has arisen as an issue in Senate estimates and also in the media recently. I am trying to understand the terms of the ACT government's assessments of the privacy implications from the passage of our CCTV network to the Australian Federal Police, for it to be incorporated into the software, and whether any assessment was done as part of that process.

Mr Gentleman: Thank you, Mr Braddock. It is something I will need to check with regard to the safety of personal information from ACT cameras. The Auror system is used quite widely across the ACT by retailers and, as you are probably aware, it is an information sharing platform to allow retailers to share their CCTV with police so they can identify criminals. I will ask the CPO to give you some more information.

Dep Commissioner: We have suspended its use. It is no longer in use. We stopped using it on 15 July. I am of the view that, with the way we were utilising it, there was no issue, but, in an abundance of caution, we are going to stop using it until such time as the privacy impact assessment is concluded. It is well underway, but, until such time as it is concluded, Auror do not ingest ACT government CCTV. The only CCTV footage or still footage that goes onto the Auror platform, as the minister has indicated, is from retailers. There is no other ingestion of information.

MR BRADDOCK: Thank you.

THE CHAIR: Mr Hanson.

MR HANSON: Thanks. Perhaps we could go back to where we were talking about police numbers. CPO, you mentioned that you may not go above FTE with your latest graduation. The announcement in this budget is for 126 police officers, but it is spread out over five years.

Dep Commissioner: Yes.

MR HANSON: One of the constraints that has been identified in terms of why it is spread over five years is recruitment or retention. It is a difficult game to make sure you can grow that number quickly. Your earlier evidence today suggests that, if you go over FTE, you could accelerate that. What is the constraint? Is it the budget constraint or is it a constraint on your ability to recruit more people?

Dep Commissioner: It is not necessarily the issue of recruitment. Recruitment is one part of the plank. The more complicating factor is that, if we ingested, say, another 60 next financial year, the issue would be: "Where do I put those officers to enable them to be adequately trained to perform their duties in a safe way?" As to the way it works now, we take junior recruits and we put them with the experienced officers to bring their skill level up. Increasing by 60 is just not possible. The increase of 20-odd recruits this financial year, 40 next financial year and an additional 40 the next

financial year is definitely doable. The other thing, of course, is that we lose around 10 per cent of our workforce every year to the rest of the AFP, through the tactical areas but also through CPP, close personal protection, and things such as that. Obviously, if the government decided they wanted to frontload the budget, we could have had a further conversation about that, but 60 is just not feasible.

MR HANSON: What is feasible? We are not talking from a budgetary point of view—that is for the minister—but from a what-could-you-absorb point of view, within safe constraints, what is the number?

Dep Commissioner: Noting the fact that I lose about 60 or 70 a year to outcome 1 and 3 of the AFP, anything above an additional 40 on top of that, which is 120 or so a year, is almost impossible to do. Forty or 50 a year is manageable, but any in addition to what we are already getting—I am talking about well over 100 new recruits every year—is difficult to manage.

MR HANSON: You are losing about 10 per cent to AFP, nationally?

Dep Commissioner: That is correct.

MR HANSON: What are you losing them to: retirement, going to other police forces, getting other jobs? What are the numbers?

Dep Commissioner: I will get Mr Whowell to pull the figures up in relation to attrition in a moment, but I think our attrition is just over three per cent at the moment and it is actually less than it has been over the last few years. I think Mr Whowell has that data.

Mr Whowell: Yes. That is correct—that figure on attrition. Did you want me to expand on where people go in the rest of the AFP?

MR HANSON: No. If they are going to national, that is enough for me to know. Have you looked at the issue of lateral recruiting? I notice Queensland is offering 20 grand to move to Queensland. Is that going to have an impact or are you looking at lateral recruitment?

Dep Commissioner: With the \$20,000 a year increase, it works out at a couple of hundred bucks extra a year than people are paid here now. I think most of us are aware that someone might start in Brisbane, but, if they are an experienced police officer, they are not going to be in Brisbane for too long; they are going to be out the back of Bourke somewhere. We have to take that into consideration as well. We have done lateral recruitment before, and we will continue to look at that. One of the challenges we have is that, when we recruit laterally from other jurisdictions, not everyone likes the cold weather in a Canberra winter and we do lose lateral recruits at a higher percentage than we lose recruits off the street.

Mr Gentleman: I would encourage anyone listening to this hearing who thinks about a career in policing to come to ACT Policing. It has a much better career path than many of the other organisations. I saved—

MR HANSON: If people listening to this hearing is your recruitment strategy, that explains a lot, Mr Gentleman!

Mr Gentleman: I saved one PSO from moving to New South Wales last week.

MR HANSON: If you could recruit them all, we would still be in trouble.

DR PATERSON: One of the recommendations of the SARC report, which has already gone through the Assembly, is moving the most serious sexual offences to schedule 1 of the Bail Act—no presumption of bail. As part of the dangerous driving inquiry, one of the recommendations from ACT Policing was to shift the presumption of bail for the most serious dangerous driving offences. In the last sitting, I introduced a bill around shifting the presumption of bail for culpable driving, driving at police, and furious, reckless and dangerous driving to no presumption of bail. I am interested in ACT Policing's view on this and what impact ACT Policing believes it may have, particularly in relation to Operation TORIC and safer roads.

Mr Gentleman: Thanks, Dr Paterson. I might just say that the government itself is committed to finding evidence based ways to reduce this serious offending. We had a discussion about it earlier. We are looking at what work could be done to address repeat dangerous driving offending as well. With that, I will ask the CPO—

Dep Commissioner: Thanks, Minister. Thanks for the question. It is not lost on me. There was a funeral a couple of weeks ago in Western Australia. A police officer was killed by a motor vehicle. It is a weapon, and unfortunately we are seeing it used as a weapon across Australia, including here in the ACT. We had an officer hospitalised, in casualty, last week in relation to being hit by a car. It was well publicised in the media. We are probably seeing it once a fortnight or so, where one of our officers is either hit or literally jumping out of the way of a stolen car. We certainly welcome any further discussion in relation to penalty provisions around that type of behaviour.

DR PATERSON: Is there an update on Operation TORIC? How is that operation working now?

Dep Commissioner: Is still working. I will throw to one of my colleagues at the back with the data in relation to TORIC. It is going to be an ongoing taskforce. I announced that at one of the committee hearings previously. Unfortunately, while we have seen a reduction in the number of stolen motor vehicles over last 12 months, quite substantially—over 20 per cent—and we had the highest number in Australia, we still see the prevalence of people stealing motor vehicles and committing other crime, including driving stolen cars at police officers. The DCPO has the data on TORIC, so I will throw to him.

Asst Commissioner: Thanks very much. Just for the purposes of this committee, TORIC was actually focused on the rapid identification and apprehension of high-risk, high-harm recidivist offenders who were in the community. When you look at what has occurred with TORIC between 1 August 2022 and 30 June 2023, you will see we have had 287 apprehensions made by police, leading to 704 charges. Of those apprehended, 118 of the alleged offenders were on bail and 58 were subject to good behaviour. So, in terms of targeting of recidivist offenders, I would say TORIC has

been remarkably positive in its results.

DR PATERSON: Are you seeing a slowdown? You said fewer cars were being stolen, but also fewer people are coming through that operation now.

Asst Commissioner: Yes. That is correct.

THE CHAIR: Thank you, Dr Paterson. We have no supps on that, so let us move on to the next substantive, which is mine. I might pass it to Mr Hanson.

MR HANSON: Thanks, Chair. Perhaps we could talk about facilities. You have done a strategic facilities review. Is that what it is called?

Mr Gentleman: We are still going through it, Mr Hanson—yes.

MR HANSON: Where is that document up to? Is it going to cabinet or is it just with you?

Mr Gentleman: No. It has not been completed to me yet.

MR HANSON: It has not been completed. In terms of facilities, where are we up to in terms of various upgrades across the board? If you are going to get an increase in numbers, is work required for what has been either announced or planned? Can you give me an update on what is being done?

Mr Gentleman: Yes; we can, Mr Hanson. Thank you. Some work has been completed already. The Traffic Operations Centre that you would have seen announced for Hume has been a success. We recently did the opening of that. It took a little bit of time to complete due to some serviceability of the area in a construction sense. The opening was very good. The morale of staff was fantastic, which was good, and we hope to see that as we increase accommodation services for police across the territory. There are a couple of ways we are doing that, looking at particular areas that we have identified already. I think the Winchester Police Centre is one. The Woden police station is now getting a little bit older, and certainly the City police station, as I have been told by the CPO most regularly, is one of the older stations across the ACT. This is part of the work that we are doing to ensure that we can provide the best accommodation for police into the future. With that, I will ask directorate officials to give some of the detail on that work.

Ms Krajina: I acknowledge the privilege statement. We are working very closely with ACT Policing. We are developing a 20-year pipeline of infrastructure work to support current and future requirements. We are also working on a strategic asset management plan with ACT Policing to ensure the ongoing sustainability of their facilities. Over time, those two pieces of work will come together and the pipeline of investment will be clear for government and will support the future of policing.

MR HANSON: We keep hearing about this plan, every committee hearing. Can we see what the detail is? What are you actually going to be doing in Winchester and what are you going to be doing in Woden?

Ms Krajina: We have been successful in securing budget funding for the 2023-24 period, so we will be commencing due diligence for not only headquarters and the city police station but also investigations in Woden and Molonglo.

MR HANSON: Is that increasing capacity and size or is that just refurbishment?

Ms Krajina: We have not got to that point yet. We need to understand the requirements of ACT Policing for those facilities. That will be part of the due diligence process that we undertake.

MR HANSON: But if you secured funding it strikes me that there would have had to be a proposal to say, “Hey, we need more money for Winchester,” or “We need more money for Woden,” for a specific purpose.

Ms Krajina: To undertake investigation and due diligence and understand the requirements of Policing so that—

MR HANSON: So the money that is in the budget is simply for doing that due diligence requirement of work? It is not actually for capital works.

Ms Krajina: Yes.

MR HANSON: It is not actually for capital works.

Ms Krajina: It is not for capital investment. We will come back, once we know what the requirements are of ACT Policing—

MR HANSON: So other than—

Mr Gentleman: Mr Hanson, you do see funding for areas that need repair, if that is what you are asking.

MR HANSON: But other than requirements work and due diligence work, is there any capital asset money? Is there anything other than just repairing?

Mr Gentleman: Yes. We just announced the new Traffic Operations Centre. That is a huge capital investment.

MR HANSON: Yes. That has just been opened, has it not? That is money that was announced quite some time ago. That was not announced in this budget. That was announced several budgets ago.

Mr Gentleman: Yes.

MR HANSON: What I am looking for is, in this budget, if there is money for actual capital works or if there is only money for the—

Ms Krajina: It is the planning. We are working on the planning—

MR HANSON: The planning. The feasibility study type stuff—

Ms Krajina: Yes.

MR HANSON: Okay.

Mr Glenn: Mr Hanson, there is also money in this budget for capital works at Winchester and Woden police stations to do with electrification and the upgrade of heating and ventilation systems.

MR HANSON: Yes. Maintenance-type work—

Mr Glenn: But that is the—

MR HANSON: But not actually beyond—

Mr Glenn: There is capital investment in the existing infrastructure. The due diligence work that Ms Krajina is discussing is around the ultimate location of ACT Policing headquarters and the potential relocation of the city station, on the one hand. On the other hand, there is the assessment of the ongoing needs for the Woden station in terms of its area and Molonglo—

MR HANSON: Right. Is this body of work going to be presented as a package to government or is it coming in dribs and drabs?

Mr Gentleman: I hope to see it as a package.

MR HANSON: So it comes as a package because it all fits in. Okay. Where are we at with Gungahlin? What is the latest there?

Mr Gentleman: Thank you, Mr Hanson. It has been a difficult situation with Gungahlin, ensuring that we can move some of the volunteer services out to new premises in Mitchell. Some of the design work has been done. We are engaging with those volunteers to ensure that we can get the designs in the fashion that they would like to see. There has been a little bit of a hold-up in their move into Mitchell because of the current people who are in there. We are having trouble decanting them into new premises as well. So there has been a delay, but we have not stopped work. We are working with those volunteer organisations to do the planning for the new area in Mitchell. Once that occurs, we will be able to move them in and the police will be able to take over the building there.

MR HANSON: Right. Does the strategic plan include Molonglo? Is there any planning for what is going to happen in Molonglo?

Mr Gentleman: It is accommodation Canberra wide, Mr Hanson.

MR HANSON: So it does include Molonglo as part of that plan.

Mr Gentleman: Canberra wide.

MR HANSON: All right.

MS CLAY: Minister, police have been given extra staff resources for the sexual assault and child abuse team to help protect victim-survivors and to help improve our overall response to violence. Can you tell me: does some of that money go to training police on how the stereotypical victim is not, in actual fact, what a victim is like?

Mr Gentleman: Yes. It certainly goes to training. I will hand over to the team to give you the best answer on the specifics of it.

Dep Commissioner: Thanks, Minister. Thanks for the question. In short: yes. The training in relation to sexual assault has changed substantially in the last 18 months to two years, since the SAPR review first came out. We have worked very closely with other jurisdictions across Australia to develop a whole new program. We have rolled that out. There have been two courses developed so far, and we will continue to do that. It is done in consultation with the DPP and the Victims of Crime Commissioner. There is a whole-of-ACT-government response to this. We will continue to roll that out over the next—well, forever, basically.

MS CLAY: Does that also deal with recognising coercive control and misidentification of victims—

Dep Commissioner: A hundred per cent.

MS CLAY: and perpetrators?

Dep Commissioner: Yes. I am happy for a private briefing to be provided to you in relation to exactly what that training encompasses.

MS CLAY: I would love one. Thank you.

Dep Commissioner: All right.

MS CLAY: How are we measuring over time whether this training is leading to different outcomes?

Dep Commissioner: That is a really good question. One interesting statistic at the moment is that we have not seen a downturn in people coming forward reporting sexual assaults, both historical and contemporary. I think the measurement will be how many of those matters actually proceed to court, how many succeed to a successful prosecution, ultimately, with the victim-survivor's preference being the way we need to proceed with these matters. We will get some metrics to develop and determine how we measure success.

MS CLAY: That would be great. I have asked a few different ministers in this session of estimates so far about how they are tracking the outcomes of their response to sexual violence and domestic violence. It does not sound particularly well-coordinated. What we are hearing at the moment is that different offices and different directorates are looking at what they are doing, but they are not necessarily tracking centrally. So, when you do that, I would love to also know how that is being integrated into whole-of-government tracking and outcomes for individuals.

Dep Commissioner: Noting your comments there, I think it is something that we will take back to the SAPR committee, which is chaired by a couple of independent people, to see how we do that, going forward. The meeting of that committee is this Friday, so we will make sure we speak to the co-chairs about how we can measure whole-of-government outcomes.

MS CLAY: That would be great. I put the question to the DPP and I put the question to the Minister for Children and Young People.

Dep Commissioner: All right.

MS CLAY: Thanks.

DR PATERSON: The government response to the SAPR inquiry said that specialist teams within ACT Policing would get this extra training. Is it just specialist teams or is it across ACT Policing that this training is being rolled out?

Mr Glenn: The course that I spoke of, in answer to Ms Clay's question, is specifically for the sexual assault and child abuse team. However, recruit training and things such as that are always ongoing. As there has been a change in relation to the way these matters are dealt with holistically, we are looking at enhancing our training. We also do training days through the cycle of the roster, and we are looking at doing some work there with all members in relation to this issue. Training continues; training does not stay still. It continues to evolve.

DR PATERSON: Again in the SAPR report, one of the recommendations was that there be background research into reporting and looking at how better to get the reports progressing to the courts. I am wondering how that work is progressing and where that is up to.

Dep Commissioner: Are we referring to the work by the academic?

DR PATERSON: Is it by an academic?

Dep Commissioner: Yes. It is ongoing.

DR PATERSON: Okay.

Dep Commissioner: I believe there will be an update to the committee provided this week, but that work is still ongoing.

DR PATERSON: Okay. Has there been any change over the last year in the number of sexual assaults reported to ACT Policing?

Dep Commissioner: No. As I said, it has been fairly consistent. We have not seen a substantial change one way or the other. I think the fact that matters still progress through the court as they have been, as publicised in the media, is testimony to that.

DR PATERSON: Thank you.

MR BRADDOCK: On 20 June 2023 ACT Policing tweeted videos of shoplifting which showed, amongst other things, the apprehension of a young woman who had stolen a packet of biscuits—Iced VoVos, I believe. Whilst I am not condoning stealing, especially of Australia’s favourite biscuit, I am wondering why this is such a high priority for ACT Policing action, and also inclusion in your social media.

Dep Commissioner: I do not recall that video. We will have to take that on notice.

MR BRADDOCK: Thank you.

MR HANSON: On the decriminalisation of heroin, meth and other similar drugs, as part of the case that was put forward for that, Portugal was used as an example, with people repeatedly saying how decriminalisation there had been a success. I refer to a recent article in the *Washington Post*, which said:

Overdose rates have hit 12-year highs and almost doubled in Lisbon from 2019 to 2023 ...

Crime—including robbery in public spaces—spiked 14 per cent from 2021 to 2022, a rise police blame partly on increased drug use ...

[The] head of Portugal’s national institute on drug use and the architect of decriminalization ... admitted to the local press in December that “what we have today no longer serves as an example to anyone.”

I wonder, CPO, whether you have done any modelling of what decriminalisation looks like if you look at the example of Portland, Portugal now, Vancouver, LA and places like that? What is it going to mean here?

Dep Commissioner: I think the answer to your question is that we do not know. The minister and I went to North America in February. I know the minister gave a speech to the Assembly in relation to that visit. The circumstances and the environment in both North America and Portugal are substantially different to the circumstances we find ourselves in, here in Australia. The prime difference, particularly in relation to North America, is that we do not have the Fentanyl problem in Australia.

What we are seeing, particularly in places like San Francisco and Portland—and I think we have all seen the news clippings—is that theft et cetera is out of control. We do not have the pre-existing conditions here in Australia that lead us to believe that we will have the same problems with decriminalisation as they have had there. The other thing to note is that we are not turning off investigation or activity in relation to those types of criminal behaviours, such as shoplifting. What has occurred in North America, where they are not being prosecuted for those offences, is that criminality continues to escalate.

In the ACT we have not seen an increase in criminal behaviour linked to cannabis decriminalisation, and that has now been afoot for three years. We have seen an increase in usage; there is certainly no doubt about that. The wastewater gives us that reading very accurately, and it cannot be refuted because it is an accurate measurement. As I said, I just do not think we are going to know. We are as prepared

as we can be. When we sit here in 12 months time and have a conversation around what has occurred, we will know because it will be seven, eight, nine months—

MR HANSON: Cannabis usage, as you say, has gone up.

Dep Commissioner: Cannabis? Yes; absolutely.

MR HANSON: But cannabis—correct me if I am wrong—is normally not necessarily a driver of crime, whereas drugs like heroine and meth are. If you follow the precedent set by increasing cannabis usage because of decriminalisation or legalisation, you are not concerned, then, that an increase in meth use and heroin use is going to lead to increased crime, or are we still waiting to see?

Dep Commissioner: I think we are going to have to wait and see.

MR HANSON: Have you looked at Portugal recently?

Dep Commissioner: No. That information you just read to me, I had not seen that. We will do some research on that.

MR HANSON: It is an article that I got from the *Washington Post*. It quotes from the police and it seems to be quite authoritative. It is worth having a look at, perhaps. Have you had any conversations with federal colleagues to explore the fact that decriminalisation in the ACT is in conflict with federal law, and about how that is going to play out? On the issue of sworn officers who are able to charge people under local or federal laws, how is that going to work?

Dep Commissioner: We have definitely spoken with the Police Association. I can guarantee that I have had a few conversations with the police commissioner about it as well. ACT Policing will adopt a very similar model to what we adopted with the decriminalisation of cannabis, in that the territory law should prevail unless there are circumstances that dictate it should not. That is the philosophy we intend to follow. Again, I do not see there being particular conflict.

I think it is also important for the committee to note that we very rarely now—very rarely—charge someone with drug possession that is under two grams of any drug. It is usually associated with other criminal behaviour, such as stolen motor vehicles or burglary, or something else like that. From what we are seeing at the moment, from an operational perspective, we do not think there will be too many issues in relation to implementing the legislation as proposed.

MR HANSON: If you are not charging people with an offence under two grams, what is the point of this whole exercise?

Dep Commissioner: I cannot answer that question.

MR HANSON: You have got to be kidding me—

Dep Commissioner: We are charging some. I did not say we are not charging any.

MR HANSON: We have talked about this before. If they are committing other crimes and they are in possession then they will be charged. This is not going to keep people

out of the courts, then, is it? Because if you are not charging people—

Dep Commissioner: We are charging some, Mr Hanson. I think it will keep a small number of people out of the courts. Our intention is that there will be very little law enforcement interaction with people who are in possession of small amounts of drugs. It will be treated as a health issue, which it should be. Addiction should be treated as a health issue, and we will allow ACT Health to deal with it.

MR HANSON: In your experience, does the ability to charge people help you encourage them towards rehabilitation? If you take that away as an option, is that going to reduce your ability to encourage people, shall we say, to go to rehab?

Dep Commissioner: I think there is strong evidence to suggest that interaction with law enforcement when it is not necessary leads to different issues.

MS CLAY: It is great that we have wastewater testing. I know that tells us about drug use over populations, but it does not do anything for drink spiking or needle spiking. Are there any measures we can use to deal with drink spiking and needle spiking?

Dep Commissioner: No. In fact, the ACT Attorney-General asked me and the CEO of the Australian Criminal Intelligence Commission the same question a couple of weeks ago. We cannot measure that. Basically, all gets washed up in the mix, so unless there is a specific drug that we are looking for in connection with drink spiking, it would be extremely difficult to measure that. A lot of the drugs that are used for spiking drinks are prescribed over the counter and can be purchased by anyone anyway. It is pretty much impossible. We do work very closely with the clubs and pubs in the town centres, and also in Braddon and the city, to determine what they are seeing there, and they provide good intelligence for us.

MS CLAY: Great. I know New South Wales is looking at legislation at the moment to change its RSA course to deal with drink spiking and needle spiking. Do you think there is a need here?

Dep Commissioner: We are not seeing significant amounts of that at this stage, but obviously I can defer the conversation.

MR HANSON: Can I just very quickly just pass on my thanks to ACT Policing, all of your staff, for the great work that you are doing.

Dep Commissioner: Thanks, Mr Hanson.

MR HANSON: And do not take our questions as criticism. We appreciate everything.

Dep Commissioner: I have been around long enough to know how it all works.

THE CHAIR: On behalf of the committee, I thank Minister Gentleman and all of the officials for their attendance today. If you have taken questions on notice, please provide answers to the committee secretary within five working days of receipt of 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

Chief Minister, Treasury and Economic Development Directorate
West, Dr Damian, Deputy Director-General and Secure Local Jobs Registrar,
Office of Industrial Relations and Workforce Strategy
Young, Mr Michael, Executive Group Manager, Work Safety Group, Office of
Industrial Relations and Workforce Strategy

Office of the Work Health and Safety Commissioner
Agius, Ms Jacqueline, Work Health and Safety Commissioner

ACT Long Service Leave Authority
Savage, Ms Tracy, Chief Executive Officer and Registrar

THE CHAIR: In this session we will hear from Minister Gentleman MLA, Minister for Industrial Relations and Workplace Safety, and officials from the Chief Minister, Treasury and Economic Development Directorate, WorkSafe and the Long Service Leave Authority.

The proceedings are being broadcast live to an audience of thousands. The proceedings are also being transcribed and will be published on the Assembly website. If you take a question on notice, please be quite emphatic about that in terms of saying, "I will take that question on notice." We can then all be on the same page.

We will do this universally. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Could I get verbal confirmation from everybody, 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? Excellent.

We are not inviting opening statements. We will proceed to questions. I might start with portable long service leave. I want to ask specifically about inactive workers who have no recorded service for four or more years and who do not have sufficient service to qualify for a leaving-the-industry benefit. I am not sure that that situation fits into the general gist of the scheme, Minister.

Mr Gentleman: Mr Parton, are you asking whether or not they still have access to entitlements?

THE CHAIR: Yes, and where does the money end up? There will be some funds that have gone into the well, and I am keen to find out where that ends up.

Mr Gentleman: Okay. Those funds are invested to provide the supply of long service leave funding to those participants as we move forward. I will ask the authority to give you the detail on that aspect of it. It is quite detailed.

Ms Savage: Thank you for the question. The actual scheme works as a defined benefit scheme. Money is paid in during the course of a worker's employment. That money is then invested, as the minister said, and that invested money goes towards the eventual entitlement that a worker will gain.

We do have arrangements whereby, after four years of service not being recorded, someone is actually deregistered. That means that if they have already reached an entitlement—and that could be a pro rata entitlement in certain circumstances or a full entitlement—they do not lose access to that entitlement. But if they did return then their service accrual would start from zero and continue on.

For those workers who have left prior to reaching entitlement status, they are deregistered, and any moneys that have been paid into the fund actually remain within the fund, are invested and go towards the long-term liabilities of that particular fund, and also offset other levy payments that come in.

THE CHAIR: Can I ask about the total value of portable long service leave benefits that would be held by the ACT leave authority, which, under the latter circumstance that you described and that I outlined in the first question, would never be paid to workers because they do not have sufficient qualifying service?

Ms Savage: Are you asking about the total—

THE CHAIR: I am trying to get a handle on the amount of money in that circumstance involving individual workers who have no recorded service for four or more years, so they are deregistered from the whole scenario, but they do not have sufficient service to qualify for a leaving-the-industry benefit. I am trying to get a handle on what is the size of that pool of money, and what happens to that money? Obviously, it does not go to the worker, because they did not have enough to qualify for a leaving-the-industry benefit. How much money are we talking about and what happens to it?

Ms Savage: That gets back to the point of a defined benefit scheme. Throughout the life of a worker, the employer is paying in a quarterly levy on a particular rate of pay at that point. Once someone reaches an entitlement, that could be seven or 10 years down the track, and the money is paid out at that particular point in time. The effect of a defined benefit scheme is that money is paid upfront and along the way, but by the time you get to the point of paying an entitlement, that entitlement is normally far greater than the money that is paid throughout the life of a worker.

When someone does not reach an entitlement, as I said, the money remains in the fund, and that actually goes towards offsetting future entitlements, as well as a number of things like investment returns and other aspects of the fund. The money is not lost to workers as such; it actually just remains in the fund. It is very similar to an old-school defined benefit superannuation arrangement: contributions are made, and they are going towards creating an entitlement at the end of that particular process. The money that is paid in does not necessarily relate to what that final payment is when someone reaches an entitlement. That is why we record service; we record wage details for workers, because that is how we would calculate the final benefit, but the money is sitting within a pooled arrangement within the fund.

Mr Young: Part of my portfolio responsibilities is the legislation that determines eligibility and so forth for portable long service leave. In supporting the comments made by Ms Savage, and going to your question around what proportion of the funds held are contributed on behalf of workers who do not ultimately go on to receive those benefits, there is a regular actuarial review that informs the setting of the levy, which takes into account a number of factors, including expected investment returns on those contributions and the rate at which covered workers exit the scheme. In doing so, the actuary is able to provide advice on the setting of a levy rate, which takes into account exactly that factor, and it ensures that the funds collected are spent on workers who become eligible, and that there is no overcollection of funds.

Essentially, those funds that you are referring to go into a pool. They are confined to the use of eligible workers under that industry scheme. Where there are excess funds as a result of that, the overall levy is reduced based on that regular cycle of actuarial review.

MS CASTLEY: I am looking at the extension to the hairdressing industry—the most recent extension. I think we have done hairdressing, hospitality, beauty, accommodation et cetera. I have been looking through the data. We did an FOI, and there are a couple of pages here that have outlined the ANZSIC codes; with small, medium and large, the estimated number of employees; money; then we have one page with the wages. A quick addition of that brings us to about \$1.9 billion. If the levy is, say, 1.5 per cent—I am estimating here; you might have the figures—it is around \$30 million annually, the money that will be going into the fund, if I understand this correctly. Can you confirm that for me? Is that what we are looking at, from this latest extension of the scheme?

Mr Young: The extension of the scheme included, as you are aware, a two-year transition period. While estimates were made, based on other databases such as workers compensation records and ABS data, where we have sought to estimate the size of the covered workforce, an important piece of work that the authority will be conducting over the two-year transition period will be to engage directly with covered employers and to firm up those figures. That will factor into the pricing methodology., Ms Savage, would you like to add anything?

Ms Savage: Yes. In effect, based on quarter to quarter, and depending on the employment arrangements, that number could fluctuate. Generally, it will be a percentage of a total payroll that will then be remitted through to the authority as part of a levy payment arrangement. At the point that we get to the commencement of the scheme, that first quarter, we will obviously have a much better estimate and we will know at that point what the remittance is. Generally speaking, based on a payroll of X and a levy rate of Y, it will be a particular sum and you can generally calculate it.

MS CASTLEY: Is it in the ballpark—the \$30 million?

Ms Savage: It will literally be dependent on how many of those employers there are. We have some estimated numbers, and they are very much estimates at this point. We do not know, for example, how many employees people might have at the time of the commencement of the scheme; that will, of course, fluctuate. We do not know how

many of the employers that we are looking at through the data collection that we have had actually meet the eligibility criteria for those schemes. Generally, we look at things like ABS data or workers comp data. It does not match 100 per cent, so there is some variation in the numbers. We will probably have around 2,000 to 2½ thousand employers that we will need to onboard, and that will equate probably to around 20,000 workers. But it is very much those sort of estimates at this point.

MS CASTLEY: With regard to mobility, you are using ABS labour mobility data. Do you have an estimate of how many workers are likely to not take this up or not be eligible? I think Mr Parton was trying to get to this earlier. Do you have any idea about the number of workers that will not see the benefit because they leave? For instance, if they are working in hospitality, they may not stick around for the term.

Mr Gentleman: Yes, we did quite a bit of work in preparation for increasing the authority's grouping in different areas. You mentioned hairdressing, for example. We found that most people do stay within that portfolio of jobs. The transition is usually with different employers, and that is why we have allocated portable long service leave to those particular areas. Mr Young would have some detail on that.

MS CASTLEY: I am interested in hospitality.

Mr Young: Referring to the previous comments about pricing, I can assure the committee that, when the time comes when employer levy rates are being set, it will take into account very accurate information about exactly those factors—the rate of exit without payment. From a policy perspective, the purpose of portable long service leave is to allow, as you are aware, continuation of entitlement where there is transfer between employers. There is, however, still a requirement around continuity and length of service in order to access that long service leave. The factors that you are talking about are quite natural and are present in both conventional and portable schemes.

In terms of the rate of exit within that pre-entitlement period, there is quite a bit of variability depending on which sector we are talking about. You have mentioned hairdressing and hospitality. We are aware that there are certain employers that employ a relatively high degree of students. The view in the consultation process was that they had quite a high rate of exit. Overall, that pool funding arrangement that Ms Savage and the minister described takes that into account and, where it is occurring, it does factor into the price.

MS CASTLEY: Is the work that you were referring to, Minister, available for us to see? You mentioned that, in hospitality and hotels, they do not stick around. Do you have data yet on how many people do not stick around—how many workers?

Mr Young: To be clear, that was not my position; it was a position that was put by some submitters during the consultation process. The data that we have relied on was ABS data. As I said, as the two-year transition period commences—

MS CASTLEY: Mobility data, not transient, yes.

Mr Young: then much clearer information will become available and that will factor

into the pricing.

MR COCKS: My question goes essentially to the same issue. The big concern that we keep hearing is from people and workers in the hospitality industry who feel that they are paying into a scheme from which they will never see a benefit. Did you do any modelling that you can provide on the number of hospitality workers in the ACT who will be paying into a scheme and never see the benefit coming out at the other end?

Mr Young: I refer to my previous answer and I am happy to take on notice—

MR COCKS: Sorry, your last answer went to intention and it went to using ABS. This is very specific: did you undertake any specific modelling for that group of people?

Mr Young: There is a very large proportion that do remain, and it is the proportion that do continue—

MR COCKS: Sorry, we have a very short time. I am interested to know: did you undertake any modelling?

Mr Gentleman: We might take Mr Cocks's question on notice and give you the detail.

THE CHAIR: That would be extremely beneficial. Thanks for circumventing, Minister. Do you have a supplementary, Ms Clay?

MS CLAY: I do, and it is very brief. When do you expect to look at expanding the scheme?

Mr Gentleman: As soon as proponents in the workforce come to us with an expectation, I suppose. It has been expanded a couple of times since I have been the minister. We will certainly look at other areas that would be of benefit to employees. It is important that we understand that long service is a workplace entitlement. It is not something that we have dreamt up; it is certainly a workplace entitlement, and it is an entitlement across those workplaces in this case where people move to different employers. Yes, we will certainly have a look.

MS CLAY: Minister, it took Australia about 70 years to ban asbestos. How long do you think we might take to ban engineered stone?

Mr Gentleman: Thank you very much for the question. It is a very important question. We have been looking at this across different states and jurisdictions and with the commonwealth, and have had this discussion as well. I do not think it is far away. It is an incredibly challenging topic to work with. The silicosis that occurs in these workplaces is deadly, and the lead-up to end of life is quite painful. We have looked at training opportunities for people who have to work with engineered stone. We have looked at ensuring that they have all of the right safety aspects in place. But we still see every now and again those safety aspects not being used, and people are still getting the disease. Certainly, in the ACT I am looking at what we can do, but

I think it will happen at a national level as well.

MS CLAY: Is there any reason we could not move locally ahead of national action? National action is often slow to coordinate.

Mr Gentleman: We have certainly discussed it and we have looked at what we could do. There are concerns from employer groups, of course, and concerns on the other side from employees as well. There are only a couple of engineered stone operations that happen in a manufacturing sense in the ACT. Indeed they are very well aware of our concerns, I might ask Jacqui Agius to give you some of the detail that we have been working on.

Ms Agius: Thank you for the question. I am really pleased to say that in the ACT we are streams ahead of other jurisdictions in relation to the way that we manage crystalline silica dust exposure in the workplace. Most other jurisdictions only have uncontrolled dry cutting bans on engineered stone. In the ACT that ban applies to most materials that contain silica dust.

As well as that we have the mandatory training. There is a list of occupations that are required to undergo that mandatory awareness training, and the date for that to be completed is 1 October. Post that date, WorkSafe inspectors will be out and about, and anyone that does not have that training will not be allowed on site. There is a \$6,000 fine for people who have workers on their site that have not had their workers trained.

We have also conducted quite a lot of compliance in this space. There were 26 engineered stone workplace inspections throughout 2022 and 2023, and there were 17 improvement notices issued from those inspections, including in relation to health monitoring and failure to have safe work method statements. There were 49 prohibition notices issued in relation to health monitoring and safe work method statements, as well as a failure to comply with the primary duty of care. We issued seven infringements to the value of \$27,000, and two of those were issued against regulation 418BB, which is uncontrolled dry cutting of silica-containing materials.

We are also contributing to the national discussions, and a number of jurisdictions are seeking to include some of the things that we have happening in the ACT. We have done a number of wonderful things in this space. The legislation is provided by Michael Young's team. We are a stakeholder and we have input into the writing of the legislation.

Regulation changes coming up will be stronger around the requirement for health monitoring. The legislation says that we require health monitoring to include an X-ray, but we know in cases of silicosis that an X-ray will not necessarily be able to diagnose the condition. You actually need much more than an X-ray to diagnose the condition, so we are looking at how we can tighten that up and require the health monitoring to go a lot further than just an X-ray.

MR COCKS: Ms Agius, I think it is fair to say that the process to get to where we are now has been less than smooth. There were delayed implementations, and we have had discussions about this before. How confident are you at this point that all

impacted workers in the industry will have attended the training by the new cut-off date?

Ms Agius: I attended the meeting this morning with CITC and a number of RTOs. At that meeting, one of the things that was said is that it is looking like courses are full and it is looking as though there will be a lot of people trained by that particular date. Can I just say in relation to those cut-off dates that those decisions are not made by my office.

MR COCKS: I understand that.

Ms Agius: Those decisions are government policy decisions. Michael may have some more information on whether we will have enough workers trained. We have put out a lot of communication in this space. We have had a massive campaign around people needing to have the silica training, including handing out little jellybean packs on construction sites that have, “You must have your silica training done by this date” and “Don’t work dusty,” and a whole lot of things in relation to getting the information out there for people to be trained. We also have a #silicasaturday that happens on LinkedIn. We have been approached by other jurisdictions to also use that form of communication, so our comms team have worked really hard in this space, but Michael might have some more information in relation to numbers.

MR COCKS: Yes—particularly in the context of full training.

Mr Young: Thank you. The extension that you referred to was allowed for the avoidance of any doubt. I am pleased to say that, in the last several months, there has been an increase in the capacity of the training industry. There are now 10 RTOs offering that course. We are confident that any employers that have not put their people through the training by that point will certainly have had ample opportunity to do so and will expose themselves to the regulatory action that Ms Agius has described.

MR COCKS: Are there any lessons that can be learnt from this process, around this particular issue, for future interventions for workplace safety?

Ms Agius: Are you talking about legislative improvements or just regulatory—

MR COCKS: I am talking about the process from identification. As I said, it has been less than smooth from the point of identifying the issue, developing the options, consulting with industry, having training, and for the legislative process to get to where we are today.

Ms Agius: Maybe that is more in your court, Mr Young.

Mr Young: Thank you. My observation on process is that the ACT government has sought to put itself at the forefront of safety regulation around silica exposure. For that reason, a number of the changes that we have made are happening first in the ACT, and in fact they are being picked up and recommended by other jurisdictions. They were developed in close consultation with stakeholders. The ACT’s workplace health and safety advisory council had a subcommittee that spent an extensive amount of time on the design of potential regulatory interventions, and, as they were being

implemented, we continued to work closely with those members and industry bodies.

As a result, a great deal of very useful and extremely detailed information continued to come to light and the regulatory regime responded to those. I think you are referring to a number of refinements that were made to the regulations, one of which is the extension of time to complete that mandatory training. Those were the changes made to ensure that the regulatory model we have in place is fit for purpose, best in breed, and takes into account that feedback. So we are listening to industry and are seeking to adjust, and we would seek to continue to do that as further changes are designed.

MR COCKS: It sounds like you would consider this relatively smooth. You would consider that you have been consulting well? If so, why did the industry feel so taken by surprise when the regulations went as far as they did?

Mr Gentleman: They certainly should not have been taken by surprise. We have engaged with them in detail—

MR COCKS: They certainly went further—

Mr Gentleman: There will be comments because this sort of work in protecting workers in their workplaces means that there are efficiencies that would be lost by employers, and they are keen not to lose those efficiencies. I can make it blunter, but it is pretty clear to me that some employers do not want to see change and there is sometimes a difficulty in ensuring we can keep workplaces safe, because of that policy.

MR COCKS: Thank you, Minister. I was referring specifically to the change from the approach taken in the consultation process to the regulations.

Mr Gentleman: Okay.

Mr Young: I would not characterise that later period of engagement as a surprise. My experience of it was that, as the full detail of the regulations were being worked through at the coalface, a number of unexpected issues came to light that were not known to the regulator or to the peak bodies during the consultation stage, and we acted very quickly to understand and to respond to those.

MR COCKS: I do not think we are getting any further.

MR PETTERSSON: Minister, can you provide the committee with an update on the ACT public sector workers compensation scheme and the approach the government is taking to improve outcomes for workers?

Mr Gentleman: Yes. Thank you very much, Mr Pettersson. It is a very important scheme that we are working on. I want to thank the team for the incredible work that they have been able to do in ensuring we can have good outcomes for our workforce in the ACT. I will pass to the directorate to give you the details.

Mr Young: Thank you for the question. The ACT government commenced workers

compensation health insurance approximately five years ago, in March 2019, and in that time we have seen very significant improvements in performance and results. Given this is the budget review, perusal of the budget result for the workers compensation fund would show that we, in the 12 months, reduced the outstanding claim liabilities by an additional \$14 million, bringing the total amount of those reductions, since we commenced self-insurance, to upwards of \$150 million. That is an improvement to the ACT's budget's bottom line. The nature of the legislation which we operate the workers compensation fund in is such that there are no shortcuts. The only way to achieve those reductions in outstanding claim liability is to achieve better than expected results, in terms of preventing injuries, and assist workers to return to work more quickly after injury, and do so in a sustainable way.

The end-of-year results indicate that we continue to achieve positive results against all those indicators. The scheme is more accessible, less adversarial, claims are being determined faster, and assistance is being provided earlier. We have also been able, by being a self-insurer, to implement a whole range of additional services above and beyond what was available previously, and they include immediate medical and rehabilitation services, which are provided as soon as a claim is made and continue until the claim is determined, and, in the event that the claim is declined, those costs are not recovered. We have implemented a range of early intervention physiotherapy programs that provide free physiotherapy services and associated rehabilitation services to people ahead of the claim process, and we are regularly measuring satisfaction levels with the services received and they are consistently higher.

We have been able to do that while also reducing the amount that the ACT government directorates pay in terms of premiums each year by around 40 per cent, and that translates to costs avoided of around \$75 million per year. So, overall, the fund continues to operate at better than expected levels. All the commonwealth licensing authority's key performance indicators around our performance in the last quarter were achieved or exceeded. The operations of the fund continue to be subject to the oversight of a ministerial advisory committee made up of a delegation of expert union officials who overview the performance of the scheme, with a particular focus on services being provided to workers at optimal levels, and that continues to be achieved.

Dr West: I might add, if I may, that a lot of our focus has moved to psychological injury and being able to return workers to work and the workplace because of the benefit that it provides. We have been able to invest effort and time with our providers and a lot of the early interventions to start to pull back on what we were seeing as a growth in claim activity around psychological injury. If you look at claims across the schemes across the money, you will see that is where all the money is now being paid out. The majority of claims are in the psychological injury space, so we are very conscious of investing in and understanding that, and being at the front of the queue in terms of being able to return people who have experienced injury in the workplace, for their betterment but also to manage cost. I am not sure if there is anything else you want to add on that front.

Mr Young: We have seen, firstly, significant improvements in our ability to manage older psychological injury claimants back to work; however, there has been an offsetting increase in the proportion of psychological injuries that we are experiencing.

We are now seeing that around 30 per cent of all claims being made are for primary psychological injury. That is a doubling of that proportion. We are having to focus very carefully on the supporting infrastructure that we have in place to ensure that it is suitable for managing psychological injury and preventing psychological injury in the first place.

One of the other measures that we have been able to put in place as a result of the self-insurance arrangements that I described is a more comprehensive, centralised audit and assurance program. That reviews, on a rolling three-year cycle, all directorates' WHS management systems, and there is a particular focus on mental health and wellbeing prevention systems in the course of that. In addition, we have a comprehensive suite of mental health and wellbeing strategies, policies, guidance material, and support of early intervention projects, with a focus on intervening as early as possible where a workplace conflict, for example, occurs, to prevent claims occurring or they return to work or stay at work, as sustainably as possible.

MR PETTERSSON: Very comprehensive. Thank you.

THE CHAIR: Thanks, Mr Pettersson. Mr Cocks, I believe you have a supplementary.

MR COCKS: Yes—on the psychological risks and psychosocial workplace risks. Again, we have had a fairly extensive conversation on this before. I am interested in how that work is progressing from a WorkSafe perspective. Are you in a position to take action where psychological and psychosocial risks are identified? Also, what capacity do you have now to act if you see, for example, instances in the media? We have seen high-profile cases of psychosocial risks, even here in this place. What capacity do you have to act on that sort of thing?

Ms Agius: Thank you for the question. We have done quite a lot in this space. I am really happy that recently I was asked to be the chair on the national regulator's psychosocial community of practice because of the work that the ACT is doing in this space. Can I start by saying that psychosocial hazards have always been covered under the Work Health and Safety Act, and part of the work that has happened recently is around clarifying that right that had always existed. In relation to media reports, obviously we all read the news and, if there are matters that are raised that we become aware of, then that will be triaged by that team. We put in a recent budget bid to increase the resourcing in that team. That was approved 100 per cent for the beginning of 2024, which is fantastic. We have a psychosocial team that is bigger than some of the massive jurisdictions who have more generalist inspectors.

I will get some figures for you. We issued 44 improvement notices in the last financial year in relation to psychosocial hazards. This includes bullying, sexual harassment and primary duty of care—those three things. We had a recent industry-specific campaign targeting hospitality workers, and results were observed regarding psychosocial maturity. We have a maturity indicator tool which gives the employer a percentage score—I have raised this before—in relation to how well they are managing psychosocial hazards in their workplace.

Of the 29 workplace visits that we have conducted as part of this specific campaign, the result was 62 per cent, which indicates that people are starting to understand that

they have an obligation, but, clearly, we have a long way to go in that space. We also were able to determine that 50 per cent of workers were aware of workplace policies in relation to physical and psychosocial hazards. One of the things that we look at when we go into a workplace is: what safe systems of work are in place to manage or eliminate the risk, as far as is reasonably practicable, of psychosocial hazards and psychological hazards?

MR COCKS: It sounds like you are in much better position in terms of awareness and ability to—

Ms Agius: Yes. I would agree with that.

MR COCKS: That is great. I am conscious—

Ms Agius: Of time. I apologise. Like you, Mr Cocks, I am very passionate about this issue and I could talk until I am blue in the face about it.

MR COCKS: I will put some more questions on notice. Thank you.

THE CHAIR: Mr Cocks, I believe you are going to take what is probably going to be the final substantive.

MR COCKS: I will try to make it quick. I want to go to the accountability indicators on table 4, on page 250, of budget paper B. There is a range of indicators—all for WorkSafe—that have been removed because WorkSafe cannot directly control the outcome.

Ms Agius: I am sorry—could you repeat that?

MR COCKS: A range of previous indicators were removed because WorkSafe does not directly control the outcome. I am thinking specifically about the previous indicator: compliance rate during workers compensation inspections. I accept that it is outside of your direct control, but it would seem to me that this provides a pretty important outcome indicator of how successful WorkSafe has been at actually changing behaviour. Have you considered this? Will you still monitor and publish that information? I think it is really important to look at outcomes, not just activity.

Ms Aguis: Yes; I could not agree with you more. Firstly, in relation to the accountability indicators, we have worked very closely with the Audit Office, and the Audit Office gave us some feedback—in particular to that one. Their view was that it was difficult for us to establish whether the visited business's compliance with workers compensation legislation reflected our performance. Over the last 12 months, we have conducted approximately 120 workplace visits in relation to workers compensation. That accountability indicator has now changed and we have set a target of 250, which is more than double what we have done this year.

In relation to the data around compliance, we have a data team that works to unpick that information as it comes to our organisation. That team continues to publish what we call our monthly data snapshots. You may have seen them on our website. In that information, those monthly data snapshots, we provide all the compliance data. We

will continue to do that because that informs our proactive work going forward.

MR COCKS: Absolutely. Thank you.

THE CHAIR: It seems we have time for another substantive.

MS CASTLEY: I have one. I want to ask about the ACT Long Service Leave Authority. I note that there is a rebrand going on, and I am just wondering who decided that needed to happen. What is involved and what does that look like?

Ms Savage: Thank you for the question. That is a brand refresh. We have gone through a process of talking to our existing employers and workers. Based on their feedback, we are now going through a process of actually refreshing the look and feel of ACT Leave, and also looking at redeveloping content on our website, in our communications and that type of thing. It is very much in terms of responding to feedback that said it is getting a little bit old and tired, to be quite blunt. I do not think anything has changed since the 1980s.

Mr Gentleman: It was a good time, was it not?

Ms Savage: Yes; it has been tried and true, but it is definitely time to bring it up to modern standards and expectations. Also, obviously part of that will be that we will look at our website and how information is actually presented on our website—the language that is used—really focusing on making it very easy to understand, getting rid of jargon, very much using plain English, and making things that are used by our workers and our employers far more prominent and easier to navigate through the website so that people are actually able to utilise what is a real wealth of information that sits there, but it is often a little bit difficult to get to. That is the process that we are going through now. We are hoping that it actually attracts people to the website and attracts people to research and to get some information that they need but also directs them to the authority if they have any outstanding information needs.

MS CASTLEY: Do we have time for a supplementary on the cost of the implementation?

THE CHAIR: Yes.

MS CASTLEY: I note that you have engaged Rowdy for the campaign. I am wondering what the cost of the implementation is and the entire communication strategy.

Ms Savage: There are a couple of parts. As I said, there is a website redevelopment; there is a brand refresh going on; there is content development; and there is a whole heap of new templates—all our factsheets, our forms and that type of thing. We are recruiting to the authority a communications expert—a person that has comms capability—and that will be very much around content development and rewriting what is quite a significant amount of information.

As far as the Rowdy engagement goes, that was very much about communication and stakeholders, with a view to seeing an expansion and making sure that we understand

who the stakeholder groups are and who we now need to engage with, and looking at raising awareness. It is very much around making portable long service leave a lot more mainstream. At the moment, we have very good recognition with the industries that we deal with, but of course we will have a significant number of workers and employers in the next two years and, I would suggest, a lot of them do not know who we are and what we do.

MS CASTLEY: You have sold me on the reasons why. I am just interested in cost. Will the employee for communications be permanent? What is the cost for the implementation phase and what is it going to cost to build all of this?

Ms Savage: The comms person that we are looking for will be a permanent employee. We are looking at recruiting. I think that is on the Jobs ACT website at the moment. There was a cost to engage Rowdy to come up with the overarching strategy and to give us the templates—the look and feel, the nice colours and that type of thing—but, from this point on, it is in-house. Those costs will be part of our operating costs.

MS CASTLEY: Rowdy's cost?

THE CHAIR: At 5 to 4, is it possible for this to become a question on notice? Can this be taken on notice?

MS CASTLEY: Certainly, Chair.

Ms Savage: Yes; I can take that on notice. I can give you that contract cost.

THE CHAIR: Thanks, Minister, and thanks to all the officials. For questions that have been taken on notice, could you provide answers to the committee's secretariat within five working days of receipt of the uncorrected proof transcript.

Hearing suspended from 3.57 to 4.10 pm.

Appearances:

Legal Aid ACT

Boersig, Dr John, Chief Executive Officer
Monger, Mr Brett, Chief Financial Officer

THE CHAIR: Welcome back all. In this session we will hear from Legal Aid ACT. The proceedings are being broadcast live. They are also being transcribed and will be published on the Assembly website. If you take a question on notice, let us be very emphatic about it by saying, “I will take that question on notice.” Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention 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?

Dr Boersig: Yes, I do.

Mr Monger: Yes, I do.

THE CHAIR: As we are not inviting opening statements we will proceed to questions. If I can bring your attention, Dr Boersig, to the 2023-2024 budget statements D on page 76—budget forecasts in the outer years predict that controlled recurrent payments will fall from \$17.9 million in 2024-2025 to \$11 million in 2025-2026. Are you able to confirm that decrease is due to reduced commonwealth grants?

Dr Boersig: I should let my colleague answer this question.

Mr Monger: Yes, Mr Parton, that is the case. We have the national legal aid agreement and the current agreement only goes to the end of 2025. So we have had to show in our statements that there is no funding at the moment, but that large drop-off is 100 per cent as a result of that.

THE CHAIR: Have you made the case to the ACT government to increase their funding in the outer years? If so, what was their response?

Mr Monger: No, we have not. We normally wait until it gets a bit closer to the expiry of the National Legal Assistance Partnership agreement so that we can have discussions with the commonwealth as legal aid entities across all jurisdictions. So we wait until then.

THE CHAIR: How were you made aware of that reduced income? How does this work? Does the ACT government represent you to the commonwealth in securing funding or is it done by you?

Dr Boersig: It is a multi-pronged approach. National Legal Aid negotiate with the commonwealth Attorney-General’s Department more broadly in relation to funding across Australia, and then specifically we make the case to the particular jurisdiction, each legal aid commission, as we do here in the territory.

MR CAIN: What about Law Society funding? Does that come through the

government component or is that a separate line to you directly?

Mr Monger: Mr Cain, that is a separate line directly through to us. It is based on our negotiations with the ACT Law Society. It does get ticked off by the Attorney-General but the funding comes straight into Legal Aid ACT.

MR CAIN: It is not part of that figure for controlled recurrent? So where does that sit in—

Mr Monger: No. That will sit under other income—sorry, I beg your pardon, grants and contributions.

MR CAIN: Grants and contributions, thank you.

What is your understanding of where that is trending and is it in any way going to compensate for the current reduction?

Mr Monger: So, in 2022-23 we received zero funding from the ACT Law Society. It fluctuates a lot. In the previous years we were getting somewhere in the order of \$300,000 going up to \$1.2 million a few years ago. In 2022-23, zero money came in from the Law Society's statutory interest account. Advice from the Law Society is that this next year or the year we are currently in there will be a reasonable amount of money available for distribution across the CLCs and Legal Aid.

MR CAIN: Do you have an estimate of how much that might be?

Mr Monger: In my budget for 2023-2024, I have allowed \$1 million for it.

Dr Boersig: We will not find out until March next year.

THE CHAIR: It is not a portfolio space of mine, and so one of the problems we face as a committee like this is we are dealing with areas that we do not often deal with. Why is there such a massive difference year to year with that Law Society funding?

Mr Monger: The advice we have is that the lower interest rates over the past few years have taken a big hit. A lot of that money comes in from conveyancing into the trust account and it is the interest earned from that money that generates the statutory interest account. So when the interest rates are low or when conveyancing is slow there is less money available there to distribute across to numerous entities.

Dr Boersig: In addition, they have other withdrawal moneys from that account for other purposes like prosecution for lawyers who perhaps do the wrong thing. So other purposes draw down on that money as well.

MS CLAY: Dr Boersig, I would like to have a quick check-in on the means testing for Legal Aid. Does that exclude somebody if they own their own family home?

Dr Boersig: No, it does not, and we take into account mortgage and rent. However the means test is quite low, so we are dealing there with people around the poverty line.

MS CLAY: Sorry, if somebody owns their own family home, is that part of their means testing or is that excluded and you are only looking at income?

Dr Boersig: We take into account the mortgage payments or rental payments. So the fact that they have assets may be a factor that can be taken into account, depending on their cash flow. If I can give you an example, you might have in a family law matter separation of the parties and you will find that there is a large asset pool, but one party does not have cash. So, we have a discretion then, even though there is a large asset pool, to make a grant of aid where that party does not have a strong cash flow, and particularly where they have the children.

MS CLAY: You have gone exactly to the area that I am concerned about. I was interested in what happens to women in DV situations and women with children who obviously cannot afford to not have a home but may at a particular point in time need legal aid. So already your means testing already allows you to provide legal aid to women in that situation?

Dr Boersig: We do, and there is a static deduction in relation to one, two, three, four, five children. So, if you say your gross income is \$1,000 a week, you have various deductions and it takes you below \$411, then you are going to get legal aid. After that between \$411 and \$480 or \$490 there is more discretion. We still have discretion, particularly in cases like the one you describe, but really it is pretty tough to get legal aid these days.

MS CLAY: It is extremely difficult. Are you finding there are clients you are turning away in situations of domestic and family violence that you would like to service?

Dr Boersig: We do. There are people who do not get grants of legal aid. That is a continuing theme I have with many people about the missing middle—that is people between a very low means income test and people who can afford a lawyer. We need to do as much as we can to push up into that missing middle for people on that lower income, and we find any means possible to do that.

MR CAIN: I note, Dr Boersig, in your submission to the inquiry into the cost of living pressures in the ACT in March this year you recommended increasing allowed income level for services to 150 per cent of the Henderson poverty line. Have you received an outcome directly? I know there is a response due to the committee as well, but have you had any feedback from government on that?

Dr Boersig: Yes in the sense that we have received additional funding for about 60 grants per year, which would allow us to provide grants for around 120 per cent of the poverty line.

MR CAIN: About 120 per cent?

Mr Boersig: So 60 grants.

MR CAIN: How many extra clients did that bring in?

Dr Boersig: That would be 60 clients.

MR CAIN: But you are still keen for it to go to 150?

Dr Boersig: I think last year we made about 2,600 grants of aid.

MR PETTERSSON: Just for my benefit, what is the income eligibility threshold?

Dr Boersig: At the moment it is about \$411 in your hand at the end of a week. The grant we are talking about would allow us to make additional grants to 60 people whose income is around \$498. One hundred and fifty per cent would be around \$500 and—

Mr Monger: Just over \$600.

Dr Boersig: That is where we are aiming. I think from a policy perspective we will always push, because of the reasons I have outlined earlier about the missing middle.

MR PETTERSSON: Just following up from the hack last year, is there funding in this budget to respond to or address any issues that arose from that, and are there any updates that need to be provided on either?

Dr Boersig: No, there was no funding provided, and I will say there was no specific funding sought for that. The total cost of that incident last year was around \$170,000. That included \$70,000 to get an expert to come in and actually look at where it is at. It also includes CCTVs for six clients, Crimsafe doors for two clients, relocation costs. All of that sort of stuff was included in that \$170,000. We looked at it and thought it was a one off. We got the experts to come in and give us what we call a hygiene report, and they gave us a tick to say we were in a very good cybersecurity situation. So we did not think there was any more work needed to be done on that, apart from the obvious—maintain the high standards that we have currently.

MR CAIN: On page 68 of budget statements D, you reported an estimation of staffing for 2022-2023 of around 13.7 more FTE than what was budgeted. There is a forward allocation for 130 FTE in 2023-2024, representing an increase of about 20 from last year. How do you expect this staffing expansion will improve the capacity of your workforce, and in what areas?

Dr Boersig: Largely, Mr Cain, the increase is in grants that were provided after the budget was determined. One of the timing issues that we have is that the budget is quite early in the calendar year and by the time 1 July comes around there are normally some specific grants for specific purposes that we then have to fund or have to provide. That 13.7 increase you are talking about is largely a result of a timing issue where grants were provided for specific projects after the budget was formed. We expect to continue that. There is a slight increase in staffing that we are using to try to address the workload. There is a slight increase in that, but it is largely specific projects.

MR CAIN: Will you have to cut staff in 2025-2026 if you cannot supplement the lost commonwealth income?

Mr Monger: Certainly, if we were unable to meet that we would have to reduce staff. That has never happened in history. There have always been negotiations. Sometimes negotiations with the national partnership agreements have foundered as between governments and there is an extension of a year; that is quite possible. This comes up in a significant year for the federal government, 2025. So we will see how that plays out, but usually they extend it for a year on the current terms.

MR CAIN: It is my understanding, and please correct me, that these commonwealth cuts were across the board, across every state and territory.

Dr Boersig: The NLAP? The NLAP is negotiated across Australia, so everyone's budget would reflect that cliff, to use the old expression.

MR CAIN: You will be a voice along with many?

Dr Boersig: Along with many. Yes. Including CLCs.

Mr Monger: I will say, Mr Cain, it is not necessarily a cut in funding; it is the cessation of an agreement. It is the whole lot of the agreement, that is the bit that has come off.

MR CAIN: I imagine the negotiations are going on now?

Dr Boersig: There is currently a review to be conducted by the end of the year by Mr Mundy, who was a previous productivity commissioner. That recommendation will go to the commonwealth Attorney to look at the nature of the NLAP review and then there will be a process of negotiation throughout next year.

MR CAIN: When do you expect to get an answer on that?

Dr Boersig: Hopefully before 30 June 2025.

MR CAIN: It will be a long-term vision.

Dr Boersig: I have been there when we have not had an answer and it has just been extended.

MR CAIN: Does the current footprint of your existing office space accommodate 130 full-time equivalent?

Mr Monger: We need additional space and we are currently arranging that. I think that is true. It would be preferable. We continued to provide services through COVID and we need an environment which is safe and comfortable for staff. Courts run, tribunals run, we need people at work and they need a safe place to be. We are currently trying to negotiate some additional space. It is getting tight though.

MR CAIN: On accommodation, last year you began the process of refitting and modernising your office space to accommodate additional staff and improve operations. You intended to allocate cash holdings, I believe about \$1 million,

towards these upgrades for 2022-2023 according to a quote from Mr Monger from last year's estimates. I note that on page 78 of budget statements D cash and cash equivalents are running at \$3.163 million more than what was budgeted. Could you provide the committee detail on what happened to the \$1 million that you were looking at last year? Was cash used for leasehold improvements or is this on the table for the 2023-2024 financial year?

Mr Monger: You are right, Mr Cain, I did say it was a million dollars that we had set aside for office fit out and construction type costs. That has been delayed. As Dr Boersig said, we are looking at additional space. If we can get additional space, it will mean we spend less money on construction costs or refurbishing the existing area. We have delayed the actual implementation and the construction costs until we find out whether we can get more space. If we can get more space, we will just do less work in the rest of the building, or on the rest of the floor plan. That money is very largely still there in our bank waiting to be spent on that. I will note construction costs have increased quite dramatically over the last couple of years. Anecdotally, the building manager has said to me they have increased by about 30 per cent, so we will have to make sure that gets carefully managed as well.

Dr Boersig: I should add that of course we need to go through a variety of procurement processes, which are always lengthy and detailed.

MR CAIN: And this extra space, is that the current site where you are?

Dr Boersig: Yes, it is.

MR CAIN: Like on another floor or something?

Dr Boersig: The same floor.

MR CAIN: Same floor.

Mr Monger: The space we are looking at is actually the same floor. It would literally be knocking a hole in the wall and continuing our space down into one of the areas that are currently vacant.

MR CAIN: You have a budgeted variation of negative 28 per cent in cash assets from 2022-2023 to next year. Could you give a detailed explanation of where this money will be spent?

Mr Monger: A million of it, or thereabouts, will be in the office refit? We have \$395,000 that we have recognised as revenue, which is in our bank account at the moment, that we have to give back to the commonwealth because we did not spend it on a specific program. So that money is going back to the commonwealth.

There is about \$400,000 for when we get around to agreeing on our enterprise agreement. We normally wait until the ACT government have done theirs and then we have a look at what they have done and copy as much as is appropriate. So there is about \$400,000 that will be coming up for back pay that should have occurred in 2022-2023. There is the increase in the EBA adjustments going forward, so in the

current year, 2023-2024. We are looking at the amount of money we are spending on staffing increases and potentially more money towards external legal or referred matters out to private practitioners.

MR CAIN: On the fitout, as a broader question, did you have a different property identified but the Attorney-General insisted that the new building had to be electric only?

Mr Monger: No, we did not have a different building identified. As part of the process, when our previous lease expired, we did get an expert from Civium and we went around and had a look at numerous properties to see what was available. The property we are in at the moment is extremely close to the courts, which is very important to our business. That is why we moved there in the first place 12 and half years ago. We did look at numerous properties around that region to make sure we were getting value for money where we were.

MR CAIN: Is the delay in these improvements related to the Attorney-General mandating a phase-out of gas in the building? Where does that factor in?

Dr Boersig: Well, the approval process is required for us for any expenditure above \$200,000. Once we have conducted a procurement exercise, you then go to the Attorney to seek approval. I think it is clearly on the record that he provided that approval subject to those issues in relation to the transition of gas to electricity in November 2021. We then went into very lengthy negotiations with the successful bidder, which was the owner of our current building. That was finally concluded in July 2022. It took some time to negotiate the terms of the lease and there is a clause in that lease which is called a break lease clause. That was the resolution of that particular issue from the Attorney's point of view and from the property owner's point of view. We then had to start negotiating the next stage of the rest of the lease and that is why it has taken us awhile to finalise the lease with the current building owners.

MS CLAY: As part of our justice reinvestment, the Attorney secured additional funding for the Galambany Circle Sentencing Court and the Drug and Alcohol Court. Can you tell me how many people have passed through those alternate routes and can you tell me whether you have seen good results from it?

Dr Boersig: I am not sure about the numbers in the Galambany Court but generally in relation to the Drug and Alcohol Court we have 35 people at any one time. The government has extended that by seven at the moment and gave us some additional funding towards that seven people.

MS CLAY: And do you see any benefits from those?

Dr Boersig: The investment focuses on people who are on the more complex end of offending and the larger sentencing. Where you get a benefit is in relation to individuals and we have seen that from time to time. There is a report as you probably know, which talks about the monetary value that has been saved so far in relation to this process, and of course projects what should be saved ultimately by our Drug and Alcohol Court.

MS CLAY: I did see that report. It said that apparently we have recovered more than the operating costs of the court in the benefits of justice reinvestment and reduced recidivism.

Dr Boersig: Yes, it does.

MS CLAY: That is quite impressive. Are we seeing something similar with the Galambany Circle Sentencing?

Dr Boersig: I cannot comment in relation to that because I am not as familiar with it. I think JACS and the court would be the best to give the data.

MS CLAY: Yes, I will follow up there. Are you feeling positive then about the therapeutic approach to justice reinvestment? Are you seeing that there are benefits to that?

Dr Boersig: I think there are benefits to individuals who get scooped up to that, which are important from a community point of view.

MR CAIN: We touched on this a little earlier: the cost of living crisis is applying pressure on families with housing shortages, rising interest rates, increased costs of healthcare and basic supplies. Have you observed in that environment a material effect on demand for your services? What are the triggers in this more demanding environment? What kind of issues trigger demand, whether it is domestic violence or unpaid fines or whatever?

Dr Boersig: I think one of the major issues for us has been the availability of private practitioners to refer work to. Their cost overheads, with the difficulty of staff, have meant that there has been a drop-off in the number of practitioners who are doing legal aid work. Where they would have obtained work, now they are consolidating what they have. I am hopeful that will gradually improve, but particularly in the more difficult complex cases around family law we are having trouble. We are having to go interstate to get people to provide that assistance.

MR CAIN: With procurement for any improvements you have either done or are intending to do, what methodology do you undertake? Is it a sole-sourced contract or do you go through procurement board process, put it on the market?

Mr Monger: Yes, Mr Cain, we follow the ACT government procurement guidelines. We will use their thresholds. So if it is above \$25,000 and below \$200,000 we get three quotes. If it is over that we need to go through an open tender. If the numbers are appropriate enough we need to front the ACT Government Procurement Board, which I have done in the past for the IT side of things. So we are bound by the ACT government procurement guidelines.

MS CLAY: I have heard some concerns about access for children to independent children's lawyers, particularly in complex and family violence cases. Is there enough access to independent children's lawyers for kids?

Dr Boersig: No, there is not. One of the problems relates to what I was saying to you

before, it is about the rates we are able to pay, it is about the complexity and difficulty of independent children law work. If we did not do it in-house, which we do as many of them in-house as we can, I do not know how we would find enough lawyers to do this work.

MS CLAY: For children's lawyers, is that primarily a problem of not enough funding or is that primarily a problem of there is not enough people who want to do that work?

Dr Boersig: Those are inter-linked I think. We put up our fees this year to try and keep people. It is also the nature of some of the work. If you are running a private business, the relative rate of legal aid is quite small compared to what you can charge. We have some very generous lawyers out there who do this work, but that pool of people is getting smaller. It is impacted by a range of factors, including the difficult nature of that kind of work. The consequences are that, for the bulk of that work, those young people are represented by Legal Aid and our in-house lawyers. It is not unusual for one of our senior lawyers to have about 45 independent children matters he is managing.

THE CHAIR: On behalf of the committee, I want to thank Legal Aid ACT for your attendance today. I do not think we took any questions on notice?

Dr Boersig: No, I do not think so.

THE CHAIR: Thank you.

Short suspension.

Appearances:

ACT Integrity Commission

Adams KC, The Hon Michael, Commissioner

Hickey, Mr Scott, Chief Financial Officer

Gardiner, Miss Cari, Assistant Director, Corruption Prevention

THE CHAIR: In the final session of the hearings for today we will hear from the ACT Integrity Commission. 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 be quite emphatic about that by saying the words: “I will take that question on notice,” so that everyone is 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. Could you please confirm for the record that you understand the implications of the privilege statement and that you agree to it?

Mr Adams: Yes, I understand and agree.

Mr Hickey: Yes, I understand and agree.

Ms Gardiner: I understand and agree.

THE CHAIR: We are not inviting opening statements so we will proceed to questions.

MR CAIN: Commissioner, last year you were in the process of undertaking an investigation into the integrity of the procurement methodology and practices on CIT contracts—

Mr Adams: Yes.

MR CAIN: —as well as the Campbell school modernisation project.

Mr Adams: Indeed.

MR CAIN: Are you in the final stages of preparing these reports for publication? Do you have an expected delivery timeframe?

Mr Adams: I think I can tell you where we are at. In relation to CIT, I expect that in relation to one quite important aspect—but only one aspect of the entire investigation—I will be in a position to provide an interim report. At present, the submissions are in the final form of drafting by counsel assisting. As soon as that is finalised, they will go to the parties. Once I have the parties’ responses, we can, in relation to that part, move into the report.

However, I am presently considering—and I have to emphasise considering, and I expect there will probably be legal argument about it—the possibility of having submissions in a public hearing so the general public will become aware of the kinds

of issues that have been uncovered and that need responses. However, this is a matter that I need to raise with the parties and give them an opportunity to respond on, which they cannot really do until I have got my draft submission to them. That is in the course of being done.

In relation to Operation Kingfisher, which concerns the Campbell school procurement, letters have gone out to seven witnesses informing them that I am minded to conduct a public hearing of their evidence and seeking submissions as to whether they support or oppose that operation. Now, it would be fair to say I think the arguments in favour of such a hearing are strong; however, there are the interests of the individuals involved. They are entitled to have them considered before a decision is made.

What I am presently planning is that if my present preliminary view is confirmed—that is, there are no persuasive submissions to the opposite effect—we would be starting those public hearings sometime in the second week of August. If we could not finish them, we would then have to move into September, but at least we would make a start. That is my present expectation, but as I say, it is subject to receiving submissions from the other parties, the witnesses who I propose to call. I am not proposing to call every witness, just the important ones.

MR CAIN: Just to be clear, that second week of August possibility is to do with the Campbell school procurement?

Mr Adams: Exactly.

MR CAIN: Do you have any sense of a timetable on the issue of the CIT interim reports?

Mr Adams: It is a procedural fairness point really. The submission, even on the interim matter, covers a fair bit of ground upon which, it is fair to say, in respect of some of it, reasonable people might have different viewpoints. In order to come to that view, you probably need to examine something like perhaps 200 to 300 pages of material—possibly more, depending on the argument that you wish to put. So I have to provide not only the submission, but also that material. They are represented by counsel who need the time to counsel assisting's submissions I should say and the evidence upon which it depends. Some allowance must be made for counsel's availability. All these processes simply take time.

However, if I can float a balloon, I am rather hoping I will have submissions in reply by early October. But that might be optimistic. The problem is some persons will have an issue with some part, other persons will have an issue with another part. I have to give them all a fair opportunity. This is a case where you can only go as fast as your slowest participant. So those are the practical issues.

MR CAIN: On the procedural fairness, and I certainly understand completely why that is such an important part of what you consider, when you invite parties to provide a view, do you actually give them a deadline—

Mr Adams: Yes.

MR CAIN: by which they must respond or you will just be moving on?

Mr Adams: I will give them a fair deadline. They probably will not be all together happy with it. We might have to negotiate something. In the end, the matter is in my hands and I will not permit just inconvenience as a delay.

THE CHAIR: Mr Adams are there other procurement related investigations that you will be exploring or are in the process of exploring? Is it possible for you to share that with us today or is it not?

Mr Adams: No. I can tell you that there are several matters, but they are very much in the commencement of inquiry.

THE CHAIR: I understand the ACT Auditor-General is looking into the human resources management system—

Mr Adams: I have seen a draft report from Mr Harris. I hope I am not speaking out of school on his behalf, but I understand—sorry, are we at crossed purposes? Are we talking about the procurement? He has done a review of the procurement board's processes?

MR CAIN: The \$76 million—

Mr Adams: A performance review—

THE CHAIR: I am talking specifically about the human resources management system program where \$76 million—

Mr Adams: Sorry. No, no. We are completely at cross purposes.

THE CHAIR: Okay. So, the Auditor-General is looking into that \$76 million human resources management system program. Are you able to say publicly whether you are also looking into this? Or are you not able to say?

Mr Adams: Well I think I can fairly say I am not at present.

THE CHAIR: Right, okay.

Mr Adams: This arises from two basic elements. First of all, when one looks at the surface, without making any judgements, one has a great deal of expenditure that seems to have been wasted; to a greater or lesser extent, you would have to investigate it to see. That smacks more of maladministration than it does of corruption. Now, under the Public Interest Disclosure Act I could investigate maladministration if there is a disclosure, but it is limited to a disclosure. I cannot regard a press release or a press report as a disclosure. In other words, unlike under the Integrity Commission Act, where I can initiate an investigation of my own because of my own view of a matter that comes into the public arena, I cannot do that under the Public Interest Disclosure Act. I can say, I think reasonably, I have not received any complaint which would justify my entering of my own initiative into a corruption inquiry. If I may say so with respect to Mr Harris, since the accounting is very much in his purview, I think

we would all be interested to see what his report demonstrates.

THE CHAIR: We will be most interested. Is it at all possible for you to provide us with a list of the other areas that you are investigating and when those reports will be published? I am just asking.

Mr Adams: I do not think so without the risk of prejudicing—

THE CHAIR: I understand—

Mr Adams: Because all of them require ongoing work.

THE CHAIR: Yes. I thought I would ask. I did not expect to—

Mr Adams: No, no. I am not suggesting it is an illegitimate question. The reason I am not answering is not out of, as it were, a default position of not saying. It is just that, if I say, people then are aware of things which I prefer them not to be aware of.

THE CHAIR: No, I understand completely.

MS CLAY: I think you have had two reports so far.

Mr Adams: Three, I think.

MS CLAY: Three. Excellent. We have a line item in the budget of an increase in investigative and legal resources for the ACT Integrity Commission. What is that line item delivering? What services do we get for that line item?

Mr Adams: It is essentially to enable me to have the investigative resources that I need to complete the investigative work that I have underway. I have to say, I will probably be coming back and asking for more.

MS CLAY: Is that staff? Is that investigative staff?

Mr Adams: Staffing, essentially staffing.

MS CLAY: How many staff is it?

Mr Hickey: The funding which was provided under that was two and a half FTE in the first 12 months and three FTE in the following year.

MS CLAY: Great. That was actually going to be my next question. It finishes after two years, does it not?

Mr Adams: It does.

MS CLAY: What will happen with that funding terminating in two years? Do you lose the staff?

Mr Adams: I lose the staff.

MS CLAY: Yes. Obviously, you have bids on the way to deal with that situation?

Mr Adams: Yes. From the beginning I have said that I do not see the point of taking up a bargaining position; in short, when I have staff, I have to show I have this amount of work and I need these staff so that I have some basis for it, rather than being simply speculative. One of the issues which will affect our staff position, will be when we get—I say when rather than if, but that is crossing both the fingers on both hands—telecommunications interception powers, because that does take more time. On one side, it can truncate an investigation very quickly, on the other hand, it takes more resources to deal with it.

MR PETTERSSON: The first few reports have been about historical matters?

Mr Adams: Yes.

MR PETTERSSON: Do you think your work level—

Mr Adams: Which is not finished by the way. I have another three, which are all historical matters, on the cusp of being reported. However, because they are historical matters I am giving priority to matters of current importance. I can tell you, both in relation to the CIT matter and the Campbell school matter, the issues that have arisen are not just limited to those particular matters. There are wider systemic issues in both cases that will need attention. So I am focusing my attention on matters where we can currently change things as distinct from historical matters where we can do little else but wag the finger and move on.

MR PETTERSSON: So, when do you expect we will move past having to consider these historical matters and you will have a better sense of the workforce you need to deal with the ongoing expected run of complaints?

Mr Adams: I need to clarify something. In relation to the historical matters, the investigations have long since completed. It is simply a matter of organising the material and my writing final reports. In fact, final reports are in virtually finalised form but I have moved my efforts to try and get the current matters finished first simply because one always has to look at priorities. Sorry, does that answer the question?

MR PETTERSSON: It does. You are no longer the only integrity body in town. You have a new neighbour, the National Anti-Corruption Commission. Does their existence change your work in any way?

Mr Adams: Not yet. It probably will, but all this is speculative. The impact it is going to have first of all is that because of public interest it will generate more complaints, but the real problem we are going to have is limited resources that are properly trained and a very substantial demand for those services. That is going to be the practical problem for all integrity organisations in Australia.

MR PETTERSSON: Have you lost staff?

Mr Adams: Not yet.

MR PETTERSSON: I will ask no more!

MR CAIN: This is very much a procedural question. When you commence an investigation, do you, as a practice, inform the ACT Government Solicitor?

Mr Adams: No, because we have our own internal legal resources. I myself, if I may say so without vanity, am a legal resource.

THE CHAIR: That is a fair call.

MR CAIN: Even without the KC on the name, but we know it is there!

Mr Adams: And it starts with an “Hon.” which tells you something also, if I may so again. But seriously, no. Apart from anything else, the solicitor has to deal with data; essentially, the solicitor is not an investigator nor built for investigations, but they obtain data from the clients or from the government and then they analyse that data. At the commencement of an investigation, we are on the hunt.

MR CAIN: So has there been any reason for you to be in contact professionally with the ACT Government Solicitor?

Mr Adams: Yes, certainly.

MR CAIN: What kinds of circumstances would lead to that communication?

Mr Adams: I think this is in the public domain so I can say this: there is litigation between the CIT and Mr Hollingworth or the Hollingworth interests. The relevant material in CIT’s hands is something which we have, of course, had very detailed examination of, and we have had discussions; while maintaining our different appropriate separation, we can clarify some of the issues in the litigation.

MR CAIN: I note, Commissioner, and understand completely you are unable to say what you are investigating but you have, as we have heard, indicated that you are not investigating the \$76 million expenditure on the HRIMS.

Mr Adams: That is true.

MR CAIN: Are you able to say whether you are investigating a matter that has been raised here already where there was a senior statutory officer issuing instructions on a legal complaint where her husband, who had been the previous statutory officer, same position, was a party to that complaint?

Mr Adams: I do not think I should say anything about that matter.

MR CAIN: You have touched on telecommunication interception powers and obviously as you would be aware, the Leader of the Opposition Ms Lee, has a bill that is in process. Are you connected at all? Obviously that bill requires commonwealth approval and endorsement. Is there any role for you in all of that or to provide opinion

upwards to the commonwealth to say that this bill will do what we need or that it is not quite enough or whatever?

Mr Adams: We would assist any process but we have not been asked to. The present statutory reviewer is considering, amongst a long list of matters, a telecommunications power issue and because of steps already announced by the government in relation to I think chapter 3 information, which is essentially the availability of metadata, we are examining and investigating what needs to be done from our part to maintain the required statutory confidentiality and technical capacity for the secrecy which the legislation demands.

So we are moving actively in all the background areas, and in the course of that we are talking to the commonwealth Attorney-General's Department as to what their requirements are, and we have communicated with the Commonwealth Ombudsman also. So we are part of that process, but it has not been instigated by the bill to which you refer, Mr Cain, because what that proposed was essentially the full suite of powers which presently is under consideration by the commonwealth government, and the only matter that we are moving forward with essentially is the metadata proposal, which has already been announced by, I think, the Chief Minister.

MR CAIN: Tying back to your statement that you could say you were not inquiring into the \$76 million expenditure on the failed payroll system, in answer to my question were you not inquiring into the conflict of interest scenario that I presented, you said you could not comment on that. So why, then, are not you able to say you are not?

Mr Adams: I think I said I would not comment on it, Mr Cain.

MR CAIN: You would not comment?

Mr Adams: I am not sure the distinction has a difference, but—

MR CAIN: I guess the fact that you were able to say you were not inquiring into the \$76 million on a payroll system but would not comment on the conflict of interest scenario, seems to suggest that you are inquiring into that?

Mr Adams: Well, I am not going to comment on that.

THE CHAIR: I think Mr Adams has made that clear. Thanks Mr Adams, Mr Hickey and Ms Gardiner for appearing in our—

Mr Adams: May I just correct one matter, sir, and that is in response to the last matter, Mr Cain, there is more than one reason that I would not comment.

THE CHAIR: Thank you for your attendance today. On behalf of the committee I want to thank ministers, statutory officers and officials who have appeared throughout the day. If witnesses took anything on notice—I do not think you did?

Mr Adams: No.

THE CHAIR: If members wish to lodge questions on notice, please get those to the committee support officer, committee secretary via the portal within five working days of the hearing. The committee's hearing for today is now adjourned.

The committee adjourned at 5.09 pm.